THE SOTAH: WHY IS THIS CASE DIFFERENT FROM ALL OTHER CASES?

Richard Elliott Friedman

It is an honor to dedicate this essay to Hugh Williamson, who, in the three decades I have known him, has always epitomized what it means to be both a scholar and a gentleman.

If one has any doubt that the law of the suspected adulteress, the sotah (Num 5:11–31), is a particularly perplexing case in biblical law, he or she has only to look at the variety of the scholarly literature. The remarkable range of utterly different explanations of what is going on in the procedure is striking even in our field, which is not exactly known for consensus. Also remarkable is how certain scholars, from ancient to contemporary times, have each been that their understanding was correct. A woman whose husband suspects her of adultery drinks a potion, and if certain physical conditions materialize, she is guilty and cursed. Shlomo Eidelberg wrote that “its sole purpose could only have been to force a confession from her as an alternative to the bitter potion.”¹ Dennis Pardee, with no less certainty, wrote that “there can be no doubt that a form of illness—whatever it may have been medically speaking—was thought to follow the drinking of the water by a guilty woman.”² Alice Bach, likewise writing with finality, said, “It reflects the patriarchal attempt to assure a husband that his honor could be restored if he had so much as a suspicion that his wife had been fooling around. Female erotic desire, then, was understood as erratic, a threat to the social order. By drowning such desire, the traditional order was assured of continuing dominance over women’s bodies.”³

Other scholars have been more circumspect in their explanations but no less diverse. Tikva Frymer-Kensky wrote of a particular medical

condition that might be involved: a prolapsed uterus.\textsuperscript{4} Josephus wrote that it could be edema.\textsuperscript{5}

One challenge for all of these explanations is that, in order to work, they require something that could not be counted on to happen. Drinking a potion (of ‘holy’ water, dust from the Tabernacle floor, and ink from words on a parchment) cannot be guaranteed to produce prolapsed uteri or any other particular condition in all guilty adulteresses. Nor can it be relied upon to produce their confessions. Jacob Milgrom, doubting that the potion that is described in this law could produce any sure symptoms, therefore proposed that the law’s effect was precisely to find all women not guilty and thus to prevent “lynchings.”\textsuperscript{6} The advantage of his explanation over most others was that it did not depend on something that could not be counted upon to occur. Rather it was based precisely on the fact that nothing would occur. But, like many other explanations, it still does not account for why this procedure is applied solely to adultery and not to any other crimes. Should not arsonists, thieves, and everybody else who is suspected of anything be protected from lynchings as well? Likewise for any explanation that sees this law as a trial by ordeal, the question remains: why use the ordeal only for adultery out of all the laws in the Bible and not for any other offence? Compare the law code of Hammurabi, which uses the river ordeal for a case similar to this one, but it uses it for a case of sorcery as well.\textsuperscript{7}

What this situation of interpretive \textit{תהו ובהו} reflects is that there is something in the wording and structure of this law that has been stymying us for centuries (for millennia, actually). It is filled with unusual wordings, unique procedures, and unprecedented components. We need to account for them, not in a one-by-one manner, but, if possible, in an explanation that addresses all of them consistently.

\textsuperscript{5} Josephus, \textit{Ant.} III:vi:6.
\textsuperscript{7} Laws 2 (accusation of sorcery) and 132 (suspected adultery).