

GUILTY UNTIL THE DEITY PROVES OTHERWISE, INNOCENT UNLESS GOD REVEALS OTHERWISE

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Abstract

Marital suspicion is a complex issue that generates dysfunctional behavior in modern society just as it did in ancient times. In some cases, marital suspicion leads to criminal actions. The United Nations Office on Drugs and Crime estimates around 5,000 women and girls murdered worldwide each year based on alleged sexual immorality. In the Ancient Near East, people used a variety of practices to solve issues prompted by suspicion especially marital suspicion. In Babylon the common practice consisted of throwing the suspected in the river to test his/her innocence or guilty. In Israel, people used the ritual described in Num 5:11-31. While in most ancient tests the accused was held guilty until the deity could prove otherwise, in the ritual of Num 5:11-31, the accused was considered innocent unless God revealed otherwise. This article revisits the ritual of Num 5:11-31 through the “cognitive social function” method by analysing the following ritual elements: placement and structure, trigger point and role of participants, and ritual dimensions and function. The goal of the study is twofold: (1) contribute to religious study by suggesting a way to interpret biblical rituals and make them relevant to modern people and (2) underscore the intention of the puzzling ritual of Num 5:11-31 in order to glean some biblical insight for contemporary believers who face similar problem of marital suspicion. The overall analysis of the ritual of Num 5:11-31, especially its study of the roles of human and divine participants suggests that an accused person should be considered innocent until proven guilty and no one should carry out justice for himself.

Keywords: Marital suspicion, Ritual, Guilty, Innocent, purity, impurity.

Introduction

Marital suspicion is a complex issue that generates dysfunctional behavior in modern society just as it did in ancient times. In some cases, marital suspicion leads to criminal

actions. The United Nations Office on Drugs and Crime estimates that 50,000 women were intentionally killed across the world in 2017 by intimate partners or other family members mainly due to jealousy based on alleged unfaithfulness.¹ Many ancient people used a

¹ Yuri Fedotov, United Nations Office on Drugs and Crime, *Global Study on Homicide: Gender-related killing of women and girls* (Vienna, 2019), 14, <https://www.unodc.org/documents/data-and-analysis/gsh/Booklet1.pdf>. The number has increased to 89, 000 in 2022. The same organization

also reports that around 5,000 women and girls are worldwide murdered each year in so-called “honor killings.” See <https://www.unwomen.org/sites/default/files/2023-11/gender-related-killings-of-women-and-girls-femicide-feminicide-global-estimates-2022-en.pdf>;

variety of practices to solve issues related to marital suspicion. Some of the practices included throwing the suspected in the river, making the accused drink a portion or retrieve an item from boiling liquid, touch, lick, and walk upon or carry a red-hot item. The Israelites resorted to the water drinking ritual described in Num 5:11-31. While in most ancient tests the accused was held guilty until the deity could prove otherwise, in the water drinking ritual of Num 5:11-31, the accused was considered innocent unless God revealed otherwise.² This work revisits the ritual of Num 5:11-31 through the “cognitive social function” approach³ by exploring the following ritual elements: placement and structure, trigger point and role of participants, and ritual dimensions and function.⁴ The goal is to understand the intention of this puzzling ritual in order to glean some biblical insight for contemporary believers who face similar problem of marital suspicion.

Placement and structure of the ritual of Num 5:11-31

This section deals first with the placement of the ritual of Num 5:11-31 and focuses on its

structure. The study of the structure includes a discussion related to aspects such as protasis-apodosis construction of the ritual; syntactic analysis of the verbal forms used in the text; and multiple deliberate repetitions used in the ritual.

Placement of Num 5:5-31

Num 5:11-31 is one of the three regulations of Numbers 5: (1) 5:1-4; (2) 5:5-10; and (3) 5:11-31. These regulations deal with the preservation of purity in the Israelite community. The verbs נָטַף “to be unclean or defiled” (Num 5:2,3,13,14, 19,20,27,28,29) and נָטַף “to act unfaithfully” (Num 5:6,12, 27) are recurrent in the three prescriptions and highlight different situations the Lord wanted His people to avoid in order to maintain purity in their community. These prescriptions regulated issues concerning impurity coming from infectious skin disease, any kind of discharge or contact with dead body (Num 5:1-4), robbery (Num 5:5-10), and alleged marital unfaithfulness (Num 5:11-31). Such uncleanness especially the last one, was serious threat that needed to be addressed by God

<https://www.amnestyusa.org/the-horror-of-honor-killings-even-in-us/>; and <http://hbrv-awareness.com/statistics-data/>. As it can be observed,

women are generally the preeminent target of marital suspicion whether in the current society or the ancient one.

² Paluku Mwendambio, “Numbers,” *Andrew Bible Commentary*, ed. Ángel Manuel Rodríguez (Andrews University Press, 2020), 288-289.

³ “Cognitive social function” is one of the approaches used in OT research to study biblical rituals. It takes into consideration both form and content of a given ritual to underscore its function and intention as a whole. David P. Wright, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature* (Atlanta, GA: Scholars, 1987), 2, and Gerald A. Klingbeil, *A Comparative Study of the Ritual of Ordination as Found in Leviticus 8 and Emar 369* (Lewiston, NY: The Edwin Mellen Press, 1998), 19-20, 46, label this method as “detailed descriptive historical exegesis”

(emphasis theirs). Sample of others who use this method is as follow: Benedikt Jürgens, *Heiligkeit und Versöhnung: Levitikus 16 in seinem literarischen Kontext* (Freiburg im Breisgau: Herder, 2001), 43-53; Ithamar Gruenwald, *Rituals and Ritual Theory in Ancient Israel* (Leiden: Brill, 2003); David Jeffrey Mooney, “On This Day Atonement Will Be Made for You: A Theology of Leviticus 6” (PhD diss., The Southern Baptist Theological Seminary, 2003; Ann Arbor, MI: University Microfilms International, 2004); Wesley J. Bergen, “Studying Ancient Israelite Ritual: Methodological Considerations,” *Religion Compass* 2 (2007): 1-8; James W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007).

⁴ Gerald A. Klingbeil, *Bridging the Gap: Ritual and Ritual Texts in the Bible* (Winona Lake, IN: Eisenbrauns, 2007), 128, suggests several steps to study biblical rituals among which we have selected the above-mentioned ritual elements.

Himself (Num 5:16,18,21,30). In fact, the holiness of the Lord required that any impurity whether physical or spiritual be removed from his presence (Num 11-14; 16-17; 20-25).⁵

As Jacob Milgrom submits, impurities such as the one described in Num 5:1-4 were removed from the Israelite community because they could lead to death which stands in opposition to God, the Holy One and source of life.⁶ Hence, by carrying out this legislation the Israelites chose “to cleave to life and reject death.”⁷ The second regulation (Num 5:5-10) deals with uncleanness related to robbery—possibly “a person who has defrauded his fellow and then denied it under oath.”⁸ This unclean act is referred to by the expression *לַמַּעַל מַעַל בַּיהוָה* which can be literally translated as “to act faithlessly an unfaithful act against the Lord” (Num 5:6) or rendered by the phrase “breaking faith with the LORD” (RSV). This implies that in the Israelite community the wrong done to a fellow human being was considered as a breaking of faith with the Lord. Such unfaithfulness could pollute the life of people in the camp. Thus, to purify the Israelite camp from such a dysfunctional relationship the Lord required that the wrongdoer should confess his sin and make restitution to whom he did the wrong (Num 5:7). Impurity in the third

prescription (Num 5:11-31) involves two aspects: moral impurity, that is, a probable breaking of faith against a husband (vv. 12,27);⁹ and a discharge from the body referred to in v. 13 by the expression *שִׁכְבַּת-זֵרַע* that infers the idea of lying with a woman and ejaculating.¹⁰ Such uncleanness could pollute the moral, physical, and social life of the Israelite community. It was a serious threat that needed to be solved by God himself through the special ritual of Num 5: 11-31. Hence, like the two previous prescriptions, Num 5:11-31 allies with the intent of God to maintain holiness in the Israelite community which is a main concern of the book of Numbers.

Structure of Num 5:5-31

Various structures highlighting the unity of Num 5:11-31 have been suggested.¹¹ This paper attempts to go beyond the recognition of the unity of Num 5:5-31 by formulating some constructions through which the structure of the text under study ecloses its intended message. Two kinds of constructions can be observed in Num 5:5-31: (1) Protasis-apodosis construction and (2) Multiple deliberate repetitions.

⁵ Physical and moral purity are linked for, as Raymond Brown, *The Message of Numbers: Journey to the Promised Land* (Leicester: Inter-Varsity, 2002), 42, posits, “healthy people can be perilously damaging if they act unethically.”

⁶ Jacob Milgrom, *The JPS Torah Commentary on Numbers* *במדבר* (New York: The Jewish Publication Society, 1989), 346.

⁷ Ibid.

⁸ Ibid., 34.

⁹ Philip Peter Jenson suggests that the verb *שָׁכַב* connotes an ethical aspect when it refers to someone who has deliberately defiled himself. See Philip Peter Jenson, *Graded Holiness: A Key to the Priestly Conception of the World* (Sheffield: Sheffield, 1992),

53. Based on this suggestion, it can be said that Num 5:11-31 deals with a moral issue since the text declares that the wife may have defiled herself (vv. 13,14,20,27,29).

¹⁰ Ludwig Koehler and Walter Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament (HALOT)*, trans. by M. E. J. Richardson, rev. by Walter Baumgartner and Johann Jakob Stamm, 2 vols., study ed. (2001), s.v. “שִׁכְבַּת.”

¹¹ The symmetric construction of Jacob Milgrom and the linear arrangement of Tikva Frymer-Kensky are a Sample of structures insisting on the unity of Num 5:11-31. See Milgrom, *The JPS Torah Commentary on Numbers*, 351; Tikva Frymer-Kensky, “The Suspected Sotah (Numbers v 11-31),” *Vetus Testamentum* 34 (1984): 14.

Protasis-apodosis construction of Num 5:5-31

The prescriptive ritual of Num 5:11-31 is presented in a form of five protasis-apodosis constructions starting from v. 12 up to v. 28. The five protasis-apodosis clauses occur this way: vv. 12-18; v. 19; vv.20-22; v. 27; v. 28. In v. 19 and vv. 20-22, two protases are dependent on one apodosis in each construction. The protasis parts of the five constructions are indicated by the particles כִּי “when, if,” אִם-לֹא “if not,” and אִם “if, then” which mark real conditional clauses pointing “to an action or situation that either has been fulfilled in the past or has the potential of being fulfilled.”¹² The apodosis sections are generally introduced by what Paul Joüon calls “waw of apodosis”¹³ or other literary devices such as the *wqtl* verbal construction.¹⁴

The first protasis-apodosis construction (vv. 12-18) is made of a long series of clauses. Its protasis is introduced by the conditional phrase כִּי-תִשָּׁטָה “if she goes astray” (v. 12) which is followed by one expegetical *wqtl* and five sequential *wqtl* verb forms (vv. 13-14). The protasis highlights the ambiguity of the situation in which an accusation was brought up against the woman through the verbal phrases: וְהָיָה נִטְמָאָה “and she has defiled herself” (vv. 13,14) and וְהָיָה לֹא נִטְמָאָה “and she has not defiled herself” (v. 14). But at the same time, the protasis shows

that the alleged defilement is what generated the husband’s jealousy expressed in v. 14 אֶת-אִשְׁתּוֹ “and a spirit of jealousy come upon him and he is jealous of his wife.” The apodosis begins by the consequential *wqtl* וְהָבִיָּא “then he shall bring” (v. 15a) followed by a series of seven sequential *wqtl*, and one juxtaposition *wqtl* (vv. 15b-18). The apodosis reveals what the husband should do, that is, bring his wife to the priest to undergo the ordeal (vv. 15).

The second protasis-apodosis construction (v.19) logically follows the first. This is because the second construction is a continuation of what the priest should do to the woman. In this second construction there are two protases dependent on the same apodosis. The two protases are indicated by the phrases אִם-לֹא שָׁכַב אִישׁ אִתָּךְ “if no man has lain with you” and וְאִם-לֹא שָׁטִיתָ “and if you have not gone astray” (v. 19); and are preceded by two sequential *wqtl* verbal forms. The apodosis is introduced by the niphil imperative הִנֵּקִי “be free” (v. 19).¹⁵

Like in the previous protasis-apodosis, in the third protasis-apodosis construction (vv. 20-22) two protases are also dependent on one apodosis. The two protases are marked by שָׁטִיתָ “if you have gone astray,” and כִּי נִטְמָאָה “and if you have defiled yourself” (v. 20). The apodosis is shown by the consequential *wqtl* וְהִשְׁבִּיעַ “then

¹²Bill T. Arnold and John H. Choi, *A Guide to Biblical Syntax* (Cambridge: Cambridge University Press, 2003), 173-74.

¹³Paul Joüon, *A Grammar of Biblical Hebrew*, vol. 2, trans. and revised by T. Muraoka (Roma: Pontificio Istituto Biblico, 1991), 646-47, suggests that the waw of apodosis occurs at the beginning of an apodosis to link it to its protasis and can be rendered by the English word “then” or the French “*alors, eh bien.*”

¹⁴Duane A. Garrett and Jason S. DeRouchie, *A Modern Grammar for Biblical Hebrew* (Nashville, TN: Broadman & Holman, 2009), 305, indicate that in real condition a positive apodosis generally begins with a *wqtl* verbal form. S. R. Driver, *A Treatise on*

the Use of the Tenses in Hebrew and Some Other Syntactical Questions, 3rd ed. (Oxford: Clarendon, 2007), 179, shares the same view and applies it to the apodosis of Num 5:27. In fact, four apodosis constructions of Num 5:11-31 are introduced by a *wqtl* verbal form: וְהָבִיָּא “and he will bring” (v. 15), וְהִשְׁבִּיעַ “and he shall adjure” (v. 21), וְהָבִיָּא “and they shall enter” (v. 27), and וְהִנֵּקִי “and she shall be free” (v. 28).

¹⁵William Sanford LaSor, *Handbook of Biblical Hebrew: An Inductive Approach Based on the Hebrew Text of Ester* (Grand Rapids: Eerdmans, 1979), 207, indicates that an imperative verb can also introduce an apodosis.

he shall make (the woman) swear” (v. 21) which is followed by three sequential *wqtl* (vv. 21-22). The apodosis insists that the Lord is the one Who should punish the accused if she is found guilty (v. 21) by using the water (v. 22).

Besides, an inverted parallelism can be noticed between the protasis-apodosis construction of v. 19 and the protasis of v. 20:

- a. if no man has lain with you (v. 19)
- b. and if you have not gone astray, becoming unclean “while under your husband's authority” (v. 19)
- c. be free from this water of bitterness (that causes) the curse (v. 19)
- b’. and if you have gone astray “while under your husband's authority” and if you have defiled yourself (v. 20)
- a’. and a man other than your husband has put his emission in you (v. 20)

Like the first protasis-apodosis construction (vv. 12-18), the above structure (vv. 19-20) also points out the ambiguity of the accusation made against the woman (a-a’-b-b’). However, contrary to the same first construction, the structure of vv. 19-20 highlights the possible acquittal of the woman (c).

The protasis of the fourth construction (v. 27) is introduced by the conditional phrase *אם-נטמאה* “if she has defiled herself” (v. 27); and the apodosis is marked by the consequential *wqtl* *וּבָאָהּ* “then they will enter into her” (v. 27) followed by three consequential *wqtl* (v. 27). This protasis-apodosis construction shows the possible negative consequences that will happen to the woman if she is impure.

¹⁶ Katharine Doob Sakenfeld, *Numbers: Journeying with God*, International Theological Commentary (Grand Rapids: Eerdmans, 1995), 36-38.

¹⁷David A. Dorsey, *The Literary Structure of the Old Testament: A Commentary on Genesis-Malachi* (Grand Rapids: Baker, 1999), 37. Philip Peter Jensen, *Graded Holiness: A Key to the Priestly*

The fifth protasis-apodosis construction (v. 28) occurs at the end of the procedure of the trial-by-ordeal of Num 5:11-31. In fact, the remaining part (vv. 29-30) does not introduce another action to be performed. It simply recapitulates the ordeal. The protasis of the fifth construction begins with the conditional phrase *אם-לא נטמאה האשה* “but if the woman has not defiled herself” (v. 28) while the apodosis is indicated by the consequential *wqtl* *וְנִקְיָהָ* “then she shall be clean/free” (v. 28) followed by another consequential *wqtl* *וְנִזְרְעָה זֶרַע* “she shall conceive seed” (v. 28). Contrary to the fourth construction, this fifth protasis-apodosis construction insists on the possible positive consequences that will happen to the woman in case she did not defile herself.

Briefly, contrary to Katharine Doob Sakenfeld, who asserts that the conditional clauses of Num 5:11-31 presume the guilt of the accused woman,¹⁶ the examination of the above constructions of protasis-apodosis insists on the ambiguous state of the accusation made against the woman at the point that it can be suggested that the text presumed her innocence until God could prove her guilt.

Multiple deliberate repetitions in Num 5:5-31

Repeated words can inform about the structure of a biblical text or serve as a hint for an interpretation. As David A. Dorsey puts it, biblical writers resorted to repetition device because “it enables an author to make a point subtly, without explicitly saying it.”¹⁷ In other terms, the recurrence of words can make them become thematic ideas, or serve as a commentary enabling biblical authors to convey the meaning of the text.¹⁸ In agreement with this,

Conception of the World (Sheffield: Sheffield, 1992), 100, also asserts that “deliberate repetition and variation is a common characteristic” of biblical ritual texts.

¹⁸ Robert Alter, *The Art of Biblical Narrative* (New York: Basic books, 1981), 91-93.

Philip E. Satterthwaite considers such commentary as an “*implicit commentary*” that emphasizes “points, suggests connections between events, and hints at interpretations.”¹⁹ Further, Anne E. Garber Kompaoré insists that repetition (generally sevenfold or more) in biblical legal texts can highlight a unique element in the text.²⁰

In view of the assertions above, it is observed that Num 5:11-31 contains some deliberate repetitions considered as “terminological patterns”²¹ which can help grasp its motive. Prominent repeated words of the passage are as follows: טָמֵא “to be unclean or defiled” (vv. 13,14x2,20,27,28,29), קָנָא “to be jealous” (vv. 14x4,15,18,25, 29,30x2), הַכֹּהֵן “the priest” (vv. 15,16,17x2,18x2,19,21x2,25, 26,30), יְהוָה “the Lord” (vv. 11,16,18,21x2,25,30), and מַיִם “water” (vv. 17x2,18,19,22,23, 24x2,26,27x2).

These repeated terms can be represented this way:

The verb טָמֵא “to be defiled” is the first of the five recurrent words under study and occurs seven times in the passage in this manner:

13 and she has **defiled herself**
 14 and she has **defiled herself**
 14 and she has not **defiled herself**

20 and if you have **defiled yourself** by sleeping with another man

27 if she has **defiled herself** and has acted unfaithfully against her husband

28 and if she has not **defiled herself**

29 and she has **defiled herself**

The phrase “and she has defiled herself” appears in the opening and closing sections of the text (vv. 13,29). It serves as an *inclusio* for the sevenfold construction of טָמֵא (vv.13,14x2, 20,27,28,29). Milgrom notes that the sevenfold repetition of the verb טָמֵא cements the text together.²² This seems correct due to its occurrence at the beginning, in the middle, and at the end of the text. Further, the repetition of טָמֵא especially vv. 20,27 implies that defilement in the immediate context of the passage can be equated with sexual immorality which appears to be the central issue being dealt with in the trial-by-ordeal of Num 5:11-31.

The second repeated word, קָנָא “to be jealous” is reproduced as follows:

14 and a spirit of **jealousy** comes upon him
 14 and he is **jealous** of his wife and she has defiled herself
 14 or a spirit of **jealousy** comes upon him
 14 and he is **jealous** of his wife and she has not defiled herself

¹⁹Philip E. Satterthwaite, “Narrative Criticism: The Theological Implications of Narrative Techniques,” *NIDOTTE*, 1:127 (emphasis his).

²⁰ Anne E. Garber Kompaoré, “Discourse Analysis of Directive Texts: The Case of Biblical Law” (M.A. thesis, Associated Mennonite Biblical Seminary, 2004), 86, [thesis on-line], http://www.aegk.finespun.net/AGKBiblical_Law_Discourse.pdf (accessed 21 October 2009). Dorsey, 25, suggests that the remarkable frequency OT sevenfold structure is not surprising because “the convention of sevenfold structuring appears to have been highly popular in ancient Israel—as it

apparently was in surrounding lands.” Milgrom, *The JPS Torah Commentary*, xxxi, adds that the “septenary repetitions” is a device that can help underscore the meaning of a text.

²¹ Wilfried Warning, “Terminological Patterns and Leviticus 16,” *Journal of Asia Adventist Seminary* 9 (2006): 93, suggests that “terminological patterns” or “reading” is a biblical reading technique that consists of looking at the repetition (usually sevenfold) of a word in a given text to decipher its structure and meaning.

²² Milgrom, *The JPS Torah Commentary*, 351.

15 for it is an offering of **jealousy**
 18 it is an offering of **jealousy**
 25 and the priest shall take from the woman's
 hand the offering of **jealousy**
 29 This is the law of **jealousy**
 30 or when a spirit of **jealousy** comes upon a
 man
 30 and he is **jealous** of his wife

The words “jealousy” and “jealous” from the verb קנא “to be jealous” occur altogether ten times in Num 5:11-31. This text seems to be the only OT passage in which these words appear in such a great number. The spirit of jealousy that comes upon the husband affects the ritual offering so that it is qualified as an offering of jealousy (vv. 15,18,25). Finally, the ritual itself is referred to as תורת הקנאה “a law of jealousy” (v. 29), that is, a law intended to handle a problem concerning jealousy.

The other repeated word is הכהן “the priest.” This term is explicitly repeated twelve times in the text and it can be displayed this way:

15 and he will bring his wife to **the priest**
 16 and **the priest** will bring her near and set her
 before the Lord
 17 and **the priest** will take holy water in an
 earthen vessel
 17 and **the priest** will take (dust) and put it into
 the water
 18 **the priest** will set the woman before the Lord
 18 and in his hand **the priest** will have the water
 of bitterness...
 19 and **the priest** will make her take an oath
 21 **the priest** will make the woman take the oath
 of the curse
 21 and **the priest** will say to the woman
 25 and **the priest** will take the cereal offering of
 jealousy...
 26 and **the priest** will take a handful of the
 cereal offering
 30 and **the priest** will do to her

The repetition of הכהן suggests that the priest is the major actor in the ordeal. He

performs the majority of the activities and involves the woman in some. Further, it is important to notice the transfer of the woman from the husband to the priest then to the Lord (vv. 15-16). The first thing that the priest does after receiving the woman is to set her before the Lord (v. 16). The same thing is repeated in v. 18 before he makes the woman take the oath. This implies that the priest serves only as a bridge between the struggling couple and the Lord.

Like the verb טָמֵא, the noun יְהוָה “Yahweh” occurs seven times in the ritual understudy (vv. 11,16,18,21x2,25,30). The sevenfold repetition can be presented this way:

11 And **Yahweh** spoke to Moses
 16 and he will set her before **Yahweh**
 18 the priest will set the woman before **Yahweh**
 21 may **Yahweh** make you a curse
 21 when **Yahweh** makes your thigh to fall
 away...
 25 he will wave the offering before **Yahweh**
 30 and he will set the woman before **Yahweh**

The noun יְהוָה “Yahweh” occurs at the beginning and at the end of the ritual (vv. 11,30). As it can be noticed, the accused wife as well as her offering are brought before Yahweh (vv. 16,18,25,30). Further, the text indicates that Yahweh will punish the woman if she is found guilty (v. 21). This also implies that he will exonerate her if she is innocent. It can be said that the above repetition presents the Lord as the ultimate arbitrator of the case of the accused woman.

The last repeated word is מַיִם “water” which appears eleven times in the ritual. Its repetition can be highlighted as follows:

17 and the priest will take holy **water**
 17 and he will put (dust) in the **water**
 18 and the priest will have **water** of bitterness in
 his hands
 19 If no man has lain with you, be free from this
water of bitterness
 22 and may this **water** that brings the curse
 makes your internal organs swell
 23 and he will wash off in the **water** of bitterness

24 and he will make the woman drink the **water** of bitterness
 24 and the **water** will bring the curse
 26 then after²³ he will make the woman drink the **water**
 27 and when he has made her drink the **water**
 27 and the **water** will bring the curse in her.

The priest prepares the water and makes the woman drink it with the expectation that she will suffer no harm if she is innocent (v. 19). But in case she is found guilty then visible signs confirming her guiltiness will occur on her body (v. 22). The comparison between Yahweh and water repetition structures shows an apparent confusion about the author of the expected punishment for the convicted wife. The Yahweh repetition structure indicates that the Lord is the one Who will make the woman's thigh fall away and her abdomen to swell (v. 21) while the water repetition structure makes the water responsible for the punishment (v. 22). However, when the two verses are put together, they form the oath of the ordeal that reads this way:

²¹ "May the LORD cause your people to curse and denounce you when he causes your thigh to waste away and your abdomen to swell.

²² May this water that brings a curse enter your body so that your abdomen swells and your thigh wastes away." "Then the woman is to say, "Amen. So be it." (Num 5:21-22 NIV)

Looking at the oath as a whole, one can deduce that the Lord is the author of the punishment while the water serves as His means to implement it. In other words, the Lord, not

the water is responsible for what will happen to the woman.

Briefly, as the text stands, the repeated words **טָמֵא**, **קָנָא**, **הַכֹּהֵן**, **יְהוָה**, and **מַיִם** follow an order in terms of their first occurrence in the text: **טָמֵא** "to be unclean or defiled" (v. 13), **קָנָא** "to be jealous" (v. 14), **הַכֹּהֵן** "the priest" (v. 15), **יְהוָה** "the Lord" (v. 16), and **מַיִם** "water" (v. 17). This order may infer a sort of progression of thought indicating that the alleged sexual defilement (v. 13) preceded the spirit of jealousy (v. 14) and both were brought to the attention of the priest (v. 15). In his turn, the priest directed the issue to the Lord who settled it by using water (vv. 16-17). In other words, the repetitions of **טָמֵא**, **קָנָא**, **הַכֹּהֵן**, **יְהוָה**, and **מַיִם** can thematically be rendered this way: alleged sexual defilement → spirit of jealousy → priest's role → the Lord's intervention → drinking of water. This rendering could imply that the above repetitions of the ritual of Num 5:11-31 subtly indicate two points: (1) alleged sexual defilement generated jealousy and was directed to the priest; and (2) the priest transferred the issue to the Lord Who resolved it by using the ritual drinking water. The transfer of the case of the accused woman from the human sphere to God's jurisdiction is a striking aspect to notice in this ritual. In addition, the instruction given in Num 5:11-31 is expressed in a form of five protasis-apodosis constructions starting from v. 12 up to v. 28. These constructions indicate the ambiguous state of the case which implies that the accused woman could not be held guilt by

²³ The preposition **אַחֵר** "after" can be considered as temporal. Arnold and Choi, *A Guide to Biblical Syntax*, 97, assert that taken this way, **אַחֵר** "points to an event that comes chronologically 'after' another event." In the case of v. 26 it indicates that the woman drinks the water after the burning of her offering on the altar (v. 26). It therefore points out that the woman drinks the water only once. The mention of the drinking of water in v. 24 is a

continuation of the previous instruction about the oath formula which explains that the priest shall have the woman drink the water after the swearing. The instruction in v. 24 anticipates the time when the priest is now required to make her drink the water as shown in v. 26. There is another mention of drinking water in v. 27. This is part of the summary of what will happen when the priest has made her drink the water.

the mere fact of the accusation. One can infer that the text presumed her innocence until God could prove her guilt.

Trigger point and role of participants of the ritual of Num 5:11-31

The trigger point refers to the situation that generates the ritual performance. Obviously, Num 5:11-31 depicts a case related to dysfunctional marital relationship that involves: **אִישׁ** “a man, husband” (5:12x2,13,19,20,30) and **אִשְׁתּוֹ** “his wife” (5:12,14x2,15,30). In vv. 12-13, what may have happened to the woman is expressed by four verbs: **שָׁטָה** “to go astray” (v. 12), **מָעַל** “to act unfaithfully” (v. 12), **שָׁכַב** “to lie down” (v. 13), and **טָמְא** “to be defiled” (v. 13). The husband’s situation is described in vv. 14,30 by the verb **קָנָא** “to be jealous” and the expression **רוּחַ קִנְיָאָה** “a spirit of jealousy.”²⁴

The four verbs related to the woman have some connections. The verb **טָמְא** occurs in parallel with **שָׁטָה** in vv. 19,20,29; **מָעַל** in v. 27; and **שָׁכַב** in vv. 13,19,20. Moreover, the four verbs exhibit an order in terms of their occurrence in the text. This seems to indicate a sort of progression of thought about the conduct of the woman. The order of the verbs goes from **שָׁכַב** to **טָמְא** (vv. 12-13). The connection as well as the order of occurrence of these verbs, give the impression that the act of turning aside from a partner in marriage (**טָמְא**) equates the act of breaking faith with him (**מָעַל**) and is expressed in other words by “to lie down” (**שָׁכַב**), that is, lie down in the sense of having an illicit intercourse or commit adultery which results in defilement (**טָמְא**). In short, extramarital relationship is equated with defilement. Therefore, since the

Israelites possibly associated the concept of defilement with the idea of death²⁵ it can be understood why the husband could become sensitive about the alleged conduct of his wife. In this perspective, it can be suggested that suspicion about adultery is the principal “*causa*” of the ritual of Num 5:11-31 and the husband’s spirit of jealousy was its natural consequence.

The role of the participants in the ritual of Num 5:11-31 should be noticed. Five participants are highlighted: husband, woman, priest, community, and the Lord. The husband is the accuser due to his spirit of jealousy. The suspicious husband has no evidence for his accusation (Num 5:12-14). Hence, the legislation of Num 5:11-31 removes the case from his jurisdiction by requiring him to bring the accused woman to the priest (v.15). This action protects the woman from more harm that the husband could add to his accusation. The priest sets the woman before the Lord. The community takes no action against the woman; it simply serves as a witness to what the Lord will reveal. The accused woman takes no action on her own. She is being made to act. She is brought to the sanctuary, made to take the oath, stand before the Lord, and drink the water for the test (vv. 15-26). But apparently the woman cooperates to participate in the test because that could bring to an end the accusation of her husband, secure her innocence (if innocent), and if she is found guilty she will not be put to death but will be sterile and possibly be divorced by the husband (vv. 29-31).

In fact, due to their limitations, all human participants especially, the suspicious husband, the priest, and the community withdraw themselves from the case and leave it between the suspected woman and the Lord. At this point,

²⁴ Ludwig Koehler and Walter Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament* (HALOT), trans. by M. E. J. Richardson, rev. by Walter Baumgartner and Johann Jakob Stamm, 2 vols., study ed. (2001), s.v. “שָׁטָה,” “מָעַל,” “שָׁכַב,” “Error! Main Document Only. טָמְא,” “קָנָא.”

²⁵ Gerhard von Rad, *Old Testament Theology*, trans. D. M. G. Stalker (New York: Harper & Row, 1962), 1:277, suggests that in Israel, every uncleanness was to some extent a precursor to death and should be cleansed by ritual means.

the case is decisively handed over to God's jurisdiction. As declared earlier, contrary to most ancient ordeals which were life-threatening and held the accused guilty until the deity could prove otherwise, the legislation of Num 5:11-31 considered the accused woman innocent unless God revealed otherwise. Through this biblical jurisprudence, God cleared the accused woman (vulnerable in that society) from stigmatization. The list of participants in the ritual (husband, wife, priest, community, and the Lord) shows how far the impact of *עֲוֹן*, i.e., illicit intercourse action could go. The effects of the immoral conduct or a dysfunctional relation in marriage go beyond the human circle—they are extended to God's realm.

Ritual dimensions and function of the ritual of Num 5:11-31

It is asserted that ritual dimensions can help determine the function of a given ritual.²⁶ In the case of Num 5:11-31, three ritual dimensions can be noted to underscore its intention: interactive, collective, and communicative. These ritual dimensions suggest that this biblical jurisprudence aimed to maintain moral purity and enhance relationships among Israelites themselves and with God. The interactive dimension indicates that instead of being considered as an oppressive instrument, the legislation served as a social facilitator. As such, it provided a new opportunity of life for a woman proven guilty of adultery who could be put to death by the community and cleared the innocent one from false suspicion (5:27-28). One can even assert that the idea expressed in Num 5:11-31 of protecting an unfaithful woman from possible death penalty may be considered as a precursor of the NT's view that discourages capital punishment for persons struggling with moral issues (John 8:1-11).

The collective dimension infers that the ritual acted as a community builder by healing the community from the dangers of suspicion.

By doing so, it gave stability to the community. The communicative dimension emphasizes the idea that an accused should be held innocent until proven guilty. It also indicates that complex issues like suspicion about adultery need not be solved by violence but should be referred to God.

In light of Num 5:11-31, it can be asserted that if a couple fails to solve a marital suspicion by itself, then it can direct the issue to responsible people, able to seek God's guidance for appropriate resolution. Moreover, it seems correct to maintain that based on the text, an accused person should be considered innocent until proven guilty and no one should carry out justice for himself. The fact that, at the Israelite time, the Lord gave instruction for couple struggling with marital suspicion to go Him (Num 5:11-31) connotes that He welcomes contemporary couples facing alleged marital unfaithfulness to seek His help.

Conclusion

In view of the overall above analysis, it can be observed that the ritual of Num. 5:11-31 was a divine ritual that played a positive role in the Israelite community by protecting the accused woman as well as the community itself. It can be assumed that during that time when women rights were at a very rudimentary stage, this ritual helped protect women from arbitrary treatment of brutal husbands. The suspicious husband was not allowed to punish his wife but should hand her over to the priest (v. 15) who also set her before the Lord (v. 16, 29-30). It was the Lord who should judge the suspected woman. Though the procedure may seem deficient to modern society, it appears that in context of ancient people, it played an important role of removing the destructive effects of

²⁶ Klingbeil, *Bridging the Gap*, 224.

suspicion in the community. In addition, while most ancient ordeals considered the accused guilty until the deity could prove otherwise, the ritual of Num. 5:11-31 held the accused innocent until God could decide differently. Thus, this ritual favored the accused woman.

The fact of transferring the case of the suspected woman from the human sphere to God's jurisdiction communicated some important messages: (1) An accused person should be considered innocent until proven guilty; (2) No one should carry out justice for himself; (3) Sensitive issues such as suspicion about adultery need not to be resolved by violence; they should be referred to appropriate human jurisdictions and to God for He is interested in the stability of the family and as the supreme arbiter He can penetrate secrets of human beings and fairly judge the course of their actions.

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