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## THE STRANGE CASE OF THE SUSPECTED SOTAH (NUMBERS V 11-31)

by

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The trial of the suspected adulteress in Num. v 11-31 is highly unusual within the corpus of Israelite Law. Like the case of the decapitated heifer (Deut. xxi 1-9) it is one of the few instances in which we have a detailed description of a ritual to be performed in answer to a crisis in the legal system: in the case of the decapitated heifer, the problem of an unsolved murder; in that of the Sotah, the issue of a suspected adulteress. The two crimes involved here—murder and adultery—are crucially dangerous to the fabric of Israelite society and are therefore punishable by death. In both circumstances—the discovery of a murdered body and the suspicions of a husband—it is impossible to “solve” the case by normal legal means, for in one case (the heifer) there is knowledge of a crime (murder) but no suspect, and in the other (the Sotah) there is a suspect (the wife) but no knowledge whether a crime has been committed. Since the issues of murder and adultery are too serious to be allowed to pass unpunished, special quasi-legal procedures or rituals are prescribed to resolve the situation by religious means. In the case of the decapitated heifer, the goal of the ritual is to forestall bloodguilt upon the people; in the case of the Sotah, to punish adultery. In both instances the ritual procedures are described in detail. The passage about the Sotah in Num. v 11-31 is found in a group of Priestly rituals. It is essentially a descriptive ritual instruction whose concern is to prescribe the circumstances of the trial and to describe the acts to be performed in the ritual and the words of the curse with which the woman is to be adjured.

The inherent interest of such an extraordinary trial has led to considerable discussion of the passage in Num. v 11-31. Despite such attention, however, the passage has not been fully understood, and questions remain about the nature of the trial and the ultimate punishment of the woman. Part of the difficulty lies in the difficult

language of the passage, which contains technical terms that are otherwise unknown;<sup>1</sup> even the key term used for the drinking potion, *mē hammārīm hamē'ārīm*, is not completely understood.<sup>2</sup> The problems of the text are compounded by the involuted structure which makes the passage appear repetitious and disjunctive. A realization of the primarily ritual nature of the passage, however, clarifies the structure and provides insights into the nature of the trial and its result.

The repetitions and disjunctions (e.g. at *v.* 21) led scholars of the critical school to divide the chapter into (at least) two original sources,<sup>3</sup> attributed by some to originally distinct rituals.<sup>4</sup> However, whatever literary prehistory the text may have had, it now has a unified structure and should be treated as a coherent whole. The recent studies of this text by Michael Fishbane,<sup>5</sup> Herbert Chanan Brichto,<sup>6</sup> and Jacob Milgrom,<sup>7</sup> have therefore taken a holistic approach to the passage. Such an approach is in accord with recent developments in biblical textual study which emphasize the appreciation of the composition and literary structure of individual passages and whole books.<sup>8</sup> This literary approach to the

<sup>1</sup> Such terms as *mnht qn't*, "meal-offering of jealousies", *mnht zkrwn*, "meal-offering of remembrance", and *mzkr't 'wn*, "evocation of wrong-doing" (all in *v.* 15) are restricted to this passage.

<sup>2</sup> See the additional note at the end of the article.

<sup>3</sup> On the question of sources, see B. Stade, "Beiträge zur Pentateuchkritik", *ZAW* 15 (1895), pp. 157-8; G. B. Gray, *A Critical and Exegetical Commentary on Numbers* (Edinburgh, 1903), p. 49 (who sums up the previous work), and R. Press, "Das Ordeal im alten Israel", *ZAW* 51 (1925), pp. 122-6. J. Morgenstern, "Trial by Ordeal Among the Semites and in Ancient Israel", *Hebrew Union College Jubilee Volume* (Cincinnati, 1925), pp. 128-9, denies the relevance of all previous attempts to distinguish the sources and includes a chart of all previous attempts to divide the chapter into its strands.

<sup>4</sup> e.g. M. Noth, *Das vierte Buch Mose, Numeri* (Göttingen, 1966), p. 46. E. Tr. *Numbers* (London, 1968), p. 49, would see originally separate types of divine judgement in a) the effect of the holy water, b) the curse-oath, and c) the acts of writing words in the book and consuming the book. M. Weinfeld suggests that "the strand prescribing the writing of the curse shows signs of more advanced religious conceptions" in that in it the water induces the curse, whereas in the earlier "strand" God is responsible ("Ordeal of Jealousy", *Encyclopaedia Judaica* 12 [Jerusalem, 1971], cols. 1449-50).

<sup>5</sup> "Accusations of Adultery: A Study of Law and Scribal Practice in Numbers 5:11-31", *HUCA* 45 (1974), pp. 25-45.

<sup>6</sup> "The Case of the *Sōtā* and a Reconsideration of Biblical 'Law'", *HUCA* 46 (1975), pp. 55-70.

<sup>7</sup> "The Case of the Suspected Adulteress, Numbers 5:11-31: Redaction and Meaning", a paper read to the Society of Biblical Literature in New York in 1979.

<sup>8</sup> The number of studies using this approach to the text is too great to

biblical text has revealed certain techniques such as subscripts,<sup>9</sup> repetitive resumptions and *inclusios*,<sup>10</sup> and inversions (see Talmon [n. 8, 1975], pp. 358-78), which are used in the composition of biblical passages, and in their editorial redaction and amalgamation into larger units. It is now clear that repetition, in particular, is not necessarily a sign of either multiple origins or bad style, but a classic biblical technique used variously to unify compositions with complex structure, to resume narrative after a long hiatus (as, e.g., Ex. xl 34-38 is taken up at Num. ix 15 f.) and to resume narrative after short digressions.

The discovery of the literary use of repetition illuminates the structure of Num. v 11-31, which can be considered a paradigmatic case of the use of *inclusio*-repetition to unify a passage with a complex structure. Since the passage is a descriptive-prescriptive narrative, it is necessarily complex. Events are given in basically chronological order, and the main focus of the passage is on the principal characters of the action, the priest and the woman. The purpose of the passage, however, is to inform the priest exactly what to do in the circumstances described in the introduction. All the details of the action must therefore be given, including the preparation of the potion to be drunk and of the woman's offering, and the exact words of the priest. The passage describes (prescribes) how the meal-offering is brought by the husband (v. 15), held by the woman during the adjuration (v. 18), and offered by the priest (v. 25); how the potion is prepared by the priest by putting dust from the floor of the tabernacle into an earthenware bowl full of holy water (v. 17), is held in the priest's hand during the adjuration (v.

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enumerate. For earlier studies, see C. Kuhl, "Die Wiederaufnahme—ein literarkritisches Prinzip?", *ZAW* 64 (1952), pp. 1-11; Meir Weiss, "Die Methode der 'Total-Interpretation'", *SVT* 22 (1972), pp. 88-112. And more recently S. Talmon-M. Fishbane, "Aspects of the Literary Structure of the Book of Ezekiel", *Tarbiz* 42 (1972/4), pp. 27-41 (Hebrew) and S. Talmon, "The Textual Study of the Bible—A New Outlook", in F. M. Cross and S. Talmon (ed.), *Qumran and the History of The Biblical Text* (Cambridge, Mass., 1975), pp. 321-400.

<sup>9</sup> Fishbane, see n. 5, and "Biblical Colophons, Textual Criticism and Legal Analogies", *CBQ* 42 (1980), pp. 438-9.

<sup>10</sup> The two terms refer to the same phenomenon: repetitive resumption is a term usually applied to an editorial device; *inclusio*, a more general term, is also applied to author practice. For repetitive resumption see Kuhl (n. 8). The term "repetitive resumption" was originated by H. M. Wiener, *The Composition of Judges II 11 to I Kings II 46* (Leipzig, 1929), but I have not been able to get this book. For the many *inclusios* in the Psalms, see M. Dahood, *Psalms I-III* (Garden City, New York, 1965-70), index s.v. *inclusio*.

18), has the curse dissolved in it (*v.* 23), and is given to the woman to drink (*vv.* 24-27); how the woman is brought by her husband (*v.* 15), is stood before the Lord (*vv.* 16, 18), holds the meal-offering in her hand (*v.* 18), is adjured by the priest (*vv.* 19-21), says “Amen, amen” (*v.* 22), has the meal-offering taken from her hand (*v.* 25), and is given the potion to drink by the priest (*vv.* 24-27). In order to include all these detailed elements while maintaining the form of a simple narrative and without taking the “spotlight” away from the principal actors, the text relies on a carefully organized structure based on a systematic use of *inclusio*-repetition.

The text begins with an introduction which states the circumstances under which the ritual may be used. It describes the events of the ritual and concludes the descriptive prescription of the ritual with a recapitulation of the circumstances under which it may be used. A statement about the post-ritual resolution of the case is appended: after the trial, if the woman is innocent, the husband is to be free from any penalties for false accusation, and if she is guilty, she is to bear her punishment (see below). The structure of the passage can be represented schematically:

A. *Introduction*: the circumstances under which the ritual is to be performed (*vv.* 12-14).

B. *Action*

I. *Initiation* by the husband: bringing the woman and the offering (*v.* 15).

II. *Preparation* by the priest: preparation of the woman and potion (*vv.* 16-18).

III. *Adjuration* by the priest with the woman’s acceptance (*vv.* 19-23).

IV. *Execution* by the priest: making the offering, having the woman drink (*vv.* 24-28).

C. *Recapitulation*: circumstances under which the ritual is to be performed (*vv.* 29-30).

D. *Addendum-Resolution*: post-ritual resolution (*v.* 31).

Each stage of the action is complex, detailing the treatment not only of the woman, but of the potion and the meal-offering. It is for this reason that in each section of the action (B) the key word that describes the action is repeated twice. In *v.* 15, the repetition of *hby*<sup>2</sup> “(the man) brings”, could be explained by the fact that the man brings both the woman and the offering; the repetition of the verb emphasizes that he must bring the offering in order to bring the

woman. In the other three sections, the repeated verbs have the same referents: the priest stands the woman before the Lord, *hšmyd* (vv. 16, 18); the priest adjures the woman, *hšby<sup>c</sup>* (vv. 19, 21); and the priest has the woman drink, *hšqh* (vv. 24, 27).

These three repetitions are the main reason for the extensive source-criticism of this passage. However, they are not accidents of literary history, nor do they indicate that the actions were actually performed twice. In each case the key word introduces the section and marks its prime act. It in effect serves as a heading or *incipit* of that section. Since there is more than one act in each stage of the ritual, and since the passage must detail all the actions to be performed, each section of the passage must include all the acts to be performed at that point. Each action section, therefore, first indicates the prime act of each stage and then describes the co-ordinate act to be performed at that stage: the preparation of the potion, the recitation of the promise of acquittal for the innocent, or the performance of the meal-offering. After the description of the relevant co-ordinate act, each section then returns to the prime act of each stage of the ritual, giving it a fuller exposition. It marks its return to the prime act by the *inclusio* device of repeating the passage with which the section opened. A diagrammatic representation of the last three sections of the action passage would thus be:

*Preparation*

The priest stands the woman before the Lord	— — — prepares the potion — — —	The priest stands the woman before the Lord
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*Adjuration*

The priest adjures the woman	— — — promises acquittal — — — for innocence	The priest adjures the woman
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*Execution*

The priest has the woman drink	— — — makes an offering — — —	The priest has the woman drink
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The main action of each stage of the ritual is mentioned first, in a sense “headlining” the purpose of each stage of the procedure. In

practice, however, it seems that the co-ordinate act preceded the main event. This is explicitly stated in the execution section, in which the co-ordinate act (the offering of the meal-offering) must be performed before the actual drinking (*v.* 26). This is an important point, because it emphasizes that without the meal-offering there is no efficacy in the drinking of the potion. Similarly, in the adjuration section the woman is promised an acquittal if she is innocent, and this promise is given before the priest performs the actual adjuration itself. The situation is not as clear in the preparation section, and we do not know whether the co-ordinate act—the preparation of the potion—is simultaneous with or antecedent to the main action (the stationing of the woman), i.e. whether the potion is prepared before the woman is stood before the Lord or while she is standing there. Because of the pattern of the text in the other sections, it seems probable that the potion is prepared before the woman is stood before the Lord, although the psychological effect would be greater if the woman could see the potion being prepared. In any event, the text achieves its object by its elaborate use of headline-*inclusio*: it provides the priest with the detailed information that he needs to perform this ritual while it focuses on its more important elements.

The “envelope” structure of the action section (B) of the text is mirrored in the passage as a whole. The ritual action is set off by a frame that consists of an introduction (A) and a recapitulation (C). The recapitulation, which is in the form of a Torah-subscript (cf. Fishbane [see n. 5]), and the introduction form an *inclusio*-like set. Together they constitute what might be considered the “law” itself, i.e., the circumstances under which the ritual is to be performed. As might be expected, the recapitulation is more laconic. It sets out two circumstances, divided by an  $\text{וְ}$ : if a woman strays and is defiled, or if the husband becomes jealous. The more exact definition of the circumstances is given in the introduction, *vv.* 12-14. This also has an involuted structure and uses *inclusio*-repetition to demarcate the conditions discussed. The complex structure of the introduction leads to an apparent incongruity between *vv.* 12-13, in which it seems that the woman has been defiled, and *v.* 14, in which the question of defilement has been left open. This led scholars to assume that there were originally two introductions that had been juxtaposed (cf. Stade [see n. 3], pp. 166-75), or to treat *vv.* 12-13 as a general statement rather than as the actual protasis of the law (see

Brichto [n. 6], p. 57). As in the rest of the passage, however, the repetitions in the introduction are purposeful. There are two circumstances envisioned: a case when a man's suspicions are aroused after his wife has strayed (*vv.* 12b-14a = 29b), and a case in which a man is suspicious even though his wife has not strayed (*vv.* 14b = 30a). As in the subscript, the latter case is set off by an  $\text{׃}$  in *v.* 14b:<sup>11</sup>

- 12b Should a man's wife stray and commit an offense against  
him  
and a man lie with her carnally,  
13 and it was hidden from her husband and done  
clandestinely,  
and she was defiled,  
and there were no witnesses against her,  
and she was not caught (*in flagrante*)  
14 and a "jealous" mood comes over him (the hus-  
band)  
and he is "jealous" of his wife—and she was  
d e f i l e d ;  
Or if a "jealous" mood comes over him (a husband)  
and he is "jealous" of his wife—though she was  
not defiled:

The key issue in the introduction, as in the procedure, is the woman's defilement. It is raised in *vv.* 12b-13a, when the text states that the woman has strayed and lain with a man in secret and been

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<sup>11</sup> The relationship between the introduction and recapitulation was recognized by Fishbane (see n. 5), who pointed out that Num. v 29-30 are a resumptive-*torah*-subscript to *vv.* 12-14, and therefore should be understood as parallel to it. He correctly concluded that since there are clearly two cases in *vv.* 29-30, divided by an  $\text{׃}$ , so too *vv.* 12-14 must represent two separate cases. However, Fishbane erroneously took the new case to begin with the *waw* in *v.* 14a. He drew a misleading comparison to two of the Laws of Hammurabi, LH 132 (public suspicion) and LH 131 (accusation by husband) and therefore understood the two cases of Num. v 12-14 to be 1) and allegation of conjugal infidelity based in suspicion alone (*v.* 14) and 2) an allegation apparently unsubstantiated by probable cause, but in which there was public suspicion. According to Fishbane (p. 37) the purpose of the "draught-ordeal" was to establish *de jure* that which was known *de facto*. However, there is no hint in *vv.* 12-13 that the public was involved in any way or that the woman had been the subject of gossip or scandal; it is simply stated that a woman has strayed. The two possible circumstances envisioned by the introduction and recapitulation are not the two that Fishbane delineates. The husband's jealousy alone initiates the Israelite procedure, and the law is parallel only to LH 131. The two circumstances envisioned are the guilt-defilement of the woman or her lack of defilement.



defiled. There then follow additional qualifiers (that there were no witnesses against her and she was not caught) and the statement that the husband got jealous, before the text repeats the statement that she was defiled and then gives the alternative possibility that the husband became jealous without her having been defiled. This repetition of “and she was defiled” in *v.* 14a, with the new information encased by it, may either be a later expansion (marked off with a repetitive resumption) or an original clarification in an *inclusio*. The recapitulation in *vv.* 29-30 exactly parallels the introduction: the first circumstance is that the woman has been defiled, and the second that she has not. The motivating cause of the trial is the husband’s suspicious “jealousy” and, continues the appended resolution (*v.* 31), this suspicious jealousy is the prerogative of husbands. The man can accuse his wife with impunity, knowing that even if she is acquitted by the trial, he will not be charged with false accusation. The emphasis on defilement, moreover, may indicate that a husband not only could bring his wife for this test if he suspected her, but that he may have been obligated to do so. We know that a man could not remarry his divorced wife if she had slept with someone else in the meantime, for this would be considered a polluting act (Deut. xxiv 1-4); it is possible that sexual union with a defiled wife would also have been thought to pollute the land. A suspicious husband might therefore have been obligated to bring his wife to the test in order to avoid such defilement.

### *Results of the Trial*

The possible results of the trial are indicated by two different phrases. If the woman is innocent, she is expected to bear seed, *wnzr<sup>ch</sup> zr<sup>c</sup>*; if she is guilty, “her belly will swell and her thigh will fall”, *wēšābētā biṭnāh wēnāpēlā yērēkāh*. The “bearing of seed” indicates that the fertility of the woman is at stake; the most probable explanation of the guilty woman’s punishment is that she suffers a prolapsed uterus. There is no reason to suppose that the woman was pregnant at the time of the trial:<sup>12</sup> pregnancy is not mentioned, and *nzr<sup>ch</sup> zr<sup>c</sup>* is a term for conception rather than

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<sup>12</sup> As H. W. Robinson, oral communication reported in Gray, p. 48, N. H. Snaith, *Leviticus and Numbers* (London, 1967), p. 203, and W. McKane, “Poison, Trial by Ordeal and the Cup of Wrath”, *VT* 30 (1980), p. 474.

delivery.<sup>13</sup> Conception is the reward for innocence, either in the sense that the woman is capable of bearing seed (unlike the guilty woman, see G. R. Driver, *Syria* 33 [1956], p. 76) or that she is being rewarded for her innocence (Gray, *Numbers*, p. 48). We cannot discard the further possibility that the waters themselves, coming from the sacred realm (holy water, with dust from the tabernacle floor) and bearing the name of God, were believed to function as an impregnating force, and that the woman was believed to become pregnant as a direct result of this trial.<sup>14</sup>

The results of guilt also involve fertility. There have been numerous attempts to explain the difficult terms *wēšābētā biṭnāh wēnāpēlā yērekāh*.<sup>15</sup> Since *yārek* is well attested as a term for the male genitalia, particularly in the forms *yšʔy yrk* “those who come out of

<sup>13</sup> The only occurrence of the verb which might have the sense of “delivery” is Lev. xii 2, possibly meaning “if a woman delivers and gives birth to a boy”, although here too the meaning “conceives” is possible. In this verse, a sense of “deliver” might be implied by the use of the *Hiph ʕil (tzryʕ)*, i.e. “she gives forth seed”. The verb *nzrʕh*, “be sown with seed, could have no connotation of “delivery”. The idea of being “implanted” belongs to the whole complex of metaphors in which a woman is seen as a field and the earth is seen as Mother Earth. For a study of the biblical use of these images see my article “The Planting of Man”, in the forthcoming anniversary volume for Marvin Pope.

<sup>14</sup> There is no explicit statement about “divine conception” in the Old Testament. It appears, however, in post-biblical literature: in Philo, in possible Jewish legends about the birth of Moses, and in Christian literature. It is possible that this idea, which is known from other Near Eastern religions, was not considered impossible in Israel, and that a reflection of this idea is seen in the “conception” of the innocent woman. For a study of the post-biblical materials, see Allan Kensky, “The Strange Midrash on the Birth of Moses”, a paper presented to the Society for Biblical Literature in 1981.

<sup>15</sup> These terms have been understood in various ways. The Mishnah understood them to be symbolic: since the woman began to sin with her thigh and continued with her womb, the penalty begins with the thigh and then extends to the womb, though the rest of the body does not escape injury (M. Sotah I 7). Josephus took the two phrases together to describe dropsy (*Ant.* II xi 6). Brichto takes the two to indicate pseudo-cyosis or hysterical pregnancy (see n. 6, p. 66), and Sasson suggests that the “thigh” indicates the genitals and that the penalty is thrombophlebitis, which can cause swelling around the vulva and belly, sometimes accompanied by edema in the legs (*BZ*, N.F. 16 [1972], p. 250, n. 15). H. W. Robinson and G. R. Driver both take *wēnāpēlā* to indicate abortion: Robinson concludes that the woman was pregnant at the time of the trial and that even though her belly swells with pregnancy, she will abort (*apud* Gray, p. 48). Driver sees alternative results: if the woman is pregnant, she will abort; if she is not, her womb will get hot and dry (*wēšābētā biṭnāh*) and she will not be able to conceive. The term *nēpel* 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.

the thigh”, i.e. the descendants (Gen. xlvi 26; Ex. i 5; Judg. viii 30; cf. probably Gen. xxiv 2), it seems likely that *yrk* here refers to the female genitalia. The “falling” of the genitalia is obviously a sexual disfunction. The phrase may be independent, indicating some form of sterility. It may also belong with *šābētā biṭnāh*, together designating a particular reproductive failure, probably a prolapsed uterus.

The common translation of *šābētā biṭnāh* as “her belly swells” is based on the ancient versions (e.g. LXX’s use of forms of  $\pi\rho\upsilon\theta\omega$ ). A verb *šābā* “to swell” is not otherwise known in Biblical Hebrew or the cognate languages. A swelling belly, moreover, seems to be a description of pregnancy rather than of unfortunate events. This prompted Driver to suggest (*Syria* 33, p. 75) that the verb is related to Syriac *šbā* “was dry and hot”, which is applied mostly to wood and trees. According to Driver, the allusion is to the ancient belief (attested in Hippocrates and Galen) that women whose uteruses are too dry and hot cannot conceive. This etymology, however, does not explain the translation “swell” in the versions. Furthermore, it seems more likely that *šbā* “to be dry” has a Hebrew cognate *šyyā* “parched land”, it is difficult to account for the variation in the roots. Another suggestion for *wēšābētā biṭnāh* might be offered. There is an Akkadian root *šabū/šapū* “to soak, flood” which is used in Old Babylonian letters in the sense of saturating the soil. The verb also appears in a medical text (R. Labat, *Traité akkadien de diagnostics et pronostics médicaux* 1 [Paris and Leiden, 1951], p. 124, line 20): *šumma ŠĀ.MEŠ-šū iššanabū šinātišu tabāka la ilī* “if his intestines flood but he cannot urinate”. According to W. G. Lambert (*Babylonian Wisdom Literature* [Oxford, 1960], p. 332 note to 1.28), this root is unrelated to *šb<sup>c</sup>*, “to dye” (Arabic, Hebrew and Aramaic), but may be a cognate of Syriac *šapī*, “to purge”. If Lambert is right,<sup>16</sup> *wēšābētā* in our passage may be related to a root *šby* “to flood”. The woman’s uterus is to be “flooded” directly by the curse-bearing waters. This would certainly make the woman unable to conceive. The distention caused by such flooding would account for the translation in the ancient versions, “her belly swells”.

The most probable explanation for the phrase *wēšābētā biṭnāh wēnāpēlā yērēkāh* is that the woman suffers the collapse of the sexual

<sup>16</sup> One should note that the *CAD* disagrees with Lambert and relates the Akkadian verb *šabū* to the root meaning “color”, Hebrew *šb<sup>c</sup>* (*CAD* *Š*, s.v. *šabū*).

organs known as a prolapsed uterus. In this condition, which may occur after multiple pregnancies, the pelvic floor (weakened by the pregnancies) collapses, and the uterus literally falls down. It may lodge in the vagina, or it may actually fall out of the body through the vagina. If it does so, it becomes edematous and swells up like a balloon. Conception becomes impossible, and the woman's procreative life has effectively ended (unless, in our own time, she has corrective surgery). Today, women do exercises to maintain the strength of the pelvic floor. Furthermore, they do not normally have as many pregnancies as women in the past could expect to have. As a result, the prolapsed uterus today generally afflicts older women, although cases of women in their forties are not unheard of. In ancient times, when women had more pregnancies and no knowledge of preventive exercise, the condition may have afflicted much younger women. However, it was certainly not a normal event, and would have been considered a great calamity. In the case of the errant wife, the potion that she drinks would be considered (through the agency of God) to enter her innards and cause this condition, possibly by "flooding" (if the root is cognate with *šabû*) the uterus and thereby distending it. Since the prolapsed uterus is visibly and palpably swollen with fluids once it leaves the body, it would have been natural to assume that all prolapsed uterus were swollen, whether or not they fell out of the body. The phrase *wēnāpēlā yērēkāh* could also be an allusion to this "fall" of the uterus, with *yārēk* a synonym for *beṭen*. *yārēk* might also refer to the genitalia, in which case the "falling" might be the sagging of the cervix or of the external genitals under pressure from the collapsed uterus.

There remains the question of the timing of the results. If the guilty woman was to suffer the collapse of her reproductive system, was this expected to happen as she stood before the Lord? Even if the anticipated result was abortion (which does not seem likely), was she expected to abort immediately? This is not an idle line of inquiry, for it is the key to the essential nature of the legal procedure. If the woman is expected to suffer the consequences immediately, then any women who did not would be immediately exonerated, regardless of what might happen later. Indeed, if she could be proved guilty by immediate results (as would happen in an ordeal), then we would expect the court to punish her immediately with the penalty appropriate for adultery, which is death. Im-

mediate results, however, are not indicated by the text. In the first place, the innocent woman is not only expected to be immune from any immediate catastrophe (*v.* 19), but is also expected to conceive (*v.* 28). Moreover, our passage, which so meticulously details the procedure to be followed from the time that the husband initiates the action, ends with the drinking of the potion. If a result were expected immediately, we would expect this descriptive-prescriptive ritual text to continue with the priest's obligation to lead the woman, if guilty, down from the altar and deliver her to the people or to their leaders. We might even expect the text to provide a ritual appropriate for the acquitted woman's readmission to the community, perhaps a washing and changing of clothes (cf., e.g. Lev. xvii 15), perhaps a rebinding of the hair, and possibly a statement that she is impure until the evening. However, the text says nothing of the sort, but rather ends the procedure with the drinking itself. The text clearly signals the end of the ritual by the Torah-subscript which recapitulates the circumstances under which the procedure should be used.

The ritual trial of the Sotah ended with the drinking of the potion. Nothing further was done, and we can assume that the woman went home to await the results at some future time. The text ensures that society will take no further action by affixing an addendum-resolution that provides the appropriate legal outcome of the case. If the woman should prove to be innocent—by becoming pregnant at some time in the future—her husband is nevertheless “free from guilt” and cannot be held liable for false accusation. If, on the other hand, the woman is in fact guilty, *tiššā' ʿet-ʿāwônāh*, “she will bear her punishment.” This is not a vague statement that she should be punished appropriately, and it does not mean (as has been assumed) that she should be killed, which is the prescribed penalty for adultery. On the contrary, as W. Zimmerli has shown (*ZAW* 66 [1954], pp. 8-11), *niš' ʿun* in the Priestly writings means in effect that there is to be no human penalty; punishment is to be expected from God. Thus one who breaks a negative commandment unwittingly must “bear his penalty” unless he brings an atoning sacrifice (Lev. v 17); the sacrificial atonement clearly indicates that the punishment expected was to come from God. Such divine sanction was expected to punish someone who ate a *šlāmim* offering on the third day (Lev. vii 18, xix 8), whoever did not wash after eating the flesh of animals who have

been killed by other animals or who have died of illness (Lev. xvii 16), and whoever did not offer the Passover sacrifice (Num. ix 13, *h<sup>l</sup>w y<sup>s</sup>*).

The idea of “leaving the punishment to God” is not confined to sacrificial contexts. Divine sanction is invoked on a man who has intercourse with his aunt (Lev. xx 19) or his sister (Lev. xx 17); in the case of the sister the sanction is further specified as *kārēt*, a penalty almost certain to be from God and probably involving extirpation.<sup>17</sup> The unspecified sanctions implied by the phrase *ns<sup>s</sup> w<sup>n</sup>* are also expected for the “prophet” who makes inquiries for an idolater and for his enquirer (Ezek. xiv 10), and for the idolatrous Levites and temple servitors (Ezek. xlv 10, 12). Similarly, when the wilderness generation is punished by God with one year’s wandering for each day that the envoys toured the land, this punishment is expressed as *ts<sup>w</sup> t<sup>t</sup> w<sup>ntykm</sup>*, “you shall bear your punishment” (Num. xiv 34).

The closest parallels to the significance of *ts<sup>s</sup> t<sup>t</sup> w<sup>nh</sup>* in our text are Num. xxx 16 and Lev. v 1. In Num. xxx 16 a woman has sworn a vow in which she has obligated herself to do something and has bound herself to the obligation (tacit or explicit, depending on the language of the vow); should she not fulfill her vow, certain unpleasant results would devolve upon her. If her husband has heard her vow and does not cancel her fulfillment of it immediately, but cancels it later, then these consequences, which would normally apply to her (*w<sup>nh</sup>* “her ‘punishment’”) will descend on him, *wns<sup>s</sup> t<sup>t</sup> w<sup>nh</sup>*, “he will bear her punishment”. In Lev. v 1 an imprecation calling for witnesses (presumably to a crime) has been pronounced respecting the entire community. If a witness has heard this imprecation and does not come forward to testify, then the consequences (sanctions) of the adjuration will fall upon him, *wns<sup>s</sup> w<sup>nw</sup>*. In these two examples, the term *w<sup>n</sup>*, which can refer to the entire guilt-penalty complex, clearly refers to the consequences or sanctions that were invoked in the vow or adjuration. When these sanctions are put into play, the individual must “bear” (*ns<sup>s</sup>*) the results. In certain circumstances an individual can be immune from these sanctions (*l<sup>h</sup>*<sup>18</sup>); this is expressed by the term *nqh*. Num. v 39 uses

<sup>17</sup> Donald Wold, “The Kareth Penalty in P: Rationale and Cases”, *SBL Seminar Papers* 1 (1979), pp. 1-45.

<sup>18</sup> For *l<sup>h</sup>* as “sanctions” see Brichto, *The Problem of “Curse” in the Hebrew Bible* (Philadelphia, 1963), pp. 22-76.

this classic oath terminology. The innocent woman is promised immunity from the sanctions (v. 28, *wnqth*); the sanctions are spelled out as *wšābētā biṭnāh wēnāpēlā yērekāh*, and the guilty woman is expected to bear these consequences, *tš' ʔt ʿwnh* (v. 39).

### *The nature of the trial*

Num. v 11-31 is essentially a descriptive text that describes (and at the same time prescribes) a unique religio-legal procedure. In this procedure a woman who has been accused of adultery by her own husband drinks a sacred potion while she accepts an adjuration that the potion will cause grievous injury to her reproductive system if she drinks it while guilty. The procedure ends with the drinking of the potion. After the woman drinks, she presumably returns to her home and husband on the assumption that she would not have dared to drink the potion if she had been guilty, but would rather have confessed instead. Final proof of the woman's innocence would be pregnancy; final proof of her guilt would be the "belly-swelling and thigh-falling" which possibly describe the prolapsed uterus.

It should be obvious that to call this procedure a "trial by ordeal" is unwarranted and misleading. Judicial ordeals are distinguished by two important and interrelated aspects: the god's decision is manifested immediately, and the result of the trial is not in itself the penalty for the offense. To use modern terminology, the god is the "jury" that gives a "verdict" of guilt or innocence during the ordeal, and the judges then impose a "sentence" in accord with this "verdict". In the trial of the Sotah, on the other hand, the society has relinquished its control over the woman to God, who will indicate his judgement by punishing her if she is guilty. Not only does God decide whether she is guilty, but even the right of punishment is removed from society and placed in the hands of God. The ritual of the Sotah most closely resembles the classic purgatory oath, in which the individual swearing the oath puts himself under divine jurisdiction, expecting to be punished by God if the oath-taker is guilty. Num. v 11-31 describes a legal "curse" which functions as an oath once the woman has accepted the conditions of the curse by answering "Amen, amen". Conflation with trials by ordeal has resulted in unnecessary confusion about the mechanism and result of the Sotah procedure. The only feature of

this procedure that is similar to ordeal trials is the drinking of a potion, which in form looks like the potion-ordeal known from Africa. Drinking of potions, however, is also known to accompany such oaths as the drinking of Maat among the Nuer. Purgatory oaths may consist of words alone; the words may also be accompanied by ritual, symbolic or “magical” actions which effectuate the oath. The drinking of a mystical potion actuates the words of the oath, for the potion is expected to punish the guilty party. The use of such an oath as a means of resolving the societal problem posed by suspicion of adultery is a uniquely Israelite institution.<sup>19</sup> It is therefore presented in the Bible as a special “supernatural” procedure granted to Israel as a divine ritual instruction (Torah).

*Additional note on the meaning of mēʾārārim and mārīm*

The term used for the trial waters has been the subject of extensive investigation. The meaning of *mēʾārārim* is beyond dispute. The waters are perceived as doing the “cursing” themselves, i.e., if the woman is guilty the waters will carry out the spell (E. A. Speiser, “Angelic ‘Curse’ in the Old Testament”, *JAOS* 80 [1960], pp. 198-200, followed by Brichto [see n. 18], p. 112, and [n. 6], p. 58). The problems lie with the phrase *mē hammārīm*. Despite the translation in the Targum and Vulgate, the term cannot mean “bitter waters”. Dust and ink cannot turn water bitter or alkaline. There is also no death in the passage to suggest “bitterness of death” (as Noth, *Numeri*, p. 47, E. tr. pp. 50-1). Even Gray’s suggestion (p. 52) that *mr* means “having an injurious effect” (cf. Jer. ii 19 and iv 18) runs foul of the grammar of *mē hammārīm*, which cannot be translated as noun-plus-adjective. There have been several suggestions to take *mārīm* from other roots. Sasson’s suggestion of *mrr* “to

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<sup>19</sup> Both the form and the function of this ritual are paralleled by Near Eastern materials, but the combination of form and function is not found outside Israel. The function is that of the Laws of Hammurabi 131, in which a woman who has been accused of adultery by her husband swears an oath to her innocence. As in Num. v, this is enough: the Laws envision an ordeal only in cases of public scandal. The form of the trial in Num. v bears some resemblance to the drinking of a potion in an incomplete text from Mari (*ARM* X:9), in which several minor deities appear to take an oath before Ea, promise fealty to the city of Mari and its ruler, and drink a potion of water mixed with dust and “cornerstone” of the gate of Mari. As in Num. v, the dust carries some of the numinous power of the place and the drinkers understand that the power of the oath will bring punishment to whoever swears falsely. The Mari drinking, however, is not part of a legal trial.



bless” (based on Ugaritic) would yield the merismus “waters that bless and waters that curse”, therefore waters of judgement; it would not explain the phrase *ûbāʾû bāh hammayim hamēʾarārīm līmārīm* of *vv.* 24 and 27 (see J. M. Sasson, “Numbers 5 and the ‘Waters of Judgement’”, *Biblische Zeitschrift*, N.F. 16 [1972], pp. 249-51). Snaith’s suggestion of *mārar* from Arabic *marra* “pass by” and *mar-mara* “cause to flow” would mean waters of abortion, but the trial is not restricted to pregnant women ([see n. 12], p. 202).

The two most interesting explanations of *mē hammārīm* have related the word to the function played by the waters in this trial, a focus supported by the LXX translation τοῦ ἐλεγμοῦ “(waters) of disputation”. G. R. Driver suggested the root *mry* (*mrh*), “to rebel”, which would yield a noun *māreh* “disputed, doubtful matter”, with an abstract plural *mārīm*, “contention, dispute, doubt” (“Two problems in the Old Testament examined in the light of Assyriology”, *Syria* 33 [1956], pp. 73-4). This suggestion alleviates the grammatical difficulties, and accords well with the Greek translation; it has therefore been adopted by the *NEB*. However, the verb *mrh* in Hebrew refers to “disobedience, rebellion” rather than to “doubt” or “contention”; Driver derives the latter connotations from Arabic *marā* III “to dispute”, *miryatu(n)* “doubt”, and *mariyatu(n)* “doubtful matter”. A meaning “waters of rebellion” simply does not fit the context. The most attractive suggestion is that of Brichto, who derives the word from *yrh*, Hip<sup>6</sup>il, “to teach” (Brichto [see n. 6], p. 59, n. 1). The formation is like *maddā*<sup>c</sup> “knowledge, here in an abstract plural. *mē hammārīm* would thus mean “waters of instruction, waters of revelation”; the term would thus refer to their function in the trial. The phrase in *vv.* 18, 19 and 24 would mean “the ‘spell-effecting’ revelation-waters”, and the difficult clause of *vv.* 24 and 28 would mean that the spell-effecting waters would enter the woman to effect the revelation of guilt or innocence.