

“Israel’s Purity Covenant: YHWH’s Influence on the Waters of Bitterness”

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Abstract:

Numbers 5:11-31 describes the test to be administered to a woman accused of adultery. Dust from the Tabernacle was to be mixed with water and drunk by the accused. If innocent, nothing would happen, but if guilty, she would experience sterility or potential miscarriage. In the wake of the Supreme Court’s restriction of abortion access, Pro-Choice advocates have pointed to this text as a biblical justification for abortion, asserting that the bitter water served as an abortifacient. This paper argues that the ordeal (or test) described in Numbers 5 differs significantly from similar ordeals in the Ancient Near East as it leaves the final adjudication of guilt or innocence to YHWH alone, and protects women from false accusations. Since it is harmless to the innocent, dust from the Tabernacle is not an abortifacient, but rather that which sanctifies the process as originating and concluding with the verdict of YHWH. In short, YHWH isn’t sanctioning abortion in this text, but in instead inserting himself into the process to determine whether a woman has been falsely accused.

Introduction

The recent tensions surrounding abortion in the United States have given rise to a renewed interest in the presence of abortion in biblical and ancient Near Eastern literature. The Hebrew Bible and the literary corpus of the ancient Near East provide a wealth of insight into the practices and worldview regarding the unborn. One passage commonly explored regarding the presence of abortion in scripture is Numbers 5:11–31. Num 5 chronicles a ritual ordeal performed when a husband suspects his wife of unfaithfulness. After the husband provides a grain offering, the accused woman is brought before YHWH, holding the grain offering with loosened hair, and made to take an oath and drink bitter water that has been cursed. If the woman is innocent, the bitter water has no effect. If she is guilty, her womb becomes sterile. With the abortion debate becoming more prominent, many contend that this passage indicates the acceptability of abortion in ancient Hebrew culture. For example, in a recent article published in *An Injustice!*, Joel Nihlean argues that the water in Num 5:27 is an abortifacient and states that verse alone is proof that scripture commands abortion and fails to condemn it.¹ There are others who agree that the bitter water causes an abortion, or that the water itself causes sterility, but a careful analysis of the text will show that Num 5 is not about abortion, but rather about YHWH’s involvement in the ritual used to validate marital fidelity.² It is YHWH’s judgment that causes the woman to become sterile. This paper will argue that YHWH’s centrality throughout the ordeal in Num 5:11–31, rather than the aspects of the ritual itself, is the emphasis of the text.

¹ Joel Nihlean, “Here’s What the Bible Really Says About Abortion,” *An Injustice!*, 9 May 2022, <https://aninjusticemag.com/heres-what-the-bible-really-says-about-abortion-f39d8a2a1cde>.

² Brian Bolton, “God Is So Not Pro-Life,” *Freedom From Religion Foundation*, <https://ffrf.org/component/k2/item/25602-abortion-rights#scriptural-truths>; Jon L. Berquist, *Controlling Corporeality: The Body and the Household in Ancient Israel* (United Kingdom: Rutgers University Press, 2002), 176; Julius A. Bewer, “The Ordeal in Num., Chap. 5,” *AJSL* XXX (1913): 46; Brian Bolton, “Does the Bible Prohibit Abortion?” *The American Rationalist* LXI (2015): 4–5.

Structure

The context of Numbers 5 brings understanding to the selected passage. Numbers 1–4 calls for Israel to maintain a strict code of holiness as YHWH’s holy people.³ Num 5 shifts its focus to three legislations regarding the holiness of the camp: the removal of unclean people (physical holiness; Num 5:1–4), defiling holiness by defrauding someone (social and communal holiness, and the unmasking of hidden sin; Num 5:5–10), and defilement in a marriage (Moral and ethical holiness and the vindication of the innocent; Num 5:11–31).⁴ While each regulation deals with standalone issues, they all deal with maintaining holiness within the camp—a feat necessary before they left Sinai, safeguarding the purity of the camp on its wilderness journey.⁵ The community, centered around the Tent of Meeting where YHWH dwells, bears witness of YHWH in the community.⁶ In all ways, Israel is dependent on YHWH’s guidance and must be dedicated to the lifestyle of holiness that he lays out; YHWH must be central to all the community does.⁷ The final section of the text emphasizes YHWH’s centrality in the context of purity within Israel’s camp.⁸

The structure of the chapter is important, but the structure of verses 11–31 even more so. The text is introduced with an emphasis on a divine source (“Then the LORD said to Moses”; Num 5:11).⁹ It is followed by three sections, each with a main action (A) plus a coordinate action (B) plus a more detailed description of the main action (A).¹⁰ Each coordinate action focuses on the preparation of and the consumption of the bitter water.¹¹ Finally, the text concludes with the divine presence in the outcome.¹² This kind of structure clarifies each section of the text, which can be divided into 1) the accusation, 2) the ritual, and 3) the resolution.¹³

Num 5:11–31 describes a case of a suspected unfaithful wife. The legal procedure used to evaluate guilt consists of 1) the woman, with the help of the priest, preparing a ritual ordeal and taking an oath and 2) implementing the ritual ordeal.¹⁴ Varughese notes that this particular ordeal

³ Alex Varughese, *Numbers*, NBBC (Kansas City: Beacon Hill Press, 2021), 67.

⁴ Varughese, 67–68; Philip J. Budd, *Numbers*, WBC 5 (Grand Rapids: Eerdmans, 1993), 65.

⁵ Varughese, 68; Budd, 65.

⁶ Budd, xxv.

⁷ Budd, xxv. Israel is already having authority problems, and YHWH’s centrality is crucial to understanding Numbers 5:11–31 because he inserts himself into the entire process. Israel must involve him for the ordeal to work. Moses and Aaron even fail to respect YHWH’s holiness (Budd, xxvi.).

⁸ Ronald B. Allen, *Numbers*, Expositor’s Bible Commentary 2 (Grand Rapids: Zondervan, 1990), 748; 1 Corinthians 5; Exodus 20:14.

⁹ Timothy R. Ashley, *The Book of Numbers*, NICOT (Grand Rapids: Eerdmans, 1993), 122; Num 5:11.

¹⁰ Ashley, 122.

¹¹ Ashley, 122; Num 5:18, 19b, 25–26.

¹² Ashley, 122; Num 5:29–31.

¹³ Referred to by Ashley as *inclusion*; Ashley, 122.

¹⁴ Varughese, 71.

is unusual in the Old Testament, though there are similarities to other Babylonian ordeals and Exodus.¹⁵ There is no scriptural example of such an ordeal.¹⁶

Section One: Num 5:11–15

The ritual contains two ordeal laws: 1) a cereal offering of remembrance, and 2) a cereal offering of jealousy.¹⁷ The ordeal serves both to provide a judicial decision in an adultery case and to calm the suspicious husband's feelings of jealousy.¹⁸ The bitter water ritual is for the first,¹⁹ and the offering is for the second.²⁰ The biblical ordeal follows similar procedures in the Code of Hammurabi for cases of both certainty and uncertainty.²¹ The Code of Hammurabi has two relevant laws:

§131 If her husband accuses his own wife (of adultery), although she has not been seized lying with another male, she shall swear (to her innocence by) an oath by the god, and return to her house.

§132 If a man's wife should have a finger pointed against her in accusation involving another male, although she has not been seized lying with another male, she shall submit to the divine River Ordeal for her husband.²²

In the Code of Hammurabi, if feelings of jealousy overcome a suspicious husband and he makes the accusation, an oath is taken, while if someone in the community makes the accusation, an ordeal is performed.²³ Each case occurs in the biblical text and in the Code of Hammurabi.²⁴ However, the biblical text does not provide an accusation of certainty, leaving an open case for the priest to evaluate.²⁵ While there are other similar judicial procedures, some in Mesopotamia, none have a direct parallel to the biblical text.²⁶

Trials by ordeal were common as ways to resolve cases that could not be resolved and could not be left unresolved.²⁷ The divine was consulted for these rituals, and mostly occurred in one of three ways: 1) by water, 2) by heat, or 3) by potion.²⁸ Num 5:11–31 contains similar

¹⁵ Varughese, 71; For example, in Exodus 32, the Israelites were forced by Moses to drink the dust from the ground down golden calf. Milgrom argues that this could have served as an "ordeal to distinguish the guilty from the innocent." He suggests that the results of the ordeal showed the Levites who was guilty and who they were to kill. Two more primary examples are found in the Code of Hammurabi, as further discussed in Section One; Exod 32:20; Jacob Milgrom, *Numbers Commentary*, JPS 5 (USA: JPS, 1990), 348.

¹⁶ John Sturdy, *Numbers*, CBC (Great Britain: Cambridge University Press, 1976), 46; Clyde M. Woods, *Leviticus–Numbers*, The College Press Commentary (USA: College Press Publishing, 2006), 212.

¹⁷ Budd, 62; Num 5:11–31.

¹⁸ Budd, 62. Num 5:12–13, 29, 31.

¹⁹ Num 5:15a, 16–17, 19–20, 22a, 23–24.

²⁰ Num 5:14a, 18a, 21–22b, 25–26.

²¹ Budd, 62.

²² William W. Hallo and K. Lawson Younger Jr., eds. *Monumental Inscriptions from the Biblical World*. Vol. 2 of *The Context of Scripture*. Edited by William W. Hallo and K. Lawson Younger Jr. Leiden: Brill, 2003), 344.

²³ *Ibid.*; Budd, 62.

²⁴ *Ibid.*

²⁵ Budd, 62.

²⁶ Budd, 63.

²⁷ Ashley, 123.

²⁸ *Ibid.*

features, including the influence of YHWH on the outcome.²⁹ There is significant evidence, in both scripture and in Babylonian laws, that shows adultery to be the “great sin,” offending the community and offending the deity.³⁰ Yet, despite adultery being such an offense against the gods, ancient Near Eastern laws permitted the death penalty to be waived by the husband, and/or monetary compensation, suggesting that theology had little significance in a legal case.³¹ In contrast, scripture emphasizes a covenant of purity that every Israelite swears to.³² The issue of moral and ethical holiness within a marriage is “the most detailed legal procedure in the Old Testament for carrying out God’s judgment.”³³

A common example of an ancient Near Eastern case is found in the Code of Hammurabi. The two previously mentioned laws in the Code of Hammurabi are comparable to Num 5.³⁴ The first law states that if a woman is accused, but not caught in the act, she swears by the god and returns home.³⁵ The second law states that, if a woman is accused, but not caught in the act, she undergoes a trial by death by throwing herself into the Euphrates River.³⁶ If the accused sank, she was guilty. If she was innocent, she floated.³⁷ A Mari letter describes a similar ritual, though the accused had to swim a certain distance to be condemned or acquitted.³⁸ Num 5 relates more closely to the first of the Hammurabi laws.³⁹ The Numbers text includes the punishment in the ordeal, making it very close to an ancient river ordeal, but the punishment for the guilty is sterility rather than death.⁴⁰ Woods argues that since the husband’s jealousy is the source of accusation, rather than public suspicion, as in the Code of Hammurabi, Num 5 “should not be considered a trial by ordeal.”⁴¹ Even so, its striking similarities influence the reading of the text.

The biblical ordeal begins because of the suspicion of a husband that his wife has “gone astray.” Interestingly, *נָסָה* (“to go astray”) used in Num 5:12, only occurs elsewhere in Proverbs 4:15, where the author advises one to “turn away” from the path of the wicked, and Prov. 7:25, warning the reader to “stray away” from the seductive paths of an adulterous woman.⁴² The selected passage distinguishes this potential case of adultery by emphasizing that there are no

²⁹ Ibid.

³⁰ Milgrom, 348–49; Genesis 20:6, 9; 26:10; 29:9.

³¹ Milgrom, 349.

³² Jeremiah proclaims that Israel’s doom is a result of adultery; Milgrom, 349; Exod 24:1–8; Deuteronomy 5:24–26; Hosea 4:2; Jeremiah 5:7–9; 7:9, 9–15.

³³ Varughese, 71; Martin Noth, *Numbers: A Commentary*, trans. James D. Martin (Philadelphia, PA: Westminster, 1968), 48.

³⁴ Allen, 743.

³⁵ Ibid.

³⁶ Varughese, 7; Allen, 743; Budd, 63; Milgrom, 346.

³⁷ Allen, 743; Milgrom, 346.

³⁸ Milgrom, 346.

³⁹ Israel might not have had the custom of throwing the accused into a river due to lack of a river suitable for such a custom; Budd, 63.

⁴⁰ Milgrom, 347–49.

⁴¹ Woods, 209–10. A distinct difference between the Code of Hammurabi and the biblical text is the source of the accusation. Hammurabi’s text states that, if the accusation came from the community, the husband was the only one who could press charges. Additionally, the biblical text includes both an oath and ordeal, while Hammurabi’s text separates the two into separate procedures. Finally, as stated above, the biblical text provides a punishment of sterility, unlike Hammurabi, whereas the punishment is death. This emphasizes YHWH’s mercy on the guilty, though to be childless in that culture meant an earlier physical death and a social death; Milgrom, 347–48.

⁴² Budd, 64; Proverbs 4:15–16; 7:24–25.

witnesses, and she has not been caught.⁴³ One might ask what evidence the husband has to be suspicious, other than if the woman was visibly pregnant.⁴⁴ If she was guilty of adultery and pregnant, the “waters of bitterness” could be interpreted as an abortifacient.⁴⁵ While Snaith suggests that Arabic cognates denote an abortion, Ashley argues that there is no exclusive evidence that this ordeal was performed on pregnant women.⁴⁶ Additionally, there is some speculation that the “fallen thigh and the swollen belly” (Num 5:27) indicate a hysterical pregnancy (see below).⁴⁷ This would be further evidenced by the ritual of unbinding the woman’s hair, as discussed in Section Two.⁴⁸

Section Two: Num 5:16–22

This section delineates judgments. The first form of divine judgment is the “holy” water mixed with dust, causing deformities and supposedly preventing the woman from having children.⁴⁹ The second form is a curse with an oath, also causing spontaneous effects.⁵⁰ The third and final form of divine judgment is the writing of words on parchment followed by the consumption of those words, causing several complexities.⁵¹ Drinking the waters of a ground-up curse would bring more intensity to the ordeal.⁵² Ronald Allen suggests that the bitterness does not refer to the taste of the water itself, but rather to its holy nature⁵³ and its association with such a curse.⁵⁴ The reason why the bitter waters would not affect an innocent woman like they would a guilty one is because the consequences of the curse are imposed by YHWH, not by the waters themselves.⁵⁵ The double “amen” is the woman’s agreement of the judgment that is to come if she is guilty.⁵⁶

In similar ancient Near Eastern trials, the agent (in the case of Numbers, the bitter water) was dangerous to any party, innocent or guilty. In Num 5, the water is inherently harmless on its own.⁵⁷ Here, the guilt of the woman is considered uncertain, whereas in other ancient ordeals, she would have been “guilty until proven innocent.”⁵⁸ Additionally, in typical ancient rituals, the determination of guilt and the punishment were dealt with separately, meaning that any injury that came from the ordeal would be separate from physical harm due to the consequences of the legal penalty, which would take place immediately.⁵⁹ The trial by ordeal in Num 5 does not

⁴³ Woods, 208; Num 5:13.

⁴⁴ Sturdy, 45.

⁴⁵ Ibid.

⁴⁶ N.H. Snaith, *Leviticus and Numbers*, (London: Nelson, 1967), 127; Ashley, 130; Sturdy, 45.

⁴⁷ Ashley, 132–33.

⁴⁸ Num 5:18.

⁴⁹ Budd, 63; Num 5:17, 27–28.

⁵⁰ Budd, 63; Num 5:19, 21.

⁵¹ Budd, 63; Allen, 747; Num 5:23; Consuming words on parchment, ground-up and drunk, is a common practice in other eastern cultures, such as Tibet and India. It can also be found in Ezekiel 2:9–10; Sturdy, 47–48.

⁵² Allen, 747.

⁵³ Sturdy, 47.

⁵⁴ Allen, 747.

⁵⁵ Ibid.

⁵⁶ Allen, 746–47.

⁵⁷ Ashley, 123. In order for the water to be harmful to a guilty party, YHWH had to be involved.

⁵⁸ Ashley, 123; Sturdy, 46; Num 5:12–14.

⁵⁹ Ashley, 123.

influence harm from the ritual unless the party is guilty, and the consequence for the guilty is not given a timeline.⁶⁰ Rather than receiving a punishment from *both* a human court and YHWH, the adulteress only sustains divine punishment.⁶¹ In Exodus and Leviticus, a human court would prescribe death as a punishment for an adulteress, but adulteresses and the death penalty are not mentioned here.⁶² The absence of *זָנָה* in Numbers, the technical verb for adultery used in the Decalogue, shows a desire from the author to disassociate the death penalty from the case.⁶³ Since the adulteress was not caught in the act, the punishment must exclude human mediation and such consequences must come from YHWH.⁶⁴ While odd that an ordeal containing pagan elements was permitted as part of the Torah, it gives the priest an ordeal that would exclude the death penalty and any human involvement in the punishment.⁶⁵ The punishment for the case falls into the category of poetic justice, consequences that are unique to the criminal and fit the crime.⁶⁶ Milgrom argues that, theoretically, the woman would rather confess her crime than subject herself to an ordeal, being extremely fearful of the punishment itself.⁶⁷ Instead, the punishment includes a “fallen thigh” and a “swollen belly.”⁶⁸ The meaning of *לְצַבּוֹת בָּטֶן וּלְנַפֵּל יָרֵךְ* (“causing the belly to distend and the thigh to sag”) poses a difficult interpretation.⁶⁹ Most commentators agree that this phrase is a euphemism for procreative ability.⁷⁰ While the NIV’s rendering (“causes you to have a miscarrying womb and barrenness”) causes some confusion, Allen argues that the language is figurative and simply speaks of a loss of childbearing ability.⁷¹ *בָּטֶן* can refer to the internal organs of the belly, the lower abdomen, and also the womb.⁷² Just as YHWH is responsible of the life of a fetus from its very beginnings,⁷³ YHWH will also be responsible for the cursing of the womb of an adulteress.⁷⁴ Since the possibilities range from a fallen or flooded uterus, hysterical pregnancy or a dry and hot womb, it is more productive to focus on YHWH’s involvement, rather the physical effects of the water.⁷⁵ While the ritual itself may seem odd, it is actually designed to protect women. Typical trials by ordeal could be initiated solely on suspicion and were significantly dangerous to both guilty and innocent women.⁷⁶ Since the bitter water by itself is inherently harmless, and only becomes dangerous to the guilty with YHWH’s involvement, a ritual such as that in Num 5 protects the innocent

⁶⁰ Ibid.

⁶¹ Ibid.; Milgrom points out that this is the only scriptural ordeal where a miracle determined the outcome of a judicial decision, and that there is no example of the ordeal, leaving no evidence that it was effective. While there is architectural evidence that the ordeal was a living practice, it was probably rare; Milgrom, 348.

⁶² Ashley, 124; Woods, 208, 212; Sturdy, 45; Exod 20:14; Leviticus 20:10.

⁶³ Milgrom, 350; Exod 20:14; Deut 5:18.

⁶⁴ Milgrom, 350.

⁶⁵ Ibid.

⁶⁶ Ibid.; e.g., Gen. 27:16; 37:31–35; Num 14:33–34; Ezek 4:4–6.

⁶⁷ Milgrom, 350.

⁶⁸ Ashley, 124; Num 5:27.

⁶⁹ Num 5:22.

⁷⁰ Ashley, 132.

⁷¹ Allen, 746; Num 5:21–22.

⁷² William L. Holladay, *A Concise Hebrew and Aramaic Lexicon of the Old Testament*. (Grand Rapids: Eerdmans, 1988), 37–38; Ashley, 132; J. Oswalt, “בָּטֶן,” *TWOT*, 1:102–103.

⁷³ Job 3:3–11; 31:18; Psalm 51:15; 71:6; 127:3; 139:13; Jer. 1:5; Isaiah 49:1; Deut 7:13; 28:4, 11; 30:9.

⁷⁴ J. Oswalt, “בָּטֶן,” *TWOT*, 1:103.

⁷⁵ Ashley, 132–33; Woods, 211; Allen, 746 (the language is figurative); Milgrom, 41.

⁷⁶ Ashley, 124; Sturdy, 46.

woman and diminishes suspicions of the husband.⁷⁷ The harmless water eliminates a view of magic and demands YHWH's involvement in the outcome.⁷⁸

A significant semantic issue is the connotation of מַי הַמָּרִים (“the bitter water” or the “water of bitterness”).⁷⁹ The water itself—simply dust from the temple floor mixed with water—while unhygienic, was harmless. Additionally, adding dust or ink to water would not make the water taste bitter.⁸⁰ Therefore, מַי הַמָּרִים more likely refers to the bitterness of suffering of the ordeal's consequences.⁸¹ The effect of the water is caused by YHWH, not any physiological damage from consuming it, as is evidenced by the fact that the innocent woman suffers no effects.⁸² Woods suggests that, though harmless, the act of adding sanctuary dust and the ink of a curse would create more psychological intensity.⁸³ Both drinking the water and the loosening of the woman's hair point to the following curse.⁸⁴ Lev 10:6 and 21:10 show that unbound hair, or loosened hair, is a sign of mourning, while Lev 13:45 shows that unbound hair is a sign of uncleanness or mourning.⁸⁵ If the woman was guilty, her loosened hair would indicate shame and mourning, either for the loss of her unborn child or for the loss of her ability to bear any future children.⁸⁶ Both reasons, uncleanness and mourning, would fit here, mourning even more so if the woman was already pregnant.⁸⁷ If a suspicious husband decides to bring his wife before the priest for the ritual, he is required to bring a particular grain offering.⁸⁸

Section Three: Num. 5:23–28

If the woman is innocent, the priest's prayer is that the “bitterness” is harmless.⁸⁹ If she is guilty, the priest's prayer is that YHWH would use the “bitter” waters to destroy her inner

⁷⁷ Ashley, 124, 126; Sturdy, 46; Num 5:21; This is significant because there were few protections for women in that time. Leaving the man guiltless was common in that culture. Furthermore, a suspicious husband might make domestic life miserable for his wife if there is uncertainty of unfaithfulness. These ritual ordeals protected women from any unjustified mistreatment at home; Sturdy, 46. Milgrom suggests that the lack of certainty in the sin is the reason for excluding the death penalty, and thus, protects innocent women; Milgrom, 349–50.

⁷⁸ Ashley, 132; Sturdy, 46.

⁷⁹ Num 5:18–19; 23–24.

⁸⁰ Ashley, 130; Frymer-Kensky, “The Strange Case,” 25; Allen, 747.

⁸¹ Ashley, 130; Frymer-Kensky, “The Strange Case,” 25; Woods, 211; Allen, 747.

⁸² V. Hamilton, “מֵרֶר,” *TWOT* 1:528; Ashley, 131; Sturdy, 46; Milgrom, 41, 43; Num 5:19b, 21.

⁸³ Woods, 210.

⁸⁴ Ashley, 131.

⁸⁵ Ashley, 129, Woods, 210; Allen, 745; Sturdy, 47; Lev 10:6, 13:45, 21:10.

⁸⁶ Ashley, 129; Woods, 210; Sturdy, 47.

⁸⁷ Her unbound hair could also be a sign of shame; Ashley, 129.

⁸⁸ Ashley, 127; Num 5:14–15. This offering, קָרְבֵּן, means “that which is brought near (to God).” It is only found elsewhere in Lev, Num, and Ezekiel. Num 5 indicates that the offering must be dry. A dry meal offering is only found in Lev 5:11, where it is offered for the poor person's purification. Ashley argues that the potential sin is the reason why oil and incense are restricted for this offering. Furthermore, since all other instances of remembrance offerings in the Old Testament are for good, while this offering is “evoking sin,” the offering might be present to purify the sanctuary, should the woman be guilty. It is also worth noting that, according to Exod 23:15, 34:20, and Deut 16:16, one cannot be in YHWH's presence empty-handed, and therefore must bring an offering. The offering, made out of barley flour, was coarser than other fine-flour offerings, such as those in Lev 2:1, 5:11, and 2 Kings 7:1, and would indicate a “request for judgment.” It is also referred to as a *minhah* offering, deprived of oil and frankincense, two ingredients that are associated with joy (as in Ps 104:15). Absence of such ingredients suggests the presence of great sin; Ashley, 127; Woods, 209; Sturdy, 48; Milgrom, 38, 352.

⁸⁹ Allen, 746; Sturdy, 46.

organs.⁹⁰ As stated in Section Two, it is speculated that the phrase “your thigh to waste away and your abdomen to swell” indicates a loss of childbearing ability, or, if the woman is currently pregnant, a miscarriage.⁹¹ A woman’s loss of her childbearing ability had a direct effect on her social value.⁹²

The text indicates that the woman is מַעַל. Almost every biblical use of מַעַל denotes a “violation of religious law as a conscious act of treachery,” a violation specifically against YHWH.⁹³ There are three major exceptions to this commonality: Proverbs 16:10 (which speaks of a king not acting unfaithfully toward justice), Job 21:34 (where Job is rebuking his comforters for speaking falsehoods on behalf of YHWH), and Numbers 5:12 and 5:27.⁹⁴ מַעַל also refers to “faithless acts of individuals,” mostly involving royalty.⁹⁵ Interestingly, מַעַל is only used to describe believers, not unbelievers, and “covenant peoples,” those acting unfaithfully with their ruler.⁹⁶ Since there is always a connection between מַעַל justice in the context of royalty and acting unfaithfully with a covenant peoples’ ruler, in the case of adultery one must read its usage not just as an unfaithful act in a marriage covenant but also a transgression against YHWH.

It is important to note that YHWH is involved from the start, making the ancient Near Eastern ordeal acceptable in Israel.⁹⁷ This is the only procedure in the Old Testament that favors the defendant, requiring proof of guilt.⁹⁸ It is highly unlikely that drinking water and dust would have any kind of physical consequence on an innocent woman.⁹⁹ Woods suggests that, though harmless, the act of adding sanctuary dust and the ink of a curse would create more psychological intensity.¹⁰⁰ While the method itself is insufficient, with YHWH so heavily involved in the process/ordeal, a guilty conscience that takes an oath before YHWH would endure the physical consequences.¹⁰¹ Additionally, since YHWH was at the center, lack of consequences would quench any feelings of jealousy from a suspicious husband.¹⁰²

Conclusion

The entire book of Numbers contains legal codes that impress holiness into Israel. Following the two legal codes on the removal of unclean people from the camp and defrauding

⁹⁰ Allen, 746.

⁹¹ Allen, 746; Woods, 212.

⁹² Allen, 746.

⁹³ As seen in Lev 5:15, 6:2; Num 5:6; Joshua 22:31, and several texts in Chronicles; Hamilton, “מרר,” 1:528, 1:519–20; Holladay, 206.

⁹⁴ V. Hamilton, “מעל,” *TWOT* 1:520.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ Budd speculates that the ordeal might have been used for more tests, and that the author of Numbers, recognizing the method’s validity, could have limited the circumstances of the ordeal by including a cereal offering, an oath, and an emphasis of the consequences, ensuring a priestly role in this aspect of the community’s life and merging a cultural practice with the legal tradition of Exodus 22; Budd, 63–64, 66; Num 5:15, 18, 25–26, 19–22, 27–28.

⁹⁸ Budd, 66–67. A similar text is Exod 32:20, but since guilt is known, it is considered a punishment rather than an ordeal.

⁹⁹ *Ibid.*

¹⁰⁰ Woods, 210.

¹⁰¹ Budd, 66–67.

¹⁰² *Ibid.*

someone comes “the most detailed legal procedure in the Old Testament for carrying out God’s judgment.” YHWH requires a dedication to utmost holiness and demands to be at the center of the community in all ways. While ancient ritual ordeals utilize a similar process, the biblical ordeal differs in two ways: 1) the consequences and 2) the divine influence on the outcome. Numbers 5 shifts authority from a human court to divine judgment—YHWH determines guilt and innocence. Contrary to ancient Near Eastern rituals, which were dangerous to both the guilty and the innocent, the biblical ritual excludes any danger of death (being thrown into the river, the death penalty, etc.) and is only dangerous to the guilty, indicating that the waters themselves were harmless without YHWH’s influence. In Num 5, any woman accused must provide the offering, stand before YHWH, take an oath before YHWH, and drink a bitter water that is only harmful at YHWH’s discretion. The biblical law is designed to protect the innocent defendant and the community from unnecessary harm. In this case, the ordeal is simple. YHWH’s centrality is heavily emphasized. It is also clear from the language that the unfaithful act is not only a violation within a marriage covenant, but also a violation of the community’s covenant with YHWH. The final verses conclude the ordeal with divine emphasis—that the entire ritual is to be performed before YHWH, further accentuating YHWH’s involvement in every step of the process. Pro-choice advocates argue that the bitter water in Num 5 acts as an abortifacient, suggesting Hebrew acceptance of abortion. But abortion was not as widely accepted in the ancient Near East as they claim.¹⁰³ And in the Hebrew legal code, the temple dust indicates the sanctity of the process, the bitter water is harmless to the innocent, and the ordeal puts YHWH at the center. YHWH, not the bitter water, determines guilt and innocence (unlike other ancient ritual ordeals). A thorough and proper examination of the text undermines eisegetical readings determined to find justification for abortion in Numbers 5.

¹⁰³ Middle Assyrian Law states, “A §53 If a woman aborts her fetus by her own action and they then prove the charges against her and find her guilty, they shall impale her, they shall not bury her. If she dies as a result of aborting her fetus, they shall impale her, they shall not bury her. If any persons should hide that woman because she aborted her fetus [...]” As much as pro-choice advocates would like to believe that abortion was an accepted practice in the ancient Near East, the opposite is true. Not only was abortion not a prominent practice, but women who had abortions in that time were given the death penalty and a dishonorable burial. Furthermore, anyone who helped a woman have an abortion received consequences; Hallo and Lawson Younger Jr., 359.

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