

Introduction to Tractate Sotah

The *sotah* (the wife accused of adultery) is subjected to a Temple rite (ordeal) described at Num. 5:11–31. The exposition of the law of *Sotah* in the Mishnah and the Talmud follows this outline:

- I. Invoking the ordeal
- II. Narrative of the ordeal
- III. Rules of the ordeal
 - A. Exemptions and applicability
 - B. Testimony and exemptions from the ordeal
- IV. Rites conducted in Hebrew
 - A. A catalogue
 - B. The anointed for battle and the draft exemptions
 - C. The rite of the heifer

The injustice done to the innocent wife required to undergo the humiliating ordeal of the bitter water by her husband's whim serves as the law's occasion in *Sotah* to make a definitive statement that God's justice is perfect: the wicked get their exact punishment, while the righteous receive their precise reward. It is not enough for the law to show that sin or crime provokes divine response and that God penalizes evil-doers. Justice in the here-and-now is served only when the righteous also receive their reward. The Scripture's casual remark that the woman found innocent will bear more children provokes elaborate demonstration in *Sotah*. This special interest in *Sotah* springs from the established facts of history that Scripture supplies, that both the righteous and the wicked are subject to God's flawless and exact justice.

The law as set forth in the Mishnah and the Talmud conceives of a two-stage process and two kinds of testimony. In the first stage, a wife is warned by her husband not to get involved, for instance, he forbids her to speak to another man. But in the event she does, she is not by her action prohibited from living with her husband. In the second stage, witnesses attest that it is possible she could have committed adultery. The law then insists on valid evidence if it is to deprive the wife of her marriage settlement. A single witness to the alleged act of intercourse outside of marriage does not suffice. Moreover, those who ordinarily cannot testify against her, e.g., her mother-in-law, the daughter of her mother-in-law, her co-wife, the husband's brother's wife, or the daughter of her husband, do not have the power to deprive her of her property rights in the marriage. Even if they testify against her, she still collects her settlement. By the testimony of such witnesses, she does not have to undergo the rite (ordeal), but, rather, she is divorced in due course and the transaction concludes there.

Before the ordeal is invoked, the Talmud insists on some sort of solid evidence both of untoward sexual activity and also of clear action on the part of the wife. There must be at least the possibility, confirmed through a specific case, that adultery has taken place. In contrast to *Sotah*, the Scripture leaves everything to the husband's whim, to his "spirit of jealousy." In *Sotah* if the husband gives his statement of jealousy and the wife responds by

ignoring the statement, the ordeal does not apply. The wife has to indicate by her specific action that it is possible that the husband is right. In the written Torah, the ordeal settles all questions. In the oral Torah, the ordeal takes place only in carefully defined cases where sufficient evidence exists to invoke the rite, but insufficient evidence exists to make it unnecessary, that is, there is well-established doubt.