

UNFAITHFULNESS, UNCLEANLINESS, AND THE SUSPECTED ADULTERESS IN
NUMBERS 5:11-31

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NUMBERS 5:11-31 TRANSLATION:

(11) And YHWH spoke to Moses, saying, (12) “Speak to the sons of Israel and say to them, “[If] any man’s wife goes aside and acts unfaithfully to him, (13) and a man lays with her laying seed, and [it] is concealed from the eyes of her husband, and it is hidden and she is made unclean and there is no witness with her and she is not captured, and there passes over upon him a spirit of jealousy and he is jealous for his wife and she is made unclean to him, (14) [or] there crosses over upon him a spirit of jealousy and he is jealous of his [wife] and she is not unclean, (15) then the man will bring his wife to the priest and he will bring an offering of a tenth of an ephah of barley flour not poured out before him, but he shall not put frankincense in it, for it is an offering of jealousy.

(16) Then the priest shall bring her and cause her to stand before YHWH. (17) And the priest shall take holy water¹ in an earthen vessel and from the dust which is on the floor of the tabernacle the priest shall take and put it in the water. (18) And the priest shall cause the woman to stand before YHWH and he shall uncover the head² of the woman and he shall put in her hands the grain offering of jealousy, and in the hands of the priest is to be the bitter water which causes a curse.³ (19) And the priest shall charge her with an oath, saying to the woman, “If a man has not lain with you, and if you have not turned aside in uncleanness from beneath your husband, then may you be acquitted from the bitter water which causes a curse. (20) But if you have turned aside from beneath your husband, and if you have been unclean, and a man has given to you to lay with you beside your husband.”

(21) And the priest shall cause her to be commanded and the woman to oath the curse, then the priest shall say to the woman, “YHWH has given you to an oath and a curse among your people and YHWH [will] cause your thigh to fall⁴ and your belly to swell. (22) And the bitter water which causes a curse shall cause this in your stomach to cause your belly to rot and your thigh.” And the woman shall say, “Amen, Amen.” (23) And the priest shall write these curses in a book, and he shall wipe them off into the bitter water. (24) And he shall cause the woman to drink the bitter water which causes cursing and the bitter waters which cause cursing shall enter her to bitterness. (25) And the priest shall take from the hand of the woman the offering of jealousy, and he shall wave the offering before the face of YHWH. And he shall bring [it] to the altar. (26) And the priest shall take a handful from the offering, the memorial, and he shall cause to burn upon the altar.

(27) Then she will drink the water, and if she has been defiled and she has been unfaithful, they will go into her, the bitter waters which cause cursing, and her thigh will fall and her belly will swell and the woman will be cursed among her people. (28) But if the woman is not unclean and but she is clean and she will be free and she will conceive seed. (29) This is the law of jealousy when a wife goes aside beneath her husband and is made unclean. (30) To him, a man upon whom comes a spirit of jealousy and he is jealous of his wife, and he causes the woman to stand before YHWH, and the priest will do to her all of this law. (31) Then the man shall be clean from his guilt, and the woman, she will carry her guilt.

¹LXX, “clean flowing water,” καθαρὸν ζῶν.

²עֲרָב some translations “unbind her hair,” (ESV) or “loosen her hair” (NASB).

³The meaning of this expression is uncertain. LXX reads “waters of rebuke” (τοῦ ἐλεγμοῦ).

⁴רָפָא sometimes translated here as “rot” (KJV) or “waste” (NASB). The NIV interprets this as “miscarriage.”

INTRODUCTION

Numbers 5:11-31 tends to shock modern sensibilities. While contending that “it is vital to ‘wrestle’ meaning from the biblical text,” feminist scholar Rebecca Alpert concludes, “There is no avoiding the sexism of our biblical material.”⁵ Dennis Olson agrees, “This text is highly disturbing to any modern reader sensitive to issues of mutual love and fairness in marriage relationships. The law reflects ancient cultural mores that most readers would find unacceptable today.”⁶ However, Timothy Ashley suggests the controversy surrounding this passage originated long before the “modern reader.” “This passage forms the basis for the tractate *Sotah* in the Mishnah, and has probably been debated since well before the time of the Mishnah. It occasions problems on literary, sociological, and theological levels.”⁷

We will look at the literary, sociological, and theological problems that Ashley mentions here. Under literary concerns, we will argue that the placement of the passage within Numbers contributes positively to our understanding of the passage. We will also briefly examine the literary structure of the passage as a whole. However, our attention will be primarily focused on three key interpretive issues in the passage. As we grapple with these exegetical challenges, we will consider some of the sociological and theological ramifications, and how this section of biblical law relates to modern ethics. Despite its “disturbing” nature, we will see that Numbers 5:11-31 1) Provides protections for both husbands and wives, 2) Deals practically with the problem of jealousy in marriage, 3) Seeks to uphold the sanctity of marriage in the face of jealousy.

LITERARY CONTEXT

Commenting on the placement of this passage, Gordon Wenham remarks, “As often in Numbers, it is not immediately apparent what 5:11-31 has to do with its context.”⁸ Nonetheless, it is not too difficult to see the connection with a closer examination of some key terms. Numbers 5:1-4 address ritual uncleanness (טָהֹרָה) resulting from contact with a dead body or leprosy. Numbers 5:13 says the issue is a woman who may or may not have “become unclean” (נָתָרָה).

⁵Rebecca T. Alpert, “The Sotah Revisited,” *The Reconstructionist* 53 (1988): 32-33.

⁶Dennis T. Olson, *Numbers*, IBC (Louisville: John Knox Press, 1996), 35.

⁷Timothy R. Ashley, *The Book of Numbers*, NICOT (Grand Rapids: Eerdmans, 1993), 119.

⁸Gordon J. Wenham, *Numbers*, TOTC (Downers Grove: InterVarsity Press, 1981), 80.

through illicit sexual intercourse with a man who is not her husband.⁹ Verses 5-10 address acts of unfaithfulness (לֹעֲגָה) committed against YHWH. Likewise, 5:12 and 5:27 use the same terminology to describe a woman's unfaithfulness to her husband. Therefore, we can see at least two thematic concerns which connect these sections of Numbers 5: uncleanliness and unfaithfulness. These key ideas certainly shed light on our understanding of 5:11-31 as well. In particular, we will see "uncleanliness" is one of the driving factors of the text.

LITERARY STRUCTURE

Ashley suggests there are two basic ways to approach Numbers 5:11-31.¹⁰ On one hand, many scholars see the passage as a conflation of two or more priestly rituals. Proponents of this approach differ on details, but Eryl Davies provides a good representative summary:

The general confusion within this section must favor the view that it represents the combination of two distinct (yet closely allied) ordeal processes: one probably involved the use of the 'water of bitterness' (vv. 15a, 16f., 19f., 22a, 23f.) and was intended to render a judicial decision in a reasonably definite case of adultery (vv. 12f., 29, 31) while the other involved a solemn, imprecatory oath (vv. 14a, 18a, 21, 22b, 25f.) and was intended to allay the suspicions of a husband who harbored doubts concerning his wife's fidelity (vv. 14, 30).¹¹

The downsides to this approach are quickly apparent. First, the proposition is completely speculative; there is no textual evidence to support such a conflation of sources. Second, it does not offer much hope for meaningful understanding of this text. Furthermore, if the passage really is as confusing as Davies suggests, it indicates some very haphazard scribal work. This side of Davies' theory loses plausibility in light of recent analysis that shows Numbers to be a highly structured and carefully composed piece of literature.¹² More likely, but still speculative, Martin Noth suggests Numbers 5:11-31 is "a traditional text [which] has been lightly reworked."¹³

⁹Variations of this key word appear again, twice in verse 14, then 19, 20, 27, and 28.

¹⁰Ashley, *Numbers*, 120.

¹¹Eryl W. Davies, *Numbers*, NCB (Grand Rapids: Eerdmans, 1995), 51. For a helpful chart summarizing source theories, cf. Julian Morgenstern, "Trial By Ordeal Among Semites and in Ancient Israel," *HUCA* Special Issue (1925): 113-143.

¹²Mary Douglas, *In the Wilderness: The Doctrine of Defilement in the Book of Numbers* (Sheffield: JSOT Press, 1993).

¹³Martin Noth, *Numbers*, trans. James D. Martin (Philadelphia: Westminster Press, 1968), 49. Noth still feels it necessary to offer unsubstantiated guesses about the pre-literary history. Cf. also Baruch A. Levine, *Numbers 1-20: a New Translation with Introduction and Commentary*, AB (New York: Doubleday, 1993), 200.

More productive has been the second approach, which instead focuses its attention on understanding the passage as a literary whole.¹⁴ Particularly helpful in this regard is the work of Tikva Frymer-Kensky. Frymer-Kensky argues that Numbers 5:11-31, “can be considered a paradigmatic case of the use of *inclusio*-repetition to unify a passage with a complex structure.”¹⁵ She contends that the perceived difficulty in the passage is largely related to the precise nature of the instructions being given. The basic structure is: 1) Introduction (vv. 12-14), 2) Action (vv. 15-24), 3) Recapitulation (vv. 29-30), and 4) Addendum-Resolution (v. 31). The longest section (where commentators have typically had the most confusion) is the “Action” sequence. This section contains detailed directions for the ritual, and can be further broken down into “Initiation” (v. 15), “Preparation” (vv. 16-18), “Adjuration” (vv. 19-23), and “Execution” (vv. 24-28).¹⁶ So then, we first have a statement of the type of scenario in question, which is a husband who rightly or wrongly suspects his wife of adultery. The passage goes on to describe the steps which must be taken to initiate and carry out the ritual. A restatement of the law is given which completes the *inclusio*. The last verse is simply a remark on the implications of this law when it is properly carried out.

We can see that the literary context gives us a good starting point to understand Numbers 5:11-31. We should be aware of the overarching concerns for “uncleanliness” and “unfaithfulness,” and assume the instructions in our passage relate closely to these broader concerns. Rather than a mishmash of earlier traditions, we should take this passage as a detailed set of instructions for a legal and religious ceremony.

THREE KEY EXEGETICAL QUESTIONS

Moving on from the literary context and general structure of the passage, we will now focus on three key questions. First, what is the precise meaning and implication of the *leitwort* “jealous/jealousy” (14, 15, 18, 25, 29 and 30)? Second, what is the meaning and purpose of the “uncovering/loosening of the hair” in verse 18? Why is this included in the ritual? Third, how are

¹⁴Ashley, *Numbers*, 119-135 and Wenham, *Numbers*, 79-85. Cf. Herbert. C. Brichto, “The Case of the *Sôta* and a Reconsideration of Biblical ‘Law’,” *HUCA* 46, (1975): 55-70; John D. Currid, *Numbers*, EP Study Commentary (Carlisle, PA: EP Books, 2009); Michael Fishbane, “Accusations of Adultery: A Study of Law and Scribal Practice in Numbers 5:11-31,” *HUCA* 45 (1974): 25-45; Tivka Frymer-Kensky, “The Strange Case of the Suspected Sotah,” *VT* 34 (1984): 11-26; Jacob Milgrom, *Numbers*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989).

¹⁵Frymer-Kensky, “The Strange Case,” 13.

¹⁶Frymer-Kensky, “The Strange Case,” 14.

do we understand the “bitter waters” (18, 19, 22, 23, 24)? Through our attention to these exegetical details, we will progress another step closer to making sense of this “disturbing” bit of legal code.

“Jealousy” *נֹאָזֶן*

First is *נֹאָזֶן*, which most translations agree is appropriately rendered as “jealousy.” For some, this is jealousy in the form of “a nagging suspicion which cannot [be] dismissed.”¹⁷ However, when we examine the usage of *נֹאָזֶן* throughout the OT and particularly Numbers, a different connotation becomes apparent. *TDOT* defines the secular usage as “a violent emotion aroused by fear of losing a person or object.” In Numbers 5:14, it suggests the emotion can rightly be understood as “rage and fury.”¹⁸ The *TDOT* definition appears to be the correct understanding of our passage, particularly when compared with the religious context in which this word appears later in Numbers 25. In 25:11, Phineas the son of Eleazar turns away the jealousy of YHWH from against the sons of Israel. There is clearly a connection between jealousy, the righteous anger of YHWH, and the idolatrous immorality of Israel. As Wenham has pointed out, the jealousy of the husband in Numbers 5 is analogous to the jealousy of YHWH for his bride, Israel. The jealous husband, therefore, not only indicates marital problems, but poses a potential threat to the wife.

Verse 15 notes the “offering of jealousy.” “Then the man will bring his wife to the priest and he will bring an offering of a tenth of an ephah of barley flour not poured out before him, and he shall not put frankincense in it, for it is an offering of jealousy.” The expression “offering of jealousy” is unique. However, the same offering described here can be found in Lev 5:3-4 in the discussion of the sin offering. A “tenth of an ephah of barley flour” without frankincense was to be the offering for uncleanness in the case of one who could not afford a lamb or turtle doves. This offering covers both ceremonial uncleanness and guilt resulting from a rash vow. Verse 26, “And the priest shall take a handful from the memorial offering, and he shall cause to burn upon the altar.” We see “memorial offerings” or “remembrance offerings” (*אֶתְמָרְתָה*) in Leviticus 2:2, 9, 16, 5:12, 6:15, and 24:7. In each case, the “memorial” portion is burned,

¹⁷William McKane, “Poison, Trial by Ordeal and the Cup of Wrath,” *VT* 30 (1980): 474-492, 474. Cf. Richard S. Briggs, “Reading the *Sotah* Text (Numbers 5:11-31): Holiness and A Hermeneutic Fit for Suspicion,” *BI* 17 (2009): 288-319. While an interesting attempt to make some sense of the passage and its present day implications, Briggs lets his methodology carry him far beyond the actual text.

¹⁸Wallenhorst E. Reuter, “*נֹאָזֶן*,” *TDOT* 13:47-58.

whether in a sin offering (Lev 6:15) or a regular Sabbath offering (Lev 24:7). Whereas in other cases the purpose is to recall to mind things already known, here there seems to be an idea of bringing forth what is unknown to any but YHWH. So Gray comments, “When Yahweh forgets, guilt goes unpunished; when He remembers, He visits the sinner.”¹⁹ By the same token, YHWH may likewise vindicate the innocent.

In the course of the ritual, we see this offering takes place whether or not the suspected woman is in fact unclean because of adultery. Whether guilty or not, the marriage is functionally unclean, at least from a ceremonial standpoint.²⁰ The husband must give an offering on behalf of his wife in order for her to even stand trial. Because the jealousy may in fact be unwarranted, this offering serves to clear the husband’s guilt if his wife is in fact innocent. Hence the concluding remark in verse 31, “Then the man shall be clean from his guilt, and the woman she will carry her guilt.” Therefore, the jealousy offering serves to restore the sanctity of the marriage if it has been besmirched by unwarranted jealousy. Conversely, it is a memorial of her sin if the woman is in fact guilty.

“Uncover [her] head” פָּרֹעַ אֶת-רְאֵשׁ

Verse 18 includes an interesting element of the ritual, “And the priest shall cause the woman to stand before YHWH and he shall uncover the head of the woman.” The expression פָּרֹעַ אֶת-רְאֵשׁ has been translated as “unbind” (ESV), “let loose,” (NASB), and somewhat differently as “uncover” (KJV). The KJV’s “uncovered” matches the LXX translation of υρά in Numbers 5:18, which is ἀποκαλύπτω.²¹ In both Leviticus 10:6 and 21:10, priests are forbidden to uncover their heads, lest they be unclean. In Leviticus 13:45, the other passage where someone is instructed to uncover his head, it is a leper living outside the community and crying “unclean, unclean.”

In an extensive survey of head coverings in Judaism, Samuel Krauss argues against the KJV’s interpretation of “uncovering” based on the testimony of the Mishnah. “The authentic interpretation of the verb פָּרֹעַ in the ordeal of the *Sotah* was, in the precise language of the

¹⁹George Buchanan Gray, *A Critical and Exegetical Commentary on Numbers*, ICC (Edinburgh: T&T Clark, 1976), 51, cf. 1 Kgs 17:18; Ezek 21:28f., (23f.) 29:16; Hos 8:13; Jer 44:21f.; Pss 25:7, 137:7. Cf. also Currid, *Numbers*, 92.

²⁰Noth contends the ethical sense of uncleanliness was a later development, *Numbers*, 52.

²¹ The word υρά occurs 16 times in the OT. Where it occurs in Leviticus (10:6; 13:45; 21:10) it is always translated as “uncover.” In the LXX, Leviticus 10:6 and 21:10 use ἀποκιδαρώ. Whereas our passage and Leviticus 13:45 use ἀκατακάλυπτος. This is the same term that appears in 1 Corinthians 11:5.

Mishna (Sotah I. 5) וְסַוְתֵּר אֶת שְׂעִירָה, ‘the priest deranges her hair.’²² Hence, the NASB, ESV, and most other modern translations go with “loosen,” “unbraid,” or a similar variation in keeping with the rabbinic tradition. However, a closer look at the Mishnah Sotah should make us pause before relying too heavily on its evidence. In the first place, the ritual described in Mishnah Sotah diverges significantly from the biblical account. Whereas the Numbers 5:11-31 focuses on bringing the question of guilt or innocence to light, Mishnah Sotah adds several barbaric steps to the process, including uncovering the suspected woman’s breasts and flogging her. Indeed, in this expanded version, the ritual itself is the punishment.²³ This should at least cause us to question Mishnah Sotah’s reliability with regard to interpreting Numbers 5:11-31. Furthermore, in the Tosefta Sotah, there is further variation in the ritual: instead of “deranging of the hair,” we find “removing of the skullcap.”²⁴ Therefore, the “uncovering” interpretation can be found even in rabbinic literature.

This detail may in itself seem irrelevant. However, in the Mishnah, the purpose of loosening the hair is to shame the woman. Levin agrees, “Uncovering the hair and loosening it were forms of shaming, and these procedures made of the woman so treated someone to be shunned.”²⁵ As early as Calvin we see an objection raised: “It seems incongruous that, as some suppose, the veil was removed from her head in token of her infamy, since thus she would have been condemned before her case was heard.”²⁶ Indeed, presupposing the woman’s guilt runs counter to verses 13-14, which underscore the lack of evidence and emphasize the uncertain nature of the case.

Both Levin and Ashley mention two alternatives: mourning (Lev 10:6, 21:10), and as we have already seen, uncleanness (like a leper Lev 13:45).²⁷ We can certainly see that mourning might accompany such a bitter ordeal as this. However, we also noted that in these passages the priests are specifically prohibited from uncovering their heads lest they be unclean. In the context of Numbers 5:11-31, the connection between an uncovered head and ceremonial

²²Samuel Krauss, “The Jewish Rite of Covering the Head,” *HUCA*, 19 (1945): 121-168.

²³Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash*, JSJSup 160 (Leiden: Brill, 2012): 70-71.

²⁴Rosen-Zvi, *The Mishnaic Sotah Ritual*, 134-135.

²⁵Levine, *Numbers 1-20*, 201.

²⁶John Calvin, *Commentaries on Four Last Books of Moses Arranged in the Form of a Harmony*, Calvin’s Commentaries, trans. Charles William Bingham, 22 vols (Edinburgh: Calvin Translation Society, 1843; repr. Grand Rapids: Baker, 2005): 3:88.

²⁷Ashley, *The Book of Numbers*, 129.

uncleanliness seems to be the most likely reason. This fits with one of the thematic element of uncleanness we have observed in Numbers 5, as well as the connection between the husband's jealousy and uncleanness.

It might seem that Calvin's objection can be raised to this interpretation as well. If the "uncovering" symbolizes her uncleanness rather than her infamy, has she not still been "condemned before her case was heard?" This is only the case if uncleanness is limited to the actual act of adultery. However, we have already suggested that the husband's jealousy itself makes the marriage unclean in some sense. Therefore, in her uncertain state as a suspected adulteress, whether morally unclean or not, the woman stands before YHWH ceremonially unclean. If the woman is falsely accused, this ritual serves to restore her standing, both with her husband and potentially with the community at large.

"Bitter water which causes a curse" מֵ שָׁפָרִים קְמַאֲרִים

The expression מֵ שָׁפָרִים קְמַאֲרִים is perhaps the most intrinsically perplexing part of this passage. קְמַאֲרִים is a *piel* participle with a dual ending, typically translated "causing cursing" or "curse-bringing."²⁸ The curse that falls upon the woman if she is guilty is spelled out in verse 21, "YHWH has given you an oath and a curse among your people and YHWH [will] cause your thigh to fall and your belly to swell." What exactly "fallen thigh" (ירק נִפְלָת) and "swollen belly" (בְּטַנֶּה צְבָה) mean from a medical standpoint remains disputed.²⁹ Much debate surrounds these terms, and their connection with the adjective מָרִים, or "bitterness." However, given in alternative outcome in verse 28, "But if the woman is not unclean and but she is clean and she will be free and she will conceive seed," it seems to indicate a problem with the reproductive organs.

Scholars have proposed various alternative interpretations of this expression. There is much overlap and variation among commentators, but we can summarize three basic positions.³⁰

- 1) G. R. Driver makes the case that מָרִים should be translated as "disputed, doubted matter," rather than bitterness. He connects this with the LXX translation, ὕδατος τοῦ ἐλεγμοῦ. Therefore,

²⁸Francis Brown, S.R. Driver, Charles A. Briggs, *A Hebrew and English Lexicon of the Old Testament* (Boston: Houghton, Mifflin, & Co., 1906; repr., Peabody, MA: Hendrickson, 2012), 76.

²⁹See Frymer-Kensky, "The Strange Case," 19.

³⁰Eve Levavi Feinstein gives a helpful summary, "The 'Bitter Waters' of Numbers 5:11-31," *VT* 62 (2012): 300-306. Cf. also Frymer-Kensky, "The Strange Case," 25-26; Dennis Pardee, "Mārim in Numbers 5," *VT* 35 (1985): 112-115.

the sense of “bitter waters” is actually “waters of dispute,”³¹ emphasizing the lack of judicial evidence in the case. This seems to fit well with the open-ended nature of the ritual as well.

However, as Frymer-Kensky points out, this seems to be outside the lexical range. 2) McKane argues that the “waters of bitterness” are a poisonous concoction designed to induce a miscarriage if the woman is guilty. He explores the connection between the “waters of bitterness” here and the “cup of wrath” spoken of by Jeremiah and the prophets.³² Levin builds off this view, suggesting that verse 22, “And the bitter waters that cause cursing shall cause this in your stomach to cause your belly and your thigh to fall,” indicates a miscarried pregnancy:

It is reasonable to conclude that at times, if not quite often, pregnancy was material to the implementation of the ordeal. If this conclusion is correct, a pregnant woman who was “found out” by the ordeal would in fact lose her fetus; the ordeal would terminate her pregnancy.³³

However, while it may seem plausible to connect “bitterness” with “poison,” McKane’s interpretation nonetheless assumes some addition to the bitter mixture not mentioned in the text. Furthermore, there is the ethical problem of whether Mosaic Law would actually advocate abortion.³⁴ 3) In yet another interpretation, “J. Sasson proposes a derivation from Ugaritic *mrr*, meaning ‘bless’; the phrase *מי המרים המארים* would then constitute a *merismus*, meaning ‘waters that bless/curse’, or ‘waters of judgment.’”³⁵ The idea being, if the woman proves innocent, the water brings a blessing, if guilty, then a curse. The main difficulty with this view is verse 24, “And he shall cause the woman to drink the bitter water which causes cursing and the bitter waters which cause cursing shall enter her to bitterness.” It is difficult to make sense of *המארים המרים* with this interpretation. 4) Brichto takes a different approach, and reasons from the

³¹Godfrey Rolles Driver, “Two Problems in the Old Testament Examined in the Light of Assyriology,” *Syria* 33 (1956): 70-78.

³² William McKane, “Poison, Trial by Ordeal and the Cup of Wrath,” *VT* 30 (1980): 474-492.

³³Levine, *Numbers* 1-20, 203. Likewise, the NIV reads, “He makes your womb miscarry and your abdomen swell.” This suggestion that this indicates a miscarriage was popularized by Driver, but I mention it in connection with McKane’s position because it is closely related to his view. See Frymer-Kensky, “The Strange Case,” 19 fn. 15: “Driver sees alternative results: if the woman is pregnant, she will abort; if she is not, her womb will get hot and dry (*wesäbeta bitnäh*) and she will not be able to conceive. The term *népel* refers to abortion In Ps. lviii 9; Job iii 16, and Eccles. vi 3. However, the term is applied to the foetus itself: it is the foetus that “falls (out)”, rather than the “thigh”. Since, moreover, there is no reason to suppose that the woman was pregnant at the time of trial, it is unlikely that the “thigh falling” refers to abortion.”

³⁴For example, see Bruce Waltke, “Reflections from the Old Testament on Abortion,” *JETS* 19 (1976): 3-13. We should note that in some cases, children do suffer and experience death on account of the divine judgment of their parents (2 Samuel 12). Nonetheless, Deuteronomy 24:16 is clear that the death penalty is not to be inflicted upon a child for the sin of the parent, therefore prohibiting an induced abortion.

³⁵Summarized by Feinstein, “The ‘Bitter Waters’,” 301.

standpoint the “bitterness” does not make sense in the context, and therefore a different word must be in use. “[The water] either induces or does not induce the spell, thus operating in an oracular manner to point to guilt or innocence respectively.”³⁶ He suggests that the root word could actually be נְרָה, “to instruct, teach.” Therefore, he sees the emphasis on the water’s “instructive” or “revelatory” nature.

Each alternative has its own unique appeal, yet none is overwhelmingly convincing. Driver’s solution makes wonderful sense but is weak lexically. McKane’s proposal falls short lexically and runs counter to principles of the Mosaic Law. Sasson’s interpretation seems to fit beautifully but encounters grammatical problems, particularly in verse 24. Brichto argues that a literal translation of “bitterness” makes no sense exegetically. Although his suggestion for an alternative interpretation is inclusive, he at least puts us on the right track interpretatively. The emphasis of the passage is not on the nature of the water, but rather the fact that the outcome of the trial is in YHWH’s hands. Milgrom rightly notes on verses 21-22:

The ostensible redundancy between verses 21b and 22a is thereby explained: The punishment suffered by the guilty woman is not to be attributed to inherent magical powers of the water (v. 22a) but to the sovereign will of God.³⁷

Feinstein argues that the context does not make “bitter” too difficult an interpretation since it is frequently used in a metaphorical sense. “Bitter” can simply carry the connotation of “unpleasant,” which certainly would apply in this case. Feinstein contends that “bitterness” underscores the law’s strong approbation of adultery. While the law is not unfairly biased against the accused woman, it nonetheless accounts for the seriousness of the accusation:

[T]he text does take pains to emphasize that this trial is fair: no woman will be convicted of adultery merely because her husband suspects her. Yet the overall thrust of the passage is an emphatic condemnation of adultery and a warning to any woman who might commit it.³⁸

Whether the actual word is “bitterness” or something else, both God’s concern for faithfulness in marriage and his oversight of the outcome of this ritual are clearly emphasized. Calvin provides an excellent summary:

³⁶Brichto, “The Case,” 59: “The word itself might, however, be traced to *yrh* (cf. *törä* = “oracle”; possibly “oracular tree” *'ēlōn mōrē* in Gen. 12:6.”

³⁷Milgrom, *Numbers*, 41. Milgrom’s assumption that this comment was inserted after the original composition is unnecessary.

³⁸Feinstein, “Bitter Waters,” 306.

God shows that the marriage-bed is under His protection and safeguard. We must remember, too, that this was not a mere empty bugbear, inasmuch as God undoubtedly appeared as the open avenger of unfaithfulness, according to His declaration. Nor is the threat added in vain, that if the woman be a deceiver, she should be a curse among the people, because her belly should swell and her thigh dissolve; whilst, on the other hand, He does not promise in vain, that if she be innocent, she should not only be free, but prolific also; so that God's blessing would be the seal of her absolution.³⁹

So then, the “bitter water which causes a curse” points to the key theme of unfaithfulness. It may likewise correlate to the idea of uncleanliness. As we have seen, both the jealousy of the husband and the uncovering of the woman’s head suggest the marriage has become ceremonially unclean before God. Whether for the woman who is wrongly accused or the husband whose suspicions are confirmed, this is certainly a bitter situation. The water ritual is unpleasant to be sure, but nonetheless an important provision for dealing with either uncleanliness or unfaithfulness in marriage.

SOCIOLOGICAL AND THEOLOGICAL CONCERNS

Sociological Concerns: Is it Sexist?

We saw at the outset the objections raised to this passage, that it is “sexist” and ethically backward on “issues of mutual love and fairness.” Feminist scholar Bonna Devora Haberman expresses her concern succinctly: “There is no parallel text that considers a man’s turning, a *soteh*, and a woman’s jealousy. The text begs the question, why is there such a preoccupation, even cruel obsession, with women’s fidelity?”⁴⁰ While particularly troublesome to today’s audience, this question is not new and feminist scholars are not the first to ask it. Seventeenth century presbyter and commentator Matthew Poole addressed the same concern, seeing three possible answers. 1) Women are “more subject to jealousies and groundless suspicions,” and therefore not trusted with the right to initiate this trial. 2) There is a sense in which a woman’s adultery is more heinous than a man’s. 3) A woman suspicious of her husband is less likely to harm him than a husband suspicious of his wife.⁴¹ This fairly summarizes the gambit of alternatives we have here.

³⁹Calvin, 89.

⁴⁰Bonna Devora Haberman, “The Suspected Adulteress: A Study of Textual Embodiment,” *Prooftexts* 20 (2000): 12-31.

⁴¹ Matthew Poole, *A Commentary on the Holy Bible* (3 vols.; Peabody: Hedrickson, 1985), 1:271.

Poole's first suggestion is can be rightly criticized as "sexist," since it posits a view that women are by nature morally inferior. However common such a view may have been historically, there is no justification for it in the Mosaic Law. Without delving into the broader issue of the rank and status of women in the Old Testament, we should simply note that jealousy itself is never described as a womanly characteristic – quite the opposite.⁴² Therefore, this interpretation does not seem warranted.

The second suggestion appears subject to the same criticism at first glance. Deuteronomy 22:22-24 makes it clear that in cases of *known* adultery both parties are equally guilty. The imbalance of the law dealing only with a wife's suspected adultery should not suggest to us that a husband's adultery is any less heinous. However, the reasoning behind this point is nuanced, and deserves closer consideration. Milgrom writes:

The unfaithful wife is a recurring prophetic image for Israel's infidelity to God (e.g., Hos 2:4-22; Jer 3:8f; Ezek 23:37). Moreover, *ma'al* is used in priestly texts for idolatry (cf. Lev 26:40; Num 31:16). Since *ma'al* denotes straying after other gods. Its extension to straying after other men is obvious. As the only term used in common in the laws of oath violation (5:6-8) and the laws of adultery (5:11-31), it provides a link between these two otherwise unrelated cases.⁴³

In other words, though the crime is equally heinous whether man or woman, it is nonetheless a different crime. The responsibility of a woman to her husband is amplified because of the way it parallels Israel's responsibility of faithfulness to YHWH. As we have seen already, the concern of "unfaithfulness" key to the context of our passage. Wenham points out:

Throughout Scripture the covenant relationship between God and his people is compared with marriage. As he is concerned with the purity of Israel shown in the expulsion of the unclean from the camp, so husbands are right to be worried if they suspect their wives have polluted themselves through infidelity.⁴⁴

The issue of uncleanliness is not merely a question of the husband's marital rights, but also the purity of the people. This is clear from the context of Numbers 5:1-4.

While this makes sense theologically, it still leaves the main ethical concern unanswered:

[T]hese and other attempts to soften the ritual ordeal cannot erase the disturbing fact that a husband's mere unfounded suspicions can subject his wife to a humiliating ordeal without any sanction against the husband if his suspicions are proved wrong. The

⁴²The feminine verbal form only appears once, Gen. 30:1, describing Rachel's jealousy of Leah.

⁴³Milgrom, *Numbers*, 37.

⁴⁴ Wenham, *Numbers*, 79.

husband's concerns are heard, but the woman has no voice or opportunity to do anything other than to assent to the ritual with the words "Amen, Amen."⁴⁵

This brings us to the third option, the protection of the woman. Poole suggests that a woman overcome by a "spirit of jealousy" is less likely to harm her husband than a man is to harm his wife. Brichto develops this view further, supposing the ritual is primarily designed to vindicate the innocent wife:

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!... That exactly is the intent and purpose of the entire case. And therein lies the explanation of the measured pace of the ritual's description.⁴⁶

Feinstein moderates this view, reminding us that, "In any fair trial, conviction and vindication are both possibilities, and the text does take pains to emphasize that this trial is fair."⁴⁷ Nonetheless, Brichto's point is well-taken. From a purely human standpoint, the ritual gives the woman the benefit of the doubt. God must intervene supernaturally for any judgment to take place.

The benevolence of this law comes into sharper focus when it is compared with other "trials by ordeal" of the Ancient Near East. In particular, commentators have made much of the parallels between Numbers 5:11-31 and the trial for the woman suspected of adultery found in the Code of Hammurabi. According to this legal code, the woman suspected of adultery must cast herself upon the river god (i.e. throw herself into the river) to determine whether or not she is guilty.⁴⁸ In this case, the woman has every reason to fear the outcome of the trial regardless of whether she is guilty. She is at the mercy of nature. In Numbers 5:11-31, the ritual itself is intrinsically harmless. The bitterness of the waters is mitigated unless she is guilty.

A second important difference here is that there is no reciprocal punishment for the man if his suspicions prove unfounded. Such was the practice among the people of Mari, as well as the Bedouins and other Palestinian peoples.⁴⁹ At first glance, punishment for the man should his accusations prove false seems fair, and exactly the sort of stipulation that would satisfy the concerns of Haberman and others who charge this law with sexism. However, we should

⁴⁵Olson, *Numbers*, 37.

⁴⁶Brichto, "The Case of the Sota," 66.

⁴⁷Feinstein, "Bitter Waters," 306.

⁴⁸Morgenstern, "Trial," 124.

⁴⁹Currid, *Numbers*, 99; Morgenstern, "Trial," 134.

consider the consequences of both cases. Where there is severe punishment for a false accusation, the husband's "unfounded suspicion" is more likely to linger, unaddressed for lack of evidence, but nonetheless making the marriage bitter and unclean through his jealousy. Furthermore, the woman herself may be subject to rumors and suspicion about her character, yet unable to prove her innocence. On the other hand, if the woman can easily be brought to trial, and if that trial is relatively painless – albeit bitter – both the husband's jealousy and the woman's character can be cleared without fear of the consequences.

The complaints filed against this passage are correct on one score: it falls short of God's ideal for marriage. Certainly, the extenuating circumstances of jealousy found in Numbers 5 fall short of the marriage ideal instituted at creation (Gen 2:24). As the Lord Jesus said concerning the divorce laws, they were provided "Because of the hardness of your hearts... but it was not like this from the beginning" (Matt 19:8).

How Does it Fit Theologically?

Doubtless the Israelites would have been familiar with trials by ordeal practiced through the Ancient Near East. Here, however, rather than being subjugated to the power of a nature deity, through symbolic ritual the woman is subjugated to the justice of YHWH himself. The ritual seems to consciously parallel and deviate from the typical pattern found in these proceedings. Morgenstern summarizes:

Here the magical element, as well as, apparently, all the magical "hocus-pocus", have been discarded. The ceremony no longer is per-formed at whatever place the "ordeal judge" or magician happens to be, but only at the sanctuary of Yahweh and under His supervision. The oath is taken in His name, and He is invoked thereby to determine with His infallible knowledge the guilt or innocence of the accused, and if guilty, to punish him accordingly.⁵⁰

YHWH's sovereignty and justice in contrast with pagan "hocus-pocus" is foundational for understanding Numbers 5:11-31. Furthermore, it speaks powerfully to God's people that they are to trust him alone for the arbitration of justice. It is YHWH's faithfulness that makes it possible to divine a suspected adulteress's unfaithfulness; it is YHWH's holiness to which the uncleanliness of the marriage, and indeed the whole community, must be restored.

⁵⁰Morgenstern, "Trial," 139. Morgenstern assumes Numbers 5:11-31 is an amalgamation of pre-Yahwist superstitions and traditions that developed over time. However, we can reject this assumption while still agreeing with his conclusion here.

We have seen the themes of “unfaithfulness” and “uncleanliness” throughout our passage. The sin of adultery is particularly heinous because it is akin to idolatry. In this passage, the wife’s responsibility of fidelity to her husband is underscored, paralleling Israel’s responsibility of fidelity to God.

CONCLUSION

Numbers 5:11-31 illustrates the key thematic concerns of unfaithfulness and cleanliness. Though perhaps disturbing at first glance, a closer look at this passage shows that what is truly disturbing is the sin of adultery. Adultery – even suspected adultery – is gravely serious and brings bitterness and uncleanliness to a marriage. The uncleanliness of adultery is not only an affront to the marriage, but to the covenant community, and ultimately to YHWH himself.

The legislation of this passage is remarkable in its concern for both the jealous husband and the accused wife. The ritual trial provides an unbiased means of conviction or acquittal. The process is overseen by YHWH, and depends on God’s sovereign intervention for an accurate verdict. We also see that while adultery is a serious criminal offense, jealousy also damages the sanctity of marriage. This legal code means that a husband’s jealousy should not linger unaddressed any more than adultery should go unpunished. As a whole, this legislation speaks of YHWH’s faithfulness and holiness, and his concern that these attributes should be reflected in the marriages of his people.

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