The Law of Jealousy

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Chapter Six

Outside the Rules

We have considered the close interconnection between the actions and the symbols contained in the Sotah tractate— an interconnection that was subjected to continuous reflections and elaborations in the period preceding the closing of the Mishnah (200 C.E.) up to the conclusion of the Talmud (600 C.E.)—and the way in which it corresponds to the need to oppose a 'crisis,' to strengthen the law and to obtain salvation from disorder. It is now opportune to collect together some important points within a single picture.

The peculiar elements which we have met with should be grouped together with other singular features which will be examined below, in order to highlight the position of 'irregularities' and the service which they perform for the global social mechanism.

Two circumstances define the the irregular features of Sotah as references for Judaism following the year 200 C.E.1 They are a) the inclusion of the "bitter waters" in the Division of Women (Nashim), and b) the biblical origin of the rite, within the framework of a divine commandment (Num. 5:11) (cf. Chap. 3). These references illustrate that a specific assembly of parts highlights the secret rules of a cultural choice much more than the mere constituent elements can do. Namely, the biblical origin of the "bitter waters" and the specific position of Sotah in the doctrinal scheme of the Mishnah and the Talmud allow us a vision, from 'within,' of some ancient Jewish cultural aspects.

The relationship of Sotah with other mishnaic themes

1. Within the general plan of the themes and discussions of the Mishnah, the trial of the "bitter waters" is based on a satisfying balance of similarities and differences. It shares the characteristics of

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1We speak of the epoch after the year 200 C.E. because only at this date, the Mishnah having been finished, can we claim that the procedure of the "bitter waters" (clearly abolished) was settled and welded to tradition.
the mishnaic construction, but it is not easy to classify or group it with the other themes of the Mishnah. It occupies its own special place, which has the great merit of revealing or confirming some of the assumptions of those other themes.

It should be noted that because of the characteristics of the minhah (an offering of animal food, cf. Chap. 4) and the divinatory functions of the ordeal, the rite constitutes a phenomenon apart. It is neither discussed in the tractate of Menahot (Offerings) of the Division of Qodashim (Holy Things), nor in the Division of Moed (Appointed Times) (cf. Chap. 4). It is connected to the control and the establishment of extensive, powerful 'legality,' but on the other hand it is also separate, symptomatically, from the Sanhedrin and from Makkot of the Division of Nezikin (Damages), which deal with the function of the judges and the courts and the value of testimonies and of punishments.

The thematic features of the Divisions thus make it evident that the rite of the "bitter waters" does not share the same purposes as the other procedures. Its references are grouped around a physical proof inflicted by a power which is infinitely superior to that of the priest-judges. In some ways this fact excludes their competence and their own statute.

The logical bases and the most solid points of reference of the tractate of Sotah however seem to come from social experience connected to family groups and the conjugal relationship. In order to evaluate the meaning of these origins, even if only on a speculative level, it is necessary to return to the striking and disturbing fact which defines the ordeal as 'outside the rules.' A community group is tormented by a grave doubt: no one knows if the jealous husband and the suspected wife can live together and have children legitimately. This social situation, which is certainly critical, becomes the focus of attention of the sages and the actual reason for their juridical elaborations. It is as if to say that the entire operation does not originate from pure doctrinal needs, but to a large extent from the necessities of community life.

Studying the Sotah composition, however, one sees that the social problems are not openly envisaged. They are insufficient to unify the narrative and regulatory corpus of the "bitter waters." The scenic and operative whole thus seems to oscillate between two points: the explicit field of religion, and the implicit social structure. We can say that the plan of Sotah imagines a rite and a judgment being carried out in the Temple, but gives form to elements which are located and function only in ordinary life. It shapes daily routine by discussing a rite which does not represent it, or represents it minimally.
The "bitter waters" are linked to the level of socio-familial relationships by their textual context, by the section of the Mishnah dedicated to women (Nashim). Nashim discusses above all the preparation and the definition of the matrimonial status and, what interests us here, the condition of the wife\(^2\) that is, it unequivocally structures conjugal relationships and positions. Attributing sufficient coherence with domestic-familial themes to the event of the "bitter waters," the context thus renders the rite's design congruous and explicit and shows it to be heavily impregnated with social values.

One might think that themes concerning the woman rather than the general social values which emerged from the family community, led Sotah to be included in Nashim. This does not correspond to a correct view, as is shown by the fact that specific female problems, which are logically close to the contamination of Sotah, are kept at a distance, even if for different reasons, from the discussion of marriage, family, and adultery which are analyzed by Nashim. We know the case of the Niddah tractate (niddah means literally refused or rejected), which deals directly with uncleanness inside and outside of the cycle, and is associated with birth (cf. Lev. 15:19-24; Lev. 12:1-8). In spite of its close connection with the female world, the argument of Niddah is inserted in the Division of Purities (Tohorot) and not in that of Nashim. It cannot find a place in it since it is rather distant from the general familial context. Exactly because it is excluded from such a context, Niddah highlights its nature in an unequivocal way, and it also defines indirectly the foundations of the "bitter waters."

The autonomy of the Niddah tractate from Nashim allows us to observe some other aspects. Its indisputable relationship with daily female life allows us to indicate, outside the field of Nashim, some facts which are similar to those of Sotah and which lead us to a greater understanding of the foundation of Sotah itself. In both the tractates the woman is habitually placed within, or seen through a specific relationship with the man who has power over her (father, husband, tutor, guarantor, judge-priest) and moreover is often characterized by conditions which define her as "permitted," "refused" or "prohibited" to the man (many are the examples of wives forbidden to husbands, sisters-in-law destined for levirate marriage, women

\(^2\)In order, the various tractates of Nashim speak about levirate marriage (Yebamot), patrimonial rights or conflicts concerning the endowment, the property and inheritances (Ketubot), religious vows of the daughter and of the wife and their effects (Nedarim and Nazir), the trial of the "bitter waters" for the woman suspected of adultery (Sotah), the modalities of the compilation and delivery of the act of divorce (Gittin), and the matrimonial request and the betrothal (Qiddushim).
forbidden to priests, prohibited blood relations, illnesses and defects which prevent conjugal relationships, and conditions which lead to repudiation). With respect to this second and more important point, there is, however, a difference which sets the "wayward" woman apart from the woman who is "rejected." While in the tractate of Sotah the events which set off prohibitions are 'guilty acts' against the holy and legitimate marriage, in the Niddah tractate the nucleus from which the prohibitions start is the 'harmful state' of the woman, her innate and inescapable condition.

The reason why the Niddah tractate does not belong to Nashim can thus be found in the fact that it does not focus on social exchanges or on phenomena leading to personal or group decisions. This tractate attributes meaning and consequences to human and biological states (cycles, hemorrhages, pregnancies, births). It lies therefore outside of the field of 'services' or 'contracts' between individuals. By contrast, it clarifies the theme of the Sotah and its close connection to the surrounding social fabric.

In the peculiarities of the two tractates, in the clear distinction between the sotah woman and the niddah woman, we can thus see the gap between two areas of the structure, that of the adhesion-choice and that of the necessary and compulsory condition. 'Actions' face 'states' within the social construction.

This having been said, it seems to be more clear why the world of Sotah, which gives priority to the voluntary context, appears to be divided into 'parties' which evaluate reality from different points of view. Without launching ourselves into nonpertinent speculations, we can say that through qinnui and setirah the forces are compared, actions and positions are measured. This illuminates, if there is further need, why the moves (warning, recourse to witness-companions, admonitions, intimidations, ritual expedients which characterize the woman in a negative way) are principally masculine, directed by men, addressed to men. According to the general conception of the Mishnah, these are the only people invested with decision-making capacity with regard to sanctification, to the holy construction of God.

The world of Niddah – external to the voluntary area – is principally based on the search for the causes and the elimination of bodily uncleanness. The tractate of the rejected woman contextualizes and measures the woman within her disturbing or ungovernable nature.

The transactions which are considered by the Division of Women, J. Neusner observes, are closely connected to "the transfer of women and of property associated with that transfer" (1979, 93). Thus, they are within the most important decision-making area of the family system.
or her most delicate controls. This draws attention to the marital situation which – from time to time, or with cyclical regularity – can deteriorate or change. The tractate therefore marks the limits of the psycho-physical world of the woman through notions which are related to her maturity, her lawfulness, to the uncleanness of her children, and the defilement which birth and death bring into the world.

Thus, the Niddah tractate offers to the woman the principal points of her own condition, with the consequent advantages and disadvantages, within the environment which surrounds her, while the tractate of Sotah tends to guarantee the correctness and the legality of her ties. It is from the meeting of these two aspects, then, that we obtain important coordinates in the world built by the Mishnah, and a further clarification of the social and anthropological value of the rite of the "bitter waters."

2. To enlarge the argument on the relationship between Sotah and the Mishnah and its collocation within the system of the sages, our attention must shift to other points.

The ordeal action involves specific "damages" (cf. Chap. 3). Against the background of some unavoidable obligations, however, emerges an idea which distances the ordeal from Nezikin plan (Division of Damages). In addition to what has been said about the marked social stamp of Sotah is true, an interesting detail must be noted. The prohibition imposed on the spouses concerning their conjugal relations is defined as a "religious" law (cf. B. Qid. 27b). This is an essential point for understanding the consequences caused by the "wayward" woman, and for separating them from those created by action-agreements of other kinds. The compensation for damages which are linked to the presumed infidelity identifies a change in conjugal influences or prerogatives, rather than being limited to reparation for losses. It specifically defines an aggression to the holiest family field, and a consequent need of mending disturbances which this area has suffered. This aggression is delicate by nature: it appeals to sanctification and the statutes by which it is defended. It shifts attention to the field of facts which are covered by divine sanction instead of the field of human compensation.

We have seen that the Sotah text often cites states or facts of contamination. In spite of these references, the ordeal of the "bitter waters" is excluded from the Division of Purities (Tohorot). The conceptual principles on which the latter is based – principles inherent to "places" of uncleanness, "methods" of purification, and the "transmission" of contagion (cf. J. Neusner, 1979, 101-131) – are never
applied to the "wayward" woman and do not affect the internal logic of the rite.

It is essential here to focus for a moment on the development of the mishnaic tractates of Tohorot. With the exception of Niddah, none of the tractates on purity, and therefore none of the cases and procedures which are discussed in it, are taken up by the masters of the Talmud. This is also the fate of the tractate of the "heifer whose neck is to be broken" (cf. Chap. 1) which was subject to prohibitions similar to those affecting the rite of Sotah.

This fact leads to some comparisons. The absence of talmudic comment on the Division of Tohorot might indicate that after the closure of the Mishnah (200 C.E.) the priestly system, as an exclusive and distinctive method for the regulation of the sources of contamination and purification, collapsed. That is, the Amoraic discussion abandons some of the ordinary problems of uncleanness, or rather, it loses interest in its origins and its elimination. But it does not lose interest in the uncleanness which derives from a presumed adultery, which is taken up and discussed in both versions of the Talmud. This circumstance is certainly a remarkably important element which throws light on the structural value and influence of the "bitter waters" within the mishnaic-talmudic construction.

Moving on from what has emerged in previous chapters, we can affirm that in spite of the influence suggested above and although the Sotah text uses the language of contamination – and implies that the contagion which the woman can transmit is the origin of the husband's fear – it does not regard this uncleanness in the usual way. On the contrary, as underlined in the preceding chapters, the Sotah text sends a message which describes, in the accused woman, disorder and unacceptability. A suitable means was seen in the tractate of Sotah for indicating in an incisive and concise way just what was the untouchable structure of Israel. This is what has been recovered and preserved in the Talmud.

Amongst all the possible defilements, the Talmud thus concerns itself with two types, two significant examples, that of the niddah woman and of the sotah woman. They embody – in the Amoraic world and in that which follows – existential facts which are common and always present at the level of procreation, and which are inherent to

4) J. Neusner comments: "within a few generations of the completion of the Mishnah the system of uncleanness falls out of the Israelite system as defined by the rabbis of the Talmud" (1979, 128) and "the system which had denied an end time and constructed a world without end itself would fall into desuetude" (1981c, 81).
purity-perfection and national unity (cf. Chap. 4). Namely, they mark the extreme points of the life of Israel.

Another factor influences the principles which distance the Sotah tractate from the Division of Purities (Tohorot). On the one hand, the entire law of purity concerns instruments and processes of everyday life: food within the natural process of eating, sexual relations within the process of ordinary reproduction (cf. J. Neusner, 1979, 125-126). On the other hand, cleanliness and uncleanness are extremely important metaphors which derive directly from the cult area. The real meaning of the Tohorot Division cannot be understood outside the context of a strict coordination, without however any overlapping or confusion, between what occurs in the form of a precept in the Temple, and what happens, in a more or less unpredictable way, outside of it. It is on this basis that one can better understand the autonomy of the Sotah tractate from the themes of cleanliness. Although it describes duties imposed on the husband and the priests, and not free choices, it deals with tasks which cannot be assimilated to those of the cult. These duties have strong ties with the hazardous flux of ordinary existence. They arise only if neither the innocence nor the guilt of the "wayward" woman can be proved.

The Sotah rite is built on a level which is much more delicate than that of the rules of the Sanctuary or of the ordinary ritual treatment of contamination. It does not transpose the principles of the Temple into the domestic environment of utensils and food. If anything, it upsets certain strata and it shifts difficult personal-familial relationships to the area of the altar.

A final observation must be made. The entire operation of Sotah is distanced from the rules of cleanliness to the extent to which it refers to its own symbolic figures (the humiliation of the woman, the emblematic oath-curse, the divinatory power of the water and of the great Name, and the medicine-poison in the body of the accused). Almost as if it intends to create differences from other rites, it uses means which are not compatible with the usual operations related to impure mixtures, unlawful contacts, ritual abstentions, the correctness of rites and the sanctity of holy places.

The most obvious result of the coordination is an idea of relativity. This enters the symbolic system of the sages. uncleanness, freed from the sanctuary, loses its certain and inviolable references. It acquires others which are more flexible. Thus, the sages of the Talmud apply themselves to a symbolic system of an immaterial, transcendent type, and they transfer it to the level of daily life (table, thalamus, utensils).
In conclusion, the textual, scenic and symbolic entirety of Sotah is brimming with transpositions and permutations of categories and principles which make it unique. These elements do not permit an interpretation based on reductive analogies. They require intersecting visions of the various texts, as well as extractions of specific themes from the individual tractates.

The biblical origin and the tolerance of sages

1. As was suggested at the beginning of this chapter, the second factor which makes the Sotah rite unique is derived from its biblical origins. It is part of a body of priestly rules contained and dispersed in Scripture, specifically between Lev. 1:1 and Num. 6:22-27 (cf. M. Fishbane, 1974, 26-27).

The biblical origin of the "bitter waters" is a characteristic which takes on its full meaning if one remembers that the Mishnah often presents a high degree of autonomy from Scripture, and that its method of discussion does not reflect the categories or the expository process of the Bible. To stay with the examples presented by the Division of Nashim, it is sufficient to remember that out of the seven tractates which it contains, three of these (Gittin, Qiddushim, and Ketubot) discuss subjects which are practically absent from the Bible. From the beginning, it was very evident that, by contrast, the Sotah tractate was strictly dependent on Num. 5:11-31, and that much of the power of its argument is based on this text.

With reference to its biblical origin and what this implies, it has been said several times that the trial does not seem to have any equivalent in the Jewish tradition (cf. M. Fishbane, 1974, 27; H. C. Brichto, 1975, 55). The procedure, which is anomalous right from the beginning, is naturally destined to recreate irregularities and unusual facts. The biblical roots, apart from constituting the raison d'être of the doctrine constructed around the sotah woman, is the starting point for

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6With respect to the other tractates discussed in this chapter, we can say that the Division of Purity is almost totally independent of Scripture, except for Niddah. The Division of Moed, on the other hand, has obvious connections with Leviticus and with Numbers, because it refers to themes concerning the Priestly Code. The case of the Division of Nezikin is quite different, because it does not follow the theoretical structure of Scripture, but draws from it a large part of its value. J. Neusner affirms that, on the whole, the 'direct' relevance of Scripture on the formation of the Mishnah is limited, even though its authority is undeniable. The Mishnah in general does not quote it, and "rarely links its own ideas to those of Scripture" (1981c, 199).
every singular feature, and for all the unusual symbolic characteristics of the "wayward" woman.

The mishnaic text does not help us to enter into this problem. Adhering to the point of view of "as if," it stems from a cultural fiction which renders everything present and already acquired. This text, however, considers the Sotah case coherent with its aims and utilizes it as a catalyzer of real problems. This shows that the divine command was relevant to life exactly because of its irregularity, of its peculiarity.

That the above is not pure hypothesis is, in a subsidiary way, demonstrated by the intrinsic nature of Nashim. The 'tension of life' which binds the sages to the community is the essential feature of the entire Division of Women, and this feature seems to be solidly based on concrete ties and operations, and motivated by the necessities of familial life and by the obscure elements which menace it. In the case of jealousy, this tension often develops – as we will see – in the phases of theoretical activation.

2. In order to respect the silence of the texts, we are obliged to be cautious and to tackle the behavior of the sages, the focus of interest of the compilers of Sotah on the 'tension of life,' on a speculative level.

It is necessary to remark that the sages seem to be deeply interested in the unusual circumstances of the suspected woman which the authority of Scripture puts in front of them and imposes on their attention. They seem to investigate imperative biblical data. It remains also indisputable that they could have merely respected procedures which were not orthodox or acceptable on the doctrinal level. On the contrary, the sages actually 'welcome' the argument of Num. 5:11-31 and fully accept elements which do not coincide with their philosophical-juridical point of view.

Why did the sages of the Mishnah and the Talmud not ignore or at least distance themselves from the anomalies contained in the rite of maim ha-marim? To be able to answer, it must be remembered that the "bitter waters" is a useful scheme or framework, and is indeed necessary in the absence of other legal methods. It should be added that, in the general praxis, an extraordinary solution may be preferred because it allows more escape routes than an ordinary solution, which is often bound to unmodifiable models and processes. This is even more true, as has been said above, in a protracted situation of transition and marginality, such as that in which the sages lived. Without the supposed crisis described by the text of Numbers, without the dramatic case of the "wayward" woman, the stimuli which made the sages identify community problems and find solutions might have had less force or fewer developments.
Thus, the philosophical-juridical concepts of the sages were affected by a human, cultural context which was subject to pressures, and from which the methods of the ordeal could not be removed, as it represented the possibility of adjustments, of overcoming a crisis, and of mediation with the divine.7

Once this point concerning the close connection with life has been accepted, the decisive fact which we want to highlight, and which is documented by the entire tractate, is that from which we started. In Sotah, the project of the sages does not move towards the selection or adjustment of biblical or legal principles. Encouraged to act by extreme (even though not real) needs, the sages use tolerance towards irregular themes in order to stabilize them within the normal juridical framework.

This action of tolerance-strengthening is responsible for the surprising synthesis, which emerges during the discussion, which joins together antithetical factors (sacrificial actions and an unpleasant offering of "food for beasts" which does not have an expiatory function). That is, the sages make a law 'perfect' and prohibit its application; they 'exhume' the Temple life and accept anomalous rites into it. They reaffirm the obligation of making a hatta't sacrifice for the sin, and they defend the area of marital sanctity but do not remove the obscure, unclean status of the woman. Within the trial framework they place the divinatory procedure of the water-dust and the actual bodily test – the juridical and symbolic statute and the outcome of which are uncertain – on the same level as the indisputable value of the Name of God and the consolidated praxis of the Supreme Court. They welcome symbolic and juridical transpositions, and they assume a flexible attitude towards the ritual-legal system in order to strengthen it (cf. Chap. 5).

The tolerance and the project of strengthening of the Tannaim and the Amoraim find their justification particularly in the fact that they want to reinforce and defend the priestly code contained in Leviticus

7The hidden relationship of the sages with the environment always stays secret, and – it should be stressed again – it is not exclusively directed towards present reality (cf. Chap. 2). It has been suggested elsewhere that it is not clearly revealed in the texts, not even when the Mishnah (listing prohibitions, privations and losses) outlines vital problems. Such a relationship is therefore largely hypothetical. However, it deserves attention because of the 'tension' between the sages and their society. It gives us the measure of the extent to which the speculative action of the sages was ready to bend and adapt. As specified above, if things happen because the time is ripe, it is the sages who render useful the ways and the times, recognizing the stimuli and the potentialities of life.
and in Numbers, within an environment which is very different from that it had in its original setting (cf. Appendix 3). As, however, they are not priests, they possess a different language, and have themes and a philosophy which are autonomous. They live within the gap which separates that which was due to the priestly world, based on religious problems, and that which belongs to the world of the scholars-interpreters of the Torah, which was interested in giving order to various cultural levels, to a creative marginality, to a pragmatic structure, and to a people in evolution. Exactly because they are justified by the absence of the Temple and they are not affected by the imperative rules concerning the altar, they do not see a sufficient or cumulative purpose in the mere defense of what they have received from tradition. Other perspectives intervene and are elaborated. The abolition of Sotah demonstrates here the breadth and the scope of the intervention of the sages as well as the meaning of their vision.

The need to penetrate the case of the "bitter waters" on a deeper level leads us to investigate more closely the type of tolerance which is applied in the case of Sotah. Thus, one discovers that it is in the 'literal' reproposal of facts and processes (instead of recalling them indirectly) that the sages have lent strength to their work. Through a total respect for precepts, their tolerant doctrine has absorbed and embedded a procedure which was in disuse and impossible to apply, but brimming with symbolic values. Reception took the place of revision because the latter seemed uncertain, and more exposed to uncontrollable manipulations and harmful controversies.8

The double guide of Sotah

1. On an anthropological and extra-textual level, the crucial point of this tolerance (which is nothing other than the unusual cultural position of the sages, judges and legislators, preservers and animators of an entire world) gives a specific intonation to the entire mishnaic construction. It allows an interesting perception of the work of the sages.

From the first chapter, it has been said that the real object of Sotah is not only the solution of the critical factor of the contamination of the man (because of his wife). The cultural framework is much wider. It created a basis for the elaboration of principles and the accumulation

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8The lack of revision is probably justified by more complex principles which we cannot analyze here. What counts is that what was accepted (both through simple exegesis and through creative representation) defines the environment of the sages and the Jewish nation as a world which applies itself to a renewal through a strict adherence to consolidated schemes.
of rules which were explicitly suitable for "all the generations" (Sifré to Numbers XX:I). The sages gave the people important guidelines: a sketch of a 'perennial discipline' and also a 'doctrine of women.' These two elements were inspired by the same spirit and should be emphasized together, starting from the discussion contained in the preceding chapters.

a) Some crimes – and in the foreground is the specific dishonest action of the wife – are so execrable that they cannot be corrected with ordinary means of justice and custom. According to these principles, it is not only the dissociation of the wife which counts, but rather her unjust and deceitful attack on her husband and on the community (cf. Sifré to Numbers VII:V). This treacherous attack receives a severe, highly unusual treatment. No law can condone it, no "merit" is big enough to compensate for it completely (cf. H. Bietenhard, 1956, 70), no husband can ignore it or forgive it (cf. Chap. 3), and no rite can correct its effects. Over generations the legal scheme has become automatic and has excluded every form of remission: when the husband has pronounced his prohibition in front of witnesses, or has publicly warned his wife, the warning maintains its value independently of the intention and the state of mind of he who has pronounced it (Maim. 4:18). Because of the automatic nature of this rule, Jewish society in every age has learnt where certain obscure and contorted paths lead. It has received a precious behavioral code with regard to husbands and wives.

Through the tolerant acceptance of traditional ideas and precepts the sages have underlined an important principle for men and women. The action of Sotah is only permitted to innocent, 'scrupulous' men (the husband, the witnesses, the talmide hakhamim, the priests). The generations have been directed towards the protection of the meaning (and the usefulness) of the interventions of these men. Righteous men have been encouraged to evaluate and cultivate their "spirit of jealousy" and to stress any "serious suspicion" (and, if necessary, to be aware of the physical signs of the woman's transgression) as factors which are important and significant. Avoiding superficiality and anger – Maimonides goes on to specify (4:18) – the husband has the onerous task of carefully supervising the female sphere, and has the religious duty of warning his wife. These duties have indeed become a way of not being accused, of not being considered a "sinner" (Maim. 4:19). The surveillance of the suspected adulteress is important for the demonstration of the man's moral foundations and the examination of his intentions. If a wife is unfaithful, her infidelity may indicate, at the root of things, a negligence or a weakness on the part of the husband (cf. Chap. 5).
Other implicit concepts become clear if we consider the mechanism of the *qinnui* and the *setirah*, the connection between the public prohibition by the husband and the concealment of the wife. The juridical resonance attributed to this mechanism by the sages only highlights an attempt at adaptation and moderation. In the system of the *qinnui*, the sages have chained husband and wife to an oscillation between two poles of the social system. At one pole there are the exclusive, insuperable rights of the man, which he confirms and from which he derives the benefit, once he has given a material form to his faith in the "law of jealousy." At the other pole are the obligations of the woman who seems destined for the role of an adversary who has to be defeated or dominated but who, on the contrary, preserves a space and a sphere of her own (cf. R. Biale, 1984, 187-188). With the admonition, the wife is in fact permitted to place herself next to the man in an influential way, whether she obeys or avoids her husband's command. If she obeys, the woman – independently of the facts or the circumstances which produced the *qinnui* – is in the position of being able to disarm her husband, to annul his opportunity of seeking allies and supporters. In a certain sense she imprisons her husband in the role of custodian and guarantor, increasing his marital responsibilities. In fact, the man cannot respond evasively or in an inconsistent way to the submission of the woman. He owes total defense and protection to his wife. The wife can thus stabilize the *status quo* to the point that the husband is safe only when the woman, accepting the command of jealousy, protects his sanctity with an effort at adaptation.

In the case in which the woman voluntarily falls into the *setirah* the situation becomes complex. The *setirah* in itself constitutes a rebellion, an expedient to gain autonomy, and practically it introduces a greater number of prohibitions in the sexual and matrimonial field. Disobeying the *qinnui*, the woman affects the husband's position and induces him to consider her prohibited. In the end he will be obliged to conduct a battle against her, in a clear and definitive way. She who violates her husband's command, in fact, interferes heavily with his personal and matrimonial destiny, to the point of remaining forbidden to her husband even after being repudiated, that is after the "bitter waters" (conforming to the text of Deut. 24:1-4).

The general design of the sages highlights very clearly the fluid state of the man which results from his obligation to inflict the traditional, highly rigid prohibition on his wife. There is more. While he is placed in the position of having to defend himself, the woman has no such obligation. She does not have to face up to religious and symbolic duties, or at least not in a direct or public way. On the
practical plane, she is not obliged to counterattack or demand respect, either.

Naturally, the suspected woman has virtually no way of defending herself. Indeed, she is in a "disadvantaged position" (H. C. Brichto, 1975, 67) and her condition is juridically inert. If the man were not strongly bound to the obligations mentioned above, this latter condition would cancel out any advantage the woman might have had with respect to her husband or the male world, and would place the situation entirely under the power of the man.

In brief, the tolerance of the sages, which respects and reinforces every detail, guarantees elasticity and increases reciprocal influences. Because of the intensity of the requirements put on the husband by the doctrine of the sages, this tolerance permits the strengthening of the control and the discipline of the conjugal environment. The divine law is neither reduced nor reinterpreted. It is accepted, because only by embracing its entirety can the positions of the husband and the wife be harmonized.

b) On a more general level, the tractate of Sotah sketches out—and this is the most revealing fact—a doctrine of women and their condition. From this comes an idea of the female world which probably, to a large extent, was developed through or on the basis of the 'threshold' concept, of the woman's role as mediator, on her anomalies, and on her permanent position at the lowest of profane levels. In order to discuss this last point it is necessary to return to some of the factors sketched in preceding chapters.

2. The text of the "bitter waters" presents a synthetic and final portrait of women. That is, it gives a stable dimension to an idea, to a classificatory principle, because the procedure of Sotah has reached the stage of a closed event with the abolition of the rite. The female condition which this text illustrates assumes, ideally, characteristics

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9 On this point H. C. Brichto pushes his evaluation so far as to claim that the trial is a "transparent charade," a sort of enigma through which public opinion is solicited to control the husband (1975, 67).

10 This is a further singularity with respect to the general scheme of the discussion of the sages, and in particular of the Amoraim. The Gemara is in general a consideration of themes which are never definitively concluded, not even in a provisional way (cf. Chap. 2). The Sotah theme, on a theoretical level, continues to be an object of discussion. However, its exit from factual reality, from ritual praxis, certainly introduces an element of stasis. It produces an 'arrest' in the discussion which cannot be found in the mishnaic arguments which were not abolished.
of perpetuity and inviolability. It gives particular tonalities to the Jewish cultural picture.

It is necessary to refer once more to the fact that, as a rule, the sages elaborate principles and regulations only when something obscure, or an imprecise doctrinal area, stimulates or alarms them (cf. Chap. 2), when the cosmos or the regularity of man is damaged or broken (typical examples are uncleanness, unpaid contracts, cases of damage) when it is necessary to protect the individual with indemnities, annulments, and compensation. The mishnaic sages mobilize themselves, to use the words of J. Neusner, to form "a system of law to regulate the irregular" (1979, 96).

When women are involved, things become difficult. In the case in which it is the woman who shatters the order and the regularity of the man, the intervention of the sages takes on special connotations. In the example of the "wayward" woman, and in everything concerning the sexes, everything is contained in the man, and the correct way is demonstrated in him. Female reality does not belong to male regularity and is not comparable to it. The woman can only 'transit' (through marriage) within this regularity, without ever inserting herself solidly, or participating in it in a consistent way. To focus this argument, some examples need to be given: neither after the marriage ceremony of qiddushim nor after the contract of endowment (ketubah), nor when she is subjected to the trial by ordeal, nor when she receives the divorce document (get), can the woman become a real subject or the true counterpart of the man. With these acts she is consecrated, guaranteed by the endowment, tried by the waters, separated from her husband or dismissed. She only assumes positions which are dependent on the man, which help the husband, free him from responsibility, or cover him from the risk of damages.

The tractate of Sotah agrees with and regularly proves this thesis. In it is described a situation in which the woman is dramatically kept external to the male area. This, however, is not sufficient to justify the compilation of the Sotah tractate: the sages and their environment were perfectly aware of the problematic characteristics and of the irregularity of the woman. What remained indefinite was the opportune and profitable way to focus on this irregularity, to analyze it and represent it to themselves and to the world around them.

11This correctness is naturally guaranteed by the norms of the qinnui which construct specific barriers against individual emotional pressures. In a situation of great uncertainty, the qinnui seeks to establish a code which does not permit separate evaluation of the commands of the husband and the responses of the wife.
The way chosen was that of making evident that there is no remission for the infractions of male order made by the woman. The rite of Sotah shows that, if she gives in to a wicked inclination and does not behave as she should, the system has no means of saving her, because she is out of the ranks and the rules. From the work of the sages or – what amounts to the same thing – through the narration of a performance, it is stressed that there is no real way to govern the woman properly within the usual order. If she is guilty, the "wayward" woman is not offered any means of 'reentry' (redemption or reintegration). If the woman is unclean and perjures herself, she is simply abandoned or cut out, punished with illness and death. If, on the contrary, she proves to be pure and sincere, then she has never been dangerous, or harmful to sanctity; it is only necessary to take a note of her innocence, a notation which changes nothing within the ideal and real world.

Thus the Sotah case shows that the different state, the irregularity of the "wayward" woman never goes through any form of remodeling. The normative system of the sages, in fact, does not look for means for changing the anomaly. On the contrary, it is very careful, because of faithfulness to the biblical text and the consolidated norms, not to convert irregularity into its opposite.

Given this loyalty, it can be claimed, however, that the rite offered the sages a suitable means for confronting the problem of the woman and giving her a fitting solution. That is, the commentators of Num. 5:11-31 have stabilized the female element, by adhering – with full respect for the letter of the law – to a case which exposed the ambiguous otherness (as compared to the plane on which they placed themselves) inherent in the woman. Their role was to show how this element could not be cancelled or be changed into another which was less alarming. Because of the cultural commitment taken on by the sages, a perception is made to emerge completely, and it is represented in a permanent form. It is no longer a fluctuating element, it becomes a systematic factor.

The Sotah tractate does not, therefore, reconcile any contradictions, nor does it rectify any errors. It is not meant to reshape social factors in such a way as to minimize, hide, or cancel critical and contrasting points. In this way it emphasizes a fact which is paradoxical but illuminating. Normally, a rite manages to achieve a social success. This rule does not apply to Sotah.

In order to explain this fact, as far as possible, it is necessary to locate the case of "bitter waters" within the framework of transgression. In Jewish culture a guilt confessed during a sacrifice is expiated. The supposed guilt of the "wayward" woman, not being
confessed, not being clearly referred to the woman, cannot be expiated. Other elements must be added. Some crimes – which are unknown or only presumed (cf. the case of the "heifer whose neck is to be broken," Sot. 9:1, Chap. 1) – are atoned by an expiatory mechanism which works through a substitution for the guilty and unknown party. In Sotah, there is a presumed guilty party, but the situation is reversed, because guilt is not evident and proven. In this case no substitution or apparent result can be achieved: the solution is left to God. This means that men do not have the means to settle the case or that they renounce having any such means. On the human level everything will remain irregular.

The system is rigidified by its own powerlessness. The ritual seems to obtain the opposite of a positive result. We can see that the operation of Sotah, as it slowly gains ground, gradually reveals disharmony. The accused seems increasingly more distant, and "enemy" of all the rest. She will remain an adversary for as long as doubts exist about her. At the end she will be submitted to a physical expulsion from the place of the rite.

The rite of Sotah has, however, its own social outcome and the work of the sages achieves its positive aims. First of all the rite changes the divine, compulsory and abstract commandment into a fact which is more transparent and acceptable in the real world. The "wayward" woman moreover is kept at her low level, because the law is revealed and strengthened on her person, and because illegal births and marriages are exorcised on her presumed infidelity. This shows that what is outside of normality can be preserved for the purposes of the global structural play. The meshes of the system are expanded to the point of assuring a place for problematic factors. The accused woman is practically maintained in the role of possible element of contrast, unacceptable, impossible to defend, but anything but useless or superfluous.

The discussion would be incomplete if it did not place the irregularity of Sotah within a wider context, and if it did not illustrate somewhat the constructive side of the anomalous and problematic components.

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This concerns a game of perspectives which is well known. A specific point of view, which defines two human categories as discontinuous, makes them an indivisible couple for the purposes of their own existence. It is only because the first category exists that the second can be constructed. The existence of the second is a response to the first. Something in one of the characterizations (a need, a tension) opens it to the other and on this it depends completely.
The meaning of irregularity

1. The argument needs to be lifted to a higher level of abstraction. The history and the structure of the Sotah discussion (preservation, abolition, internal coherence, the distance from mishnaic themes) explain more than what they say.¹³

The problem of the woman's irreducible irregularity should be seen within the classifications which the system has produced. It is interesting to consider it through the global scheme of the Mishnah. If the Mishnah aims at normalization, at the determination of permanent equilibrium (cf. Chap. 2), what is the role of the Sotah tractate if it does not manage to return the woman to the rules of the cosmos, to normalization?

The mishnaic idea of general normalization is not contradicted by the event of the presumed infidelity of the woman. The theoretical and doctrinal plan is not denied because the Sotah case is stabilized by the abolition. That is, given that the rite did not admit alignments, or did not respond to the general principles of reshaping, it had to be rendered inapplicable and irregular forever by an exemplary abolition.

This is perhaps another element which can help clarify the rite. It may be added that perhaps it is forbidden because it is too far from other positions, from other procedures undertaken by the Mishnah. To have kept it alive would have created unbalances in the mishnaic fabric because of the evident impossibility of returning the woman to the area of male normality. This irreducibility, which provokes expulsion of the rite, also clearly shows mishnaic unity.

However, the extraneous nature of Sotah, compared to the overall homogenization of the Mishnah, remains a complex problem, not resolvable on the basis of the passage which speaks of the abolition, which is really not very discursive. As far as possible, it should be confronted without the help of the texts. Returning to a general rule, we can say that every prohibition is a response to a proposal to purify or reunify the system. To the extent to which there is a mishnaic unity to protect, the abolition seems to have been intended to defend the linearity, the homogeneous formulation of the tannaitic tractates. The basis and the extent of this defense remain, however, unverifiable.

¹³This is not a matter of logical contradictions in religious discourse, but of practical and social anomalies. The sages' views, their classifications of reality, are not directed towards 'saving' the religious element from paradoxes or irregularities, but rather to seeking arrangements which allow social operations.
In spite of the difficulty of arriving at a conclusion, this argument allows us to confirm once again that the explanation of the Sotah procedure is to be found in broad principles which go beyond the explicit proposals of the actual tractate. On this last point, we can risk a general overview.

By means of a strong ritual activation, a dramatization of the divine and therefore an acceleration of the system, the Sotah rite seems to proclaim and raise up the 'separate' value of the unclassifiable case, of the event which is anomalous and revealing in comparison with the opaque routine sequence. It seems to do this by underlining the necessity of the preservation of the anomaly. The "wayward" woman is kept in her condition because it constitutes an area (certainly not the only one, but not the least important, either) in which the people can reflect on their own sins or on their own redemption, on the best ways to mediate with the divine, to expiate, to identify their own legitimate features which enter the pact with God, and to recognize the special function of the victim. That is, they can believe in their own identity and structure, in their absolute uniqueness. Nothing can be better than something 'different' as a means of confirmation of one's self and one's own model, as long as it is translated into an element which challenges and stimulates.

2. Can the guarantee of one's own identity and environment come from outside? Does that which is outside of the rules perform some service for what is regular?

Regularity and legality have their limits, and whatever challenges them or creates discussion about them must not be considered a pure danger. It can have the value of a reaffirmation. Sometimes irregularity supports them both; in other circumstances it renders them more flexible. When it is introduced temporarily, or in a subsidiary way, in moments of crisis and of liminality, the irregular can constitute an alternative to the stable and orderly structure which permits the reactivation of functions.

In particular, it is known that the people who are outside the rules are often those who take onto themselves the guilt and the discrepancies of the system. Poorly defended by principles or by explicit purposes, they become an easy target for accusation and condemnation. They embody what is not subject to verification or control. They free and give space to the system because they represent the gap which sets the symbolic imagery against the daily reality.

This argument can be applied nearly completely to the suspected woman who, exactly because she is a complementary resource or a means of liberation (and this seems to be the most precious conclusion of the sages), cannot enter into the rules of the system. She embodies the
extraneous and the unclassifiable, and it is for this reason that she can become the confirmation and the guarantee of the system itself. Her irregularity denounces possible failings on the part of the man, and allows their identification and control.

In the entire operation of the divine judgement, the sages have valorized, in a remarkable way and for positive ends, that which contrasts with the rules. Through that model of judgment a concept of irregularity, which originated at the deepest levels, made the identity of a society visible. It gave permanent interest to categories of people and to the existing interactions between those categories. The binary society, through the sages, admitted all of the variations and integrations which it could use, without giving in to unacceptable structural variations.

This conclusion does not wish to stress only the technical ability, or the intellectual value of the work of the sages, or their wide-ranging evaluations. The argument made up to this point a) is intended to present itself as an experiment directed towards making evident the difference which exists between a static portrait of the functions and the protections conceded to the woman – often cited as evidence that sufficient attention is paid to her needs, or as proofs of absolute religious values – and a close examination of complex cultural mechanisms; b) it is intended to be an attempt to present human and cultural elements as they are 'documented,' even if in an unreflecting way, in the textual narrative of events 'lived' by those who formulated it and who were the main framers of a cultural process. It tends particularly to give reasons for the operations performed around the woman, the help of the man or his contradiction.

Starting from rigid and monovocal formulations, the case of Sotah – because it showed the usefulness of the anomaly – stabilized the woman and her untouchable by ordinary logical and theological means. That is, by stabilizing and exploiting the irregularity of the woman, by attributing the maximum functionality to her condition, she was removed from any rectification which could have transformed her into an acceptable factor within the system. Rather than being constricted within the powerful, inelastic limits of the 'regular,' her anomaly was made inviolable. Out of this came a human category which no system can allow itself – or has enough strength – to eliminate from its fields of action, if it does not want to undermine its own foundations. For as long as the woman is useful in this way, for as long as she is advantageous – without any risk and with full respect for absolute values – she remains forcibly bound to her extraneous nature.

This idea of abnormality and its multiform implications, transmitted through Christianity itself to "all the generations," are
still highly relevant to modern western culture. Springing from immemorial times, it provides us with a model within which we can place, or illuminate, phenomena to which our ordinary life is closely connected.