



Naso

Vol. 8, Issue 40 • 8 Sivan 5784 / June 14, 2024

CONTENTS: Marcus (Page 1); Wolfson (Page 7); Lindell (Page 10)

Amidst the war unfolding in Israel, we have decided to go forward and continue publishing a variety of articles to provide meaningful opportunities for our readership to engage in Torah during these difficult times.

Lehrhaus Over Shabbat for the month of Sivan is sponsored by Lauren and David Lunzer to commemorate the 27th yearzeit of David's mother, Beila Raizel bas HaRav Binyamin, on 28 Sivan.

Sponsorships for future editions of Lehrhaus over Shabbat are available at <https://thelehrhaus.com/sponsor-lehrhaus-shabbos/>

**GIVING SHAPE TO ABSTRACTION:
ILLUSTRATING REDEMPTION IN THE BOOK OF
RUTH**

Benjamin Marcus is an architect and illustrator in private practice in NYC, and he serves as the Art and Architecture critic for White Rose Magazine.

I was commissioned for a years-long project to create original illustrations for the Five *Megillot*—the Song of Songs, the Book of Ruth, the Book of Lamentations, Ecclesiastes, and the Book of Esther. First, I completed Esther, and more recently, the Book of Ruth. The story of Esther is perhaps the most well known of these. Because it

serves as the source of what is often called our most joyous and certainly most child-friendly holiday—Purim—the charge of illustrating its legendary scenes was, for the most part, a clear-cut design brief. A king with a crown, a beautiful queen, a villain with a famous three-cornered hat, banquets and parties, and a white horse have been the subjects of celebrated artists for hundreds of years.

The Book of Ruth presents a very different challenge. Its interpreters have usually focused on its portrait of Ruth's exemplary virtue of loyalty, its discussion of religious conversion, or the significance of levirate marriage. Likewise, while there is a venerable body of art to refer to—from

gilded illumination to printed woodcuts—these depictions have focused, not undeservedly, on a handful of protagonists and the story’s plot, such as the family’s departure to Moab, Ruth’s devotion to Naomi, Ruth’s marriage to Boaz, and her bearing of a child who will be the ancestor of King David and the future messiah. But to me, it seemed that the plot is not the essence of the story. Rather, the Book’s crux is the concept of redemption. As an illuminator, I felt that my task was to express what redemption means rather than focus on the characters or the minutiae of the plot. But at first, I wasn’t quite sure how to do that.

In this essay, I want to share what I saw as the problem with the Book’s themes, my attempt to avoid the familiarity of their usual phrasings, and how the resulting process wound up reframing for me the meaning—and the beauty—of the Book of Ruth.

Plot

As noted, the plot and characters of Ruth have been the most overexposed in the history of the Book’s illumination. I was more interested in the abstract biographical truths the Book conveyed about the people of Israel as a whole rather than the lives of the particular people in the story. In other words, the story’s events—people leaving home, having children, losing husbands, moving elsewhere, finding work, or their attendant internal psychological postures—seemed less interesting than what they represented. For in truth, none of the story’s characters were

important in their lifetimes beyond their immediate local spheres of social influence.

On the other hand, the Book’s first sentence, which sets the story in the time of the Judges, evokes an entire world of ethnographic importance. This was a time of social, civil, and religious chaos for the people of Israel: the famine that befell their land implies their communal alienation from God, family, and the land itself. As the story unfolds, however, certain individuals whose lives are informed (or unformed) by the milieu of estrangement and disaffection go on to pursue the very things that were lost: their familial relations, their name, and their connection to the land and to God.

In other words, the characters in Ruth are redeemed. Their true character traits are revealed as the story progresses: in place of estrangement and disaffection, we eventually see loyalty, kindness, selflessness, sustenance, valor, and more. Ultimately synthesizing all of these is the salvage and recovery of family, name, food and home, land, and a covenant with God. These concepts are what I hoped to illustrate.

Yet, such abstractions don’t so readily give themselves over to illustration in egg tempera, ink, and gouache. For further inspiration, I had to examine the Book’s structure.

Structure

The Book of Ruth contains literary structural features that seem to bestow their own

significance upon the story.

Numerous interpreters observe a clear chiasmic formula in the chief plot points of the story. As the narrative progresses, one can discern an A-B-C-D-D'-C'-B'-A' pattern of repetition or mirroring of actions. In his scrupulously mapped article anatomizing the story's chief points of narrative thrust, "[Structural Symmetry and Its Significance in the Book of Ruth](#)," linguistics scholar Ernst Wedland breaks down the entire text to highlight the primary inflection points. For example, in just the first six *pesukim*, we see the following chiasmic structure:

- A - Motivation: famine in Judah ([1:1](#))
- B - Family gains: by moving to Moab ([1:1-2](#))
- C - Family loses: by death of Elimelekh ([1:3](#))
- D - Family gains: by marriage to Moabite wives ([1:4](#))
- C' - Family loses: by death of the two sons ([1:5](#))
- B' - Family gains: by returning to Bethlehem ([1:6](#))
- A' - Motivation: food ([1:6](#))

This level of patterning in the Book's lexical geography can be charted through to the end, with the developments of plot and character progressing in meticulous but inconspicuously deliberate language. While this may not be immediately perceptible in one's first perusal, if

the reader immerses themselves and allows the narrative's rhythms to wash over them, such organizing structures can be felt.

I could not discern from the commentators what intrinsic utility might be served by this or the various other rhetorical devices employed aside from their aesthetic effects. As I read and sketched, however, I began to perceive a purpose. Because the story is so short (approximately 2,500 words over only four chapters) but also of great historical importance, such self-conscious, formal contrivances as chiasmus (or anadiplosis, epiphora, etc.) invest the story with gravitas as well as poetic inevitability. Once the reader begins to absorb, even unconsciously, the cyclical orderliness and rhythmic orchestration of the narration, the telling feels almost like a parable where each character is fulfilling his or her destiny, propelled by circumstances that speak to their characters.

Even as we are not at all sure what fate the characters will meet, the cadence of the prose leads us from one sturdy plateau to another, without the clumsiness of overt didacticism. This inconspicuously contrived authorial apparatus creates a disembodied voice of authority, even if its purpose—to convey the necessity of an outcome—is not made clear until the very end of the story.

Execution

These, then, were the aspects of the narrative that I thought demonstrated that redemption was the subject I needed to represent. But the material substance of the commission remained

to be visualized. On the *klaf*, I had the 3½-inch margins surrounding the four columns of calligraphy completed by a *sofer* to construct the story, or what I could construe of it. My work would be in panels that followed the narrative, running figuratively and literally around the text.

What follows are some of the artistic choices I made and what they are meant to express.

“In the time of the Judges” is just a short introductory phrase, but it is loaded because we know it was a time of chaos—socially between the people of Israel and their institutions; covenantally, with a breakdown of the moral code; and agronomically, as there was famine in the land, probably caused by the widespread disaffection. Because the existential state of the people of Israel is central to the story, I gave over a comparatively large space on the *klaf* to the setting (as you can see below), which is a kind of visual preface to what follows.

To represent the social, spiritual, and physical upheaval of the people, I combined both abstract and more figural imagery. Against a background of bilious (or smoky-colored), swirling strokes to suggest chaos, there are the disconnected letters of the Hebrew alphabet to express the overturning of the law, the tiny fragments of architectural ruins and the bodies of man and workhorse, and the floating debris of civilization.



Atop of the melee preside the twelve judges themselves, drawn as figures who—though they didn’t live at the same time as each other—cumulatively form a line of historical abandonment. With brief detail, a few are drawn to connote who they are: Shamgar with his oxgoad ([Judges 3:31](#)); Deborah, the only woman; and Gideon with his torch ([Judges 7:16-21](#)). With them comes the ground plane (the horizontal plane of projection in perspective drawing) on which the central, horizontal stages of action will play out. In the distance can be seen the departing introductory characters in our story as they pass by the wreckage from famine toward the future.



I represented Elimelekh—who was destined to lose because he forsook his place as a significant bearer of an Israelite legacy—as a mere outline without distinguishing characteristics. His son Khilion, whose name and fate were both literally a matter of “vanishing,” I rendered with a dotted line—his profile as an indiscernible man. And the other son Mahlon, whose name and affect were “sickly,” I showed as a mere smudge of a person, his features murky.



My attempt at a translation, or formulation, of the story’s structural elements—specifically its use of linguistic symmetries in its framing of events—continues at the halfway point of both the story and its graphic format on the *klaf*. At the outer vertical margin parallel to the center point between the chaos of the opening and what will be the restorative finale of the story, I depict Boaz’s confrontation with Ruth, where he blesses her and promises he will redeem her. This act of kindness, selflessness, extension, and *hesed* is the fulcrum of the story, an auspicious moment that collects and shifts the forces of the story toward their climactic ending. As it’s situated in the story as a mechanical pinion in the rack of the plot, rotating the destinies of both Boaz and Ruth—and with them, the future of the Israelites—I gave it the circularly framed shape of a pivot hinge and

situated it at the progressive center of the storyboard.

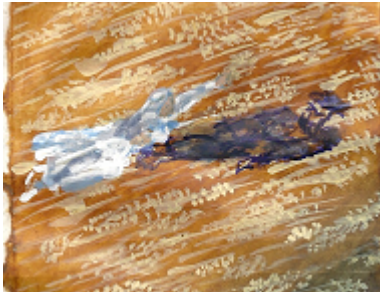


In the fields of space flanking this nodal point are the fields of grain that serve as the *mise-en-scène* for their meeting, shown during and after the gleaning that brought these characters together. Above, Boaz *stands* to direct his men, take command of his land, and recognize and protect Ruth; his position declares his formidability and stature.



Below, and following his establishment of Ruth as a deserving beneficiary, Boaz is shown reclining:

the story brings him down to the same level as Ruth who at the same time supplicates herself to him, sleeping at his feet.



In the interim panels between this crest point of the story and what will be its end, the panels show in stark focus the key milestones of the path to Ruth’s—and Israel’s—redemption: the handing over of her gleaned bounty by Boaz to Ruth and by Ruth to Naomi; Boaz before his witnesses at the gate dispensing with the would-be *goel*; Boaz and Ruth convening with the home he promises in the (imminent) distance between them; and the birth, naming, and handing over to Naomi of their offspring, Oved. The ground plane begins to green, parallel and contrary to the landscape of deprivation above.



The story’s denouement is the naming of the generations framing Oved’s place as grandfather to (King) David. It can be inferred that Oved will also be the progenitor to the civil order, agronomic health, and spiritual wealth that coalesce in the time of the monarchy. Since this

represents the reversal of the Book’s opening, I give it the same amount of space as I gave the phrase “the time of the Judges,” and it’s positioned directly adjacent to depict its figural opposite: a healthy landscape and the orderly disposition of the twelve tribes in residence around a floorplan of the Temple at their center.



Resolution

I hope my illuminations successfully convey that for the people of Israel, estrangement from law, family, home, land, and God are not isolated problems but interdependent ones. Thus, their solutions will not be found separately, individually, but in their mutually dependent integration. That is what is meant by “redemption.”

In the end, though, any work of visual interpretation must stand on its own and convey its integrity and logical consistency intuitively to

the viewer. Whether this meaning has been successfully conveyed, I leave to the viewer to decide.

FIRST FRUITS: A SELECTION OF POEMS ON MISHNAH BIKKURIM 3

Dalia Wolfson is a graduate student in the Comparative Literature department at Harvard University.

A few years ago, making our way through a weekly Mishnah study of *Seder Zera'im*, my *havruta* and I found ourselves reading *Bikkurim*. The little tractate, all of four chapters long, surprised us in many ways, not least for its attention to agricultural aesthetics—which fruits count as adornments? (3:9)—and for the appearance of in-between categories, such as the *koy* (2:8-11). Perhaps the strongest impression, however, was made by the densely visual description of the Shavuot procession in [Chapter 3](#). The chapter begins with an individual, alone, tying a reed rope around his ripened fruit and announcing: “Let these be *bikkurim*” (3:1). Soon after, he is whisked into a bustling crowd that overnights in a designated country town, and then—led by a lusty ox with golden horns and accompanied by piping flutes—the pilgrims make their way to Jerusalem, to offer up their personal baskets and read a declaration that includes the “*Arami oveid avi*” (literally, “my forefather was a

fugitive Aramean”) lines we’ve come to know so well from the Passover Haggadah (3:2-6).

As Dalia Marx writes, this *bikkurim* process contains elements of both the private (the farmer with their crops as they ripen, the face-to-face encounter with the priest) and the highly public, where “the personal obligation borne by the individual finds expression in the communal journey to the Temple.”¹ It is a journey that is joyous, ecstatic: a highly participatory celebration of the land and its bounty, glossy grapes and juicy figs fit to burst. Indeed, it is one of the rabbinic narratives of Temple ritual that can be categorized as utopic, writes Naftali S. Cohn: “a world not only of perfectly functioning ritual, but also of social harmony and inclusiveness.”² In the passages of Chapter 3, things seem to go right: fruits are gathered, baskets laden, recitations are made, Jerusalem’s gates are open, and the Temple stands intact. Yet, as we are reminded, the harvest and the holiday are not a given: they rest on good deeds and on gratitude to the Divine. In what Marx calls a “double alienation,” neither one of the audiences involved in the declaration detailed in [Deuteronomy 26](#)—the desert wanderers, called to imagine themselves into a future with their own fields; the farmers, called to imagine themselves into the past of ever-shifting sands—can settle, fully, comfortably, into this text. The legacy of the fugitive Aramean chases after them, no matter how loud the flutes play.

¹ Dalia Marx, “A Torah-Prescribed Liturgy: The Declaration of the First Fruits,” *The Torah* (2018).

² Naftali S. Cohn, “Mishnah as Utopia,” in *What Is the Mishnah?: The State of the Question*, edited by Shaye J. D.

Cohen, (Cambridge, MA and London, England: Harvard University Press, 2023), 204-231. <https://doi-org.ezp-prod1.hul.harvard.edu/10.4159/9780674293717-014>.

The poems below, constructed from the language of the Mishnah and other sources, both earlier and later, consider the “lived contingency” that comes to the fore when “things go wrong” or, at least, when they may not go quite right.³ What is the vision of the Mishnah, and what space does it make for changes, for differences, for failures? These different sources raise questions that wonder at the level of social cohesion and unity, and the potential for disjunct and division, presented by Chapter 3.⁴

The first poem is stitched together from verses about people in the streets, exposed to mercy or malice, at a festival or [like at a festival](#), from Lamentations and *Mishnah Bikkurim*. The *mishnah* describes the pilgrims sleeping safely out in the open—but what happens when the public sphere is *hefkeir* (ownerless), abandoned, or worse? I was led to these questions by *Massekhet Sotah*, which considers the many declarations in the *Humash* (some in Hebrew, others in any vernacular; among them, the Declaration of the First Fruits). Among these declarations is the one of the [eglah arufah](#): when a man is found murdered between two towns, who takes [responsibility](#)? And why is it important that their absolution from guilt is made through [articulation](#), specifically through *omeir* and *oneh* (saying and answering), the same speech tags used in the Declaration of the First Fruits (Deut. 26:9)?⁵

³ Cohn, 226.

⁴ On historical examples from the Second Temple period, see Martin Goodman, “Forgotten Shavuot History: The 4 B.C.E Rebellion and the Therapeutae,” [TheTorah.com](#)

The second poem addresses the wording of [3:3](#), which would seem to indicate that the people of Jerusalem greet the pilgrims according to their “honor,” the lesser in status greeting the more common arrivals, the greater in status greeting the even more powerful. The *Talmud Yerushalmi* [asks](#): could it really be that the people of Jerusalem come out to meet the pilgrims in a way that divides them by social hierarchy? It must be that the “lesser” and “greater” refers to their numbers instead: many to greet the many, few to greet the few, the Talmud responds. In the poem, the answer is not absolute: it lies, instead, with the disposition of that generation’s leaders.

The third poem takes up [Hon Ashir](#), who reflects on the artisans’ greeting, “*batem le-shalom*.” Does it constitute a blessing (“Come in peace”), an assertive “Welcome!” (as [Kiddushin 33a](#) records: “*bo’akhem le-shalom*”)? Or is it a question about the travelers’ welfare, their experiences on the road (“Did you come in peace?”)? How many ways to ask this question, to interpret the definitions of “peace” seen along the way, and the intentions of both the travelers and their hosts?

The fourth poem listens to a number of commentators who wonder about the implications of different baskets for different classes (3:8): Why were the baskets of the wealthy returned to them, and the poor people’s baskets kept? Why not, asks the [Ikar Tosefot Yom Tov](#),

(2023). <https://thetorah.com/article/forgotten-shavuot-history-the-4-bce-rebellion-and-the-therapeutae>.

⁵ I was first introduced to these themes in R. Yedidya Lau’s *Sotah* shiur at Nishmat.

legislate that all must bring the same baskets, to save face for the destitute? Why take the poor people's baskets, so that the poor only get poorer, as the phrase goes in [Bava Kamma](#)? Should the priest's keeping the baskets be considered a materialistic act of possession, a mark of their worthlessness, or the [reception of a holy gift](#)?

The last poem offers the halting words of a personal accounting: living too far away, one will carry desiccated fruits that do not spoil. If the fruits have become [wholly unfit](#) (due to neglect, rot, theft, carelessness or impurities), one must purchase other fruits and carry the basket up to Jerusalem, but he cannot recite the declaration. In the Temple court, if they are impure at the time, he may not recite the declaration. How to answer for one's own place on the land and the fruits of one's labor, when that basket has been so very compromised? How to move from *tene dal*—a poor, lacking vessel— to a state of being lifted and “raised up” (*dilitani*) by God, as the Levites [would sing](#)?

For so many weeks we have been counting up, with great anticipation, to 50; and for many more weeks we have been counting up, with unspeakable dread and horror, into the 200s, with no end in sight. The strange thing about *bikkurim* is that they have an unusual relationship with time and counting. Shavuot is the Festival of First Fruits and its associated *mitzvah*, but one's own ascent to the Temple comes when his first fruits ripen, even [all the way up to Sukkot, and even up to Hanukkah](#), year after year. It is an extended invitation, one that must not be refused: to be

ever-accounting for one's ever-arriving in the land.

1.

A Place for the Night
Lying on the ground
in darkness,
in the streets of the city,
in the streets of the city.
They do not enter the houses—
All those festival goers,
the people of some place,
the people of some place.

מקום ללון
לארץ שכבים
בְּרַחוּבָה שֶׁל עִיר,
בְּמַחֲשֵׁימִים, בְּחוּצוֹת נִשְׁכָּבִים.
לֹא נִכְנְסִים לְבָתִּים—
בְּאֵי מוֹעֵד
בְּתַעֲמִי,
אֲנֵשֵׁי הַמִּקְוֶה
פְּלוּנִי.

2.

By the Entrants' Ranks They'd Exit
At the gates, [waiting](#)
for the deputies' cue,
they turn one to the other:
Is there a [greater](#)
or a [lesser](#)
in Israel?

לפי כבוד הנכנסים היו יוצאים
בעד השער ממתינים
לאמירה של הסגנים
זה לזה הם שואלים:
היש גדול
היש קטן
בישראל?

3.

Greetings
Come in peace
—The craftsmen
of Jerusalem.

דְּרִישוֹת שְׁלוֹם
בִּאתֶם לְשְׁלוֹם
—בְּעֵלֵי אֲמִנִּיּוֹת
שִׁבְרוּשְׁלֵיִם.

Did they [ask](#)
or did they say?

אָמְרוּ לָהֶם,
אוּ שְׁאֵלוּ?

4.

Gifts
The gilded bowl,
the silver inlaid basket—
The Kohen [takes](#)
and then returns.
As for the wicker-worked
willows—
Stripped branches bowed to hold,
extending,
gaze lowered,
to His Honor—
These are for him,
to keep or
to discard.

מתנות
והקלתות בכסף וזהב
מִצְפּוֹת
יָקָם הַכֹּהֵן
וַיֵּשִׁיב.
וּסְלֵי הַנִּצְרִים—
עֲרֻבוֹת
קְלוֹפוֹת, פּוֹרְעוֹת
נִמְשְׁכוֹת,
בְּצַנִּיעוֹת,
לְכַבּוֹד—
הֲרֵי אֵלֶּה
יִשְׁמֹר
אוּ יִזְרוֹק.

5.

Hollow Basket
And what
Can I return to [you](#)
Empty
Shrunken grapes
A lot, [abandoned](#)
Answered
From afar

טֵנָא דַּל
וְיָמָה
אֲשִׁיב לָךְ
רִיקָם
עֲנִבִים מִיבָשִׂים
עֲרָמָה אֲבוּדָה
מִרְחוֹק
נִעֲנֶתָה

WAS THE SOTAH MEANT TO BE INNOCENT?

Yosef Lindell is an editor at the Lehrhaus and a lawyer, writer, and lecturer living in Silver Spring, MD.

Editors Note: This piece was originally published in June 2022.

The Sotah ritual (Numbers 5:11-31) is among the more difficult passages in the Torah.¹ A husband who accuses his wife of marital infidelity in the absence of witnesses can bring her to a Kohen. After swearing an oath, she drinks a water-based concoction (*mei ha-marim ha-me'aririm*) consisting of dirt from the floor of the *Mishkan* and ink from a written curse containing God's name that is wiped off in the waters. If innocent, she is absolved, but if guilty, God causes physical effects to occur—possibly, depending on how one interprets it—miscarriage, infertility, or even death.

This passage doesn't sit well with modern readers. It sounds uncomfortably like trial by ordeal, evoking specters of barbaric medieval justice such as burning the accused's hand with hot iron or dunking the accused in cold water to determine guilt or innocence.² One might recall the [famous satirical treatment of trial by ordeal](#) in *Monty Python and the Holy Grail*, in which the misguided townsfolk decide a woman is a witch

when they find that she weighs more than a duck. This scene is anything but subtle, proclaiming trial by ordeal irrational and unpredictable—foolish at best and more likely deadly. No doubt these kinds of unpleasant associations led Rabbi Joseph Hertz in his Torah commentary to point out that at least Sotah is “the only explicit instance in scripture of trial by ordeal,” while other cultures, from antiquity to the Middle Ages, used it far more frequently.³

But what if we are viewing the Torah's legislation backward? In the twentieth century, three Jewish interpreters from different religious backgrounds concluded that Sotah was not an ordeal at all in the traditional sense. R. Herbert Chanan Brichto, an academic Bible scholar and dean of the Reform Hebrew Union College, R. Emanuel Rackman, a Modern Orthodox thinker at Yeshiva University who later became president of Bar Ilan University in Israel, and R. Yaakov Kamenetsky, student of the famed Slobodka Yeshiva in Europe and Rosh Yeshiva of Torah Vodaath in Brooklyn, all independently argued that the point of the Sotah ritual was to find the woman innocent. Exploring their similar approaches as well as their points of departure sheds light on how counterintuitive readings can shift our perspective on difficult Torah passages and sharpen our understanding of the textual and extratextual motivations of the Torah's interpreters.

¹ I would like to thank my fellow editor Yisroel Ben-Porat for sharing his substantial knowledge of the topic with me and improving the article considerably.

² See J.H. Baker, [An Introduction to English Legal History](#) 4th ed. (Oxford: Oxford University Press, 2007), 5.

³ J. H. Hertz, ed., [The Pentateuch and Haftorahs](#) 2nd ed. (London: Soncino Press, 1960), 589.

Brichto suggests that the Torah legislated Sotah to curb the unreasonable way a husband might react to the situation.⁴ He writes that in ancient Israel, “in general the condition of wives was subordinate if not subjugated” and “it requires no stretch of our imagination to evoke the kinds of mistreatment to which a man might have subjected his wife” should he imagine that she was unfaithful. The Sotah ritual was tailored to curb these excesses. “[T]he ritual for the suspected *sota* is a ploy in her favor—it proposes that the husband ‘put up or shut up.’”⁵ In Brichto’s reading, it is all “a transparent charade ... a ritual drama in which the tragic figure of the accused wife seems to hold center stage, whereas the cognoscenti in the audience have their attention fixed on the comic (unconsciously clownish) figure of the insanely jealous husband hovering near the wings.”⁶ To Brichto, there is little doubt that the waters will find her innocent; it is, after all, merely a psychological test: “we today, for all our recognition of the psychic phenomenon of the power of suggestion, can appreciate that the effect of the conditional curse would be nil in the case of an innocent addressee and of a low order of probability even in the case of a guilty one.”⁷ Thus, “A jealous husband, possessing not a scintilla of evidence against his wife, is asked to subject her to a test in which all the cards are

stacked in her favor! Just so! That exactly is the intent and purport of the entire case.”⁸ According to Brichto, the waters would do nothing. The point is that the people believed it would work and would accept the verdict when the woman was vindicated. So instead of a lynch mob, we end up with a procedure tempering the anger of a jealous husband and saving an innocent woman.

R. Yaakov Kamenetsky views the episode through a very similar lens. In *Emet le-Yaakov*, compiled by R. Yaakov’s student and grandson-in-law R. Doniel Neustadt, R. Yaakov is reported to have taught that the point of the unique procedure was to find the woman innocent. Like Brichto, *Emet le-Yaakov* suggests that the Torah was concerned about a jealous husband. If a man suspects his wife, *Emet le-Yaakov* surmises, “the doubt will never leave him unless God, so to speak, Himself promises that she is actually pure.”⁹ Even two witnesses or a prophet, *Emet le-Yaakov* says, would not change his mind. For although we are commanded to obey the words of a prophet, “the nature of a man in these matters is that he will not be free of concern unless he is reassured by means of demonstration.”¹⁰ Accordingly, “the purpose of the Sotah passage is not to punish the sinner, but to the contrary—to prove that she will be deemed innocent even in the eyes of her husband beyond

⁴ Herbert Chanan Brichto, “[The Case of the Sota and a Reconsideration of Biblical ‘Law’](#),” *Hebrew Union College Annual* 46 (1975): 55-70.

⁵ *Ibid.*, 67.

⁶ *Ibid.*

⁷ *Ibid.*, 66.

⁸ *Ibid.*

⁹ *Emet le-Yaakov*, ed. Doniel Neustadt, 2nd edition (1996), 422.

¹⁰ *Ibid.*

a shadow of a doubt.”¹¹ He closes by noting that his thesis explains the Talmud’s statement (*Hullin 141a*): “So great is peace between a man and his wife that the Torah says that the Name of God, written in holiness, shall be erased by the water.” The question is obvious: if the woman will die when she drinks, what peace and harmony will there be? Rather, *Emet le-Yaakov* argues that the ritual is tailored to the innocent, and after the husband receives definitive proof of his wife’s innocence, the marriage will be strengthened.

In some ways, Brichto’s approach is easier to understand. He believes that the ritual operates on nothing more than the power of suggestion. If the wife drinks, she almost certainly will be found innocent. *Emet le-Yaakov*, however, presumably believed in the ritual’s efficacy. How, then, was he convinced that the woman would be vindicated? Moreover, although *Emet le-Yaakov* relies on one citation from Hazal that seems to support his thesis, the thrust of many other rabbinic statements suggest otherwise. The Mishnah and Talmud detail a humiliating procedure in which the woman is brought to the *Mikdash*, frightened with stories of biblical adulterers, then debased by having her hair uncovered, jewelry removed, and some of her clothing torn (*Mishnah Sotah 1:4-*

6; Sotah 7b).¹² This procedure seems designed to produce a confession before she had to drink (*Mishnah Sotah 1:5*), a point Rambam emphasized (*Hilkhot Sotah 3:2-3*). If she’s guilty, according to the Mishnah, it seems as though she dies a gruesome death (*Mishnah Sotah 1:7, 3:5*). And the Mishnah says nothing about the possibility of her innocence.¹³ Indeed, in the rabbinic view, even if the waters found her innocent, she still bears some measure of guilt, as she inappropriately secluded herself with another man after being warned not to do so (*Mishnah Sotah 1:1-1:2*).¹⁴ After all this, innocence almost seems a side point: the rite was administered in a way that all but assumes the woman’s guilt.

Although Emanuel Rackman, our third thinker, does not acknowledge *Emet le-Yaakov*, his approach sheds some light on these issues.¹⁵ Rackman analyzes the Sotah ritual as understood by the Sages. He suggests that there were two opposing views among the rabbis. “One group maintained that the ritual was an ordeal by which God’s intervention proved her guilt or innocence.”¹⁶ But the other group of rabbis—and it is this group we are most interested in here—viewed the ritual as “a pseudo-judicial event designed to extract a confession from the accused

¹¹ Ibid., 423.

¹² *Sifrei (Numbers 5:11)* presents the dissenting opinion of R. Yohanan b. Berokah objecting to some of these practices and stating that “we don’t disgrace the daughters of Israel more than what is written in the Torah,” but his opinion is not recorded in the Mishnah.

¹³ See Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash* (Brill, 2012), 3.

¹⁴ *Yerushalmi Sotah 3:5* records a rather extreme opinion that because the woman secluded herself inappropriately, she will die a painful death even if found innocent by the waters.

¹⁵ Emanuel Rackman, “The Case of the Sotah in Jewish Law: Ordeal or Psychodrama?” *National Jewish Law Review* 3 (1988): 49-64.

¹⁶ Ibid., 49.

if she was guilty, whereupon she would be divorced and would only forfeit her monetary rights under her *ketubah*. On the other hand, her innocence would be established if she was so, thus restoring her husband's erstwhile love and confidence."¹⁷ According to this second group of rabbis, the harrowing procedure detailed there would all but force a guilty woman to confess.¹⁸ Only an innocent woman would choose to drink. It seems likely that *Emet le-Yaakov* would agree: the frightening gauntlet of demeaning acts described in the Mishnah would weed out guilty women, leaving the waters test for the innocent.

All three thinkers reach the same basic conclusion: the waters were for the innocent, not the guilty. But there are stark differences as well. Brichto sees the ritual as a means of wresting control from a misguided husband who otherwise would always have the upper hand. The ritual administered by the Kohen will protect the woman from a false accusation. Brichto calls it "a record of one Scriptural attempt to redress in a small measure a sadly lopsided balance" between men and women.¹⁹

Emet le-Yaakov gives no indication that the Torah wanted to protect the woman. He suggests instead that the Torah wanted to appease the man and calm him down to salvage the couple's

relationship. Given the husband's frenzy over his wife's suspected infidelity, God must intervene. In Neustadt's presentation of the piece, R. Yaakov doesn't even criticize the man for the bitter jealousy that would cause him to ignore witnesses or prophets—he chalks it up to human nature.

Rackman is somewhere in between. On the one hand, he sounds like *Emet le-Yaakov* when he says that "many of the rabbis saw in the ritual a sophisticated psychological device—virtually a drama to reconcile a suspicious, jealous husband to his indiscreet, but innocent wife."²⁰ On the other hand, he also focuses on the fact that in the Sages' approach, a guilty woman is not punished by the court, but urged to confess, after which she gets divorced, but is not punished beyond the loss of the money promised to her in her *ketubah*. Rackman also stresses that cases of such confessions would be "rare."²¹ So he too expresses concern regarding the woman's wellbeing.

Another distinction between these commentators concerns their beliefs about the efficacy of the bitter waters in the ritual. Brichto is bothered by the idea that at first glance, the Sotah ritual appears to be an "unperturbed recourse to a rite which reeks of magic, a practice against which scripture generally sets its face."²²

¹⁷ Ibid., 49-50.

¹⁸ See *ibid.* at 63.

¹⁹ Brichto, 68.

²⁰ Rackman, 60.

²¹ Ibid.

²² Brichto, 55. In Brichto's aversion to magic, perhaps one can also see the influence of James George Frazer's turn-of-the-century work *The Golden Bough*, a widely cited [multi-volume anthropological study](#) which theorized that belief in magic represented a primitive approach to the natural

By denying the ritual's efficacy and transforming it into a psychological one, Brichto is satisfied that it is no longer magical. R. Yaakov, however, surely believed that God could make such a miracle, and he says nothing about its "magical" aspect, even while focusing on the likelihood of her innocence. Rackman is again somewhere in between. He does not explicitly deny the possibility of a miracle, but he stresses *lo bashamayim hi*—that the Halakhah is not decided based on heavenly signs,²³ that the mixture she drinks "was medically harmless,"²⁴ and that Jewish law must be "rational and natural."²⁵ These points influence his conclusion that the procedure was meant to be a psychological test resulting in either confession or vindication by a harmless drink. One gets the impression that although Rackman believed the waters theoretically could kill, it was never meant to happen in practice.

Finally, the three thinkers are working within different frameworks. Brichto is grounded in the biblical text, and he calls the Mishnah's approach a "distortion of the text for its own purposes."²⁶

world that was later supplanted by religion and yet again by science.

²³ Rackman, 54.

²⁴ *Ibid.*, 60.

²⁵ *Ibid.*, 64.

²⁶ Brichto, 67.

²⁷ *Ibid.*, 56.

²⁸ Rackman, 61-64.

But it's clear that in addition to presenting what he believed to be the most plausible interpretation of the text, Brichto wanted Sotah to better conform to modern sensibilities. He suggests that with his interpretation, the Sotah ritual becomes one "which presents no ordeal, which is untainted by magic, and which achieves its design: a fair-mindedness deserving the plaudits of the most fastidious of hodiernal moralists."²⁷

Rackman reaches essentially the same conclusion as Brichto about the purpose of the ritual but does so from within the Sages' reading of Sotah, not from the biblical text. Rackman marshals evidence from rabbinic texts, such as the Talmudic passage about the erasure of God's name also cited by *Emet le-Yaakov*, the fact that oaths were often taken to clear the oath-taker, not punish them, and the fact that confession ends the ordeal without further punishment.²⁸ Despite operating in a different framework, Rackman clearly shares Brichto's desire to conform Sotah to modern ideas about fairness, justice, and rationality.²⁹ In a

²⁹ Lisa Grushcow, in her study of rabbinic approaches to Sotah, criticizes Rackman's theory for its apologetics, particularly his convenient notion that the Sages could not publicly express their view that Sotah was meant to be a psychodrama for fear "that public criticism of the supernatural approach would have vitiated the value of the sotah ceremony as they perceived it" (Rackman, 49), which makes his theory largely dependent on an argument from silence and reading between the lines. Lisa Grushcow, [*Writing the Wayward Wife: Rabbinic Interpretations of Sotah*](#) (Brill, 2006), 23-24. Rackman was also criticized in the Yeshiva world for his view. In the *Jewish Observer*, rabbi and law professor Aaron Twerski wrote that Rackman's suggestion that "the Torah prescribed a psychological hoax and the Talmudists engaged in a conspiracy of silence not to let the cat out of the bag" was "simply blatant *kfira*." Aaron Twerski, "[A Rejoinder to Dr. Norman Lamm](#)," *Jewish*

sense, his approach typifies the Modern Orthodox attitude, which seeks to both fully accept tradition (hence his unwillingness to completely deny the waters' efficacy) while also harmonizing it with contemporary mores.

Emet le-Yaakov is somewhat harder to pin down. It is a biblical commentary, but like Rackman, it emphasizes the rabbinic approach that places paramount importance on the couple reconciling. One might additionally suggest that as a student of the *mussar* yeshivot in Europe that focused on ethics and character development, *Emet le-Yaakov* endeavors to find a psychological explanation for the Torah's deviation from typical judicial procedures. Here he proposes that the Torah delves into the man's psyche and fashions an approach to counter the all-consuming jealousy of a husband who will be appeased by no other means. Also, *Emet le-Yaakov* is defined by its creativity, exploring topics often overlooked by others in the Yeshiva world, such as grammar, the Aramaic *targumim*, and the musical *ta'amim*.³⁰

And yet, one suspects that even *Emet le-Yaakov* drew upon contemporary currents. Brichto published his article in an academic Bible journal, Rackman in a law journal, and R. Yaakov only orally presented his approach, which Neustadt

Observer (Summer 1988), 21 n.6. So Rackman was attacked from both academic and religious perspectives. Twerski's critique, however, is somewhat ironic given that R. Yaakov had been a mainstay of Agudath Israel of America, the publisher of the *Jewish Observer*, and R. Yaakov's view on Sotah is quite close to Rackman's. But R. Yaakov's view first appeared in the second edition of *Emet le-Yaakov*, which was published in the 1990s, after Twerski's article was published. I want to thank R. Michael Brody for making me aware of Twerski's critique.

later transcribed. There's no evidence that any one of the three was influenced by either of the other two. That three thinkers writing for different audiences and operating in different religious and intellectual circles came to the same idea around the same time suggests that their approach solves something. Despite their differences, all three approaches seem particularly well-suited for the modern reader troubled by the notion of trial by ordeal, which as noted at the outset, reeks of a medieval backwardness, even if divinely determined. Although there is no conclusive evidence in the text of the Torah to support these thinkers' suggestion—and it seems perhaps overly apologetic—by reconceptualizing Sotah as a means of vindication, not a way to determine guilt, it becomes more palatable to a modern audience.

This sentiment could explain the staying power of the approach. In the [JPS Torah Commentary](#), Jacob Milgrom adopts Brichto's approach and takes it further, focusing on the fact that by bringing the matter to a Kohen, an emissary of God, justice is taken out of the hands of the people. God's justice, not flawed human justice, will thus prevail.³¹ In an [article](#) for *My Jewish Learning*, R. Avi Shafran, a spokesman for Agudath

³⁰ As an example of one of the atypical issues explored, see *Emet le-Yaakov's* suggestion that God allowed black magic to flourish during the age of prophecy, *zeh le-umat zeh*, so that people had a choice what to believe in. If there was only true prophecy, humankind would have little choice but to follow God's directives. *Emet le-Yaakov*, 263-64.

³¹ [The JPS Torah Commentary: Numbers](#), Jacob Milgrom, ed. (The Jewish Publication Society, 1989), 349-50. See also

Israel of America, adopts *Emet le-Yaakov's* approach, although without citing him by name.

And maybe there's more to this suggestion than mere apologetics. It's particularly fascinating that in 2012, a similar thesis appeared in the scholarly literature about trial by ordeal writ large. Economist Peter Leeson [argues](#) (popularized [here](#)) that in general, medieval trial by ordeal was for the innocent. Because people believed in the ordeal's efficacy, the guilty would confess in order to avoid injury. Only the innocent would put themselves to the test. The priests, knowing this, would rig ordeals so that they tended to vindicate the accused, such as by lowering the temperature of the boiling water so that the burn would heal faster and be interpreted as a sign of innocence from God.³² According to Leeson, rituals that command belief can be a highly effective means of dispensing justice and separating the guilty from the innocent, maybe as much so as our criminal justice system with all its complexities, shortcomings, and costs. Leeson's theory thus transforms medieval trial by ordeal into a psychodrama of its own using less apologetics and more economics.

Perhaps Leeson's approach provides some support for that of our three thinkers. Or maybe not. In the end, God didn't reveal in the Torah why Sotah is treated so differently from other legal proceedings. But whatever the *peshat* in the

Jacob Milgrom, "The Case of the Suspected Adulteress, Numbers 5:11-31: Redaction and Meaning," in [The Creation of Sacred Literature: Composition and Redaction of the Biblical Text](#), Richard Elliot Friedman, ed. (University of California Publications: Near Eastern Studies 22, 1981), 69-75.

Sotah passage may be, it says something that three thinkers from very different backgrounds, in their quest to clarify this challenging text, hit upon the same fundamental idea: that a test which seems to unfairly single out a woman for an unproven crime might have really been fashioned by God proclaim her innocence beyond the shadow of a doubt.

Managing Editor:
David Kollmar

Editors:
David Fried
Chesky Kopel
Yosef Lindell
Tamar Ron Marvin
Chaya Sara Oppenheim
Tzvi Sinensky

Consulting Editors:
Miriam Krupka Berger
Elli Fischer
Miriam Gedwiser
Chaim Saiman
Jeffrey Saks
Jacob J. Schacter
Sara Tillinger Wolkenfeld
Shlomo Zuckier

Please contact us at editors@thelehrhaus.com

³² Peter T. Leeson, "[Ordeals](#)," *Journal of Law and Economics* 55 (University of Chicago, 2012): 691-714.