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THE  
FIVE BOOKS  
OF  
MIRIAM

*A Woman's Commentary on the Torah*



**HarperOne**  
*An Imprint of HarperCollins Publishers*

## THE CENSUS, OR, WHO COUNTS?

**OUR DAUGHTERS ASK:** Who is counted—and not counted—in the first census of the Israelites?

**SERAKH BAT ASHER THE HISTORIAN ANSWERS:** The explicit reason for this census is to identify "ALL THOSE IN ISRAEL WHO ARE ABLE TO BEAR ARMS" (1:3). In other words, the census is designed to transform Israel from a slave people into a military force. The total number of men of fighting age—twenty and up—comes to 603,550. So central is this event considered in Israel's national history that it provides the English name for this fourth book of the Torah: Numbers.

**LEAH THE Namer adds:** But its Hebrew name, as with the other four books, is taken from its first word, *bamidbar*, "in the desert."

**BERURIAH THE SCHOLAR EXPLAINS:** So not everyone is included in this number. The women, the children under twenty, and probably those too old or unfit for service (although, significantly, no upper age limit or physical condition is set for fighting men) are left out. In addition, nothing is said here about the *erev rav*, the mixed multitude that accompanies the Israelites out of Egypt. As for the Levites, they are not included in this counting but are subject to a separate census of "ALL THE MALES FROM THE AGE OF ONE MONTH UP" (3:15). These total 22,000 men.

**LILITH THE REBEL COMMENTS:** As a result of this census, the women now disappear from view, uncounted—like their children and the mixed multitude. Although the actual population of Israelites—fighting men, Levites, and everyone else—must have amounted to several million people, the Rabbis almost always talk about the "600,000 who stood at Sinai," not acknowledging that they are including only the men numbered in this census. The rest of us are still waiting to be counted.



## 35. NASO:

### Jealousy

(NUMBERS 4:21-7:89)

**TORAH TEACHES:** This parasha describes a ritual involving a woman suspected of adultery. This is the only example in Judaism of "trial by ordeal"—that is, a procedure for judging an individual's innocence or guilt by subjecting her to a physical test.

The parasha also contains the laws of the Nazirite, an individual who chooses to take a vow of abstinence and separation from the community. Following this section is the Blessing of the Priests, *Birkat Kohanim*, to be conferred on the people by Aaron and his sons.

The parasha concludes with the consecration of the Tabernacle, celebrated for twelve days with gift giving by all the tribes.

### RESPONSIBILITY FOR SIN

**OUR DAUGHTERS ASK:** Although the Torah often excuses women from responsibility—for example, for being personally obligated for their own vows—here they're regarded as obligated equally with men, as it is written: "WHEN A MAN OR WOMAN COMMITS ANY WRONG TOWARD A FELLOW [Israelite], THUS BREAKING FAITH WITH YHVH, AND THAT PERSON REALIZES HER GUILT, SHE SHALL CONFESS THE WRONG THAT SHE HAS DONE. SHE SHALL MAKE RESTITUTION IN THE PRINCIPAL AMOUNT AND ADD ONE-FIFTH TO IT, GIVING IT TO HER WHOM SHE HAS WRONGED" (5:5-7). Why are women responsible in this case?

**HULDAH THE PREACHER ANSWERS:** This law proves that women sometimes did control property, and that with such control, they assumed some of the same rights and obligations as men. So if they wronged another person, it was their own responsibility—not their husbands' or fathers'—not only to confess but also to compensate those they had wronged, including an additional twenty percent penalty. Through this law, the Torah, acknowledging that adulthood carries with it both moral and economic accountability, conferred that social status upon women.

## TRIAL BY ORDEAL

OUR DAUGHTERS ASK: How can the Torah prescribe the primitive "trial by ordeal" as a means of divining truth? Is this quasi-magical ritual any different from medieval autos-da-fé or some of the other diabolical methods practiced by the Spanish Inquisition? And don't such practices go against the grain of Judaism?

WILY REBECCA ANSWERS: If we examine this ritual more closely, we discover profound psychological insight behind it—if we judge it within the context of the Torah's own time and place. Because as much as we fittingly condemn this practice for humiliating the woman and exonerating the man, we have to acknowledge also its primary purpose as an *exorcism of jealousy*, which, if left to fester, might have led the woman's husband to abuse, abandon, or banish his wife, leaving her economically destitute and socially outcast.

THE RABBIS EXPLAIN: Furthermore, when this law was first commanded, the people's moral conduct was more praiseworthy, more in keeping with God's ways, than it was in our time. In the Torah's time, if a man justly accused his wife of adultery, this ritual, which we later called the ritual of the *sotah*, "the woman who strays," served its divine function of exposing the sinner to public view and ridding the camp of impurity. But later, after the Temple had been destroyed, we realized the people's moral nature had so deteriorated that men were just as likely to be guilty of adultery as women, and so we were forced to outlaw this practice.

OUR DAUGHTERS REPLY: If you think things were bad then, just look at them now. We need a ritual for a whole society that strays.

## A FIT OF JEALOUSY

BERURIAH THE SCHOLAR EXPLAINS: The Torah sets down specific preconditions that entitle a suspicious husband to impose this ritual on his wife. The first is *secrecy*: "IF ANY MAN'S WIFE HAS GONE ASTRAY AND BROKEN FAITH WITH HIM IN THAT A MAN HAS HAD CARNAL RELATIONS WITH HER UNBEKNOWNST TO HER HUSBAND, AND SHE KEEPS SECRET THE FACT THAT SHE HAS DEFILED HERSELF WITHOUT BEING FORCED, AND THERE IS NO WITNESS AGAINST HER . . ." (5:12-13). This criterion excludes cases of rape, open promiscuity, accusation by a fellow Israelite, and confession of infidelity by the wife herself. (Each of these situations has its own set of laws and consequences.) What is most significant in

this case is that the husband *has no way of proving* that his wife has "BROKEN FAITH WITH HIM."

OUR DAUGHTERS ASK: But the Torah doesn't say, "If a man *suspects* that his wife" but rather says, "IF ANY MAN'S WIFE HAS GONE ASTRAY . . ." How does the narrator know this if there are no witnesses?

WILY REBECCA ANSWERS: The narrator adopts this posture in order to appease the jealous husband, to make him feel vindicated as he plays out his suspicions. This way the husband can preserve his honor so that his wife can save hers.

OUR DAUGHTERS ASK: What about *her* feelings? Does the ritual take them into account?

BERURIAH ANSWERS: Here we discover another clue about the Torah's perspective. For it is written of the husband: "BUT [IF] A FIT OF JEALOUSY COMES OVER HIM AND HE IS WROUGHT UP ABOUT THE WIFE WHO HAS DEFILED HERSELF; OR IF A FIT OF JEALOUSY COMES OVER ONE AND HE IS WROUGHT UP ABOUT HIS WIFE ALTHOUGH SHE HAS NOT DEFILED HERSELF—THE MAN SHALL BRING HIS WIFE TO THE PRIEST" (5:14-15). In this special case, the focus is on the husband's *feelings*, but in other cases of moral offense, the Torah addresses an individual's or the community's *purity status*: whether ritual contamination, requiring purification, has occurred. Here, the husband brings "FOR HER" an offering of barley flour, but he is not to pour on it the oil and frankincense normally required for meal offerings. For it is designated as "A MEAL OFFERING OF JEALOUSY," a *minhat zikaron mazkeret avon*—that is, an "OFFERING OF REMEMBRANCE WHICH RECALLS WRONG-DOING" (5:15).

ESTHER THE HIDDEN ONE SUGGESTS: During the ritual, the priest places the husband's offering upon his wife's hands, so that the woman herself *becomes* the altar. It is at her expense, through her agency, that her husband is offering up this memorial to his own distrust.

WILY REBECCA EXPLAINS: In other words, the husband brings only a make-believe sacrifice, a simulation of a sin offering; although to him it is real enough. What he's purging from his consciousness is not his wife's sin but the memory of his own suspicion of that sin. What the ritual is addressing is not his wife's passions but his own.

## ABBAYE'S SUSPICIONS

THE RABBIS RECOUNT: Once, Rabbi Abbaye overheard a man ask a woman if he could accompany her as they walked through the forest. Suspect-

ing that the man planned to seduce her, Abbaye followed them. But no foul play occurred, and when the couple reached the other side of the forest, they went their separate ways.

"It was not *their* evil inclination but *my own* that was whispering in my ear!" said Abbaye to himself. "Had I been with that woman, I would surely have seduced her!"

Filled with shame, Abbaye went to the riverbank to throw himself in. But an old man suddenly appeared and said to him, "The greater the man, the greater his evil inclination."

And so Abbaye returned home in peace.

### MUDDYING THE WATERS

**OUR DAUGHTERS ASK:** What a bizarre ritual! Why is it so loaded with symbolism and theatricality, more the stuff of melodrama than sacred drama? Why does the priest take "SACRAL WATER IN AN EARTHEN VESSEL AND, TAKING SOME OF THE EARTH THAT IS ON THE FLOOR OF THE TABERNACLE, . . . PUT IT IN THE WATER" (5:17)? Why this use of *earthly* materials in contrast to the gold, silver, and bronze implements normally associated with priestly ritual? And what's the religious significance of dirt?

**THE RABBIS ANSWER:** All these things are intended to symbolize the woman's shame, whether deserved or simply experienced during this ritual.

**HULDAH THE PREACHER DISAGREES:** No, they represent the Torah's own disdain for this husband who would subject his wife to such public dishonor. After all, how could the priests treat seriously a ritual performed with clay pots and dirt?

**OUR DAUGHTERS ASK:** If this ritual is intended as a psychological exorcism, how can we justify the next part of it, as it is written: "AFTER HE HAS MADE THE WOMAN STAND BEFORE YHVH, THE PRIEST SHALL BARE THE WOMAN'S HEAD" (5:18)? What could be more humiliating in that society than to bare a married woman's hair in front of other men? Could there be any possible reason to do so besides shaming her?

**BERURIAH THE SCHOLAR ANSWERS:** Let's remember the primary function of this ritual: to exorcise a husband's unsubstantiated jealousy. The first part of the ritual addresses his suspicion of her guilt: he brings a mock sin offering and then watches the priest prepare a potion of dirty water—perhaps evoking his more vengeful feelings. Then the ritual begins to

appeal to other sentiments: all see his wife's hair, normally a sight he alone is privy to. Perhaps he then feels attracted to her, even remembers that he still loves her . . .

**DINAH THE WOUNDED ONE ADDS:** Or perhaps he feels pity . . .

**LILITH THE REBEL COUNTERS:** Or maybe he enjoys humiliating her! Only after that is he willing to take her back.

**OUR DAUGHTERS ASK:** Is drinking "THE WATER OF BITTERNESS THAT INDUCES THE SPELL" (5:18) also meant to humiliate her? After all, the priest makes her swallow a potion made of water, dirt from the Tabernacle floor, and ink dissolved from the curse written by the priest. The woman's physiological reactions to this foul-tasting brew are supposed to vindicate or doom her.

**MIRIAM THE PROPHET REPLIES:** It's hard to avoid associations here with me, whose very name means "sea of bitterness." Midrash and folklore have long connected me with water, sometimes bitter, other times sweet and redemptive. I am the quintessential symbol of Jewish women's paradoxical lot—on the one hand, guardian, leader, prophet, and sage; on the other, critic, victim, and mute.

**DINAH THE WOUNDED ONE EXCLAIMS:** No wonder the waters are bitter!

### HOW TO CAST A SPELL

**OUR DAUGHTERS ASK:** How did Israelite priests justify casting spells, as they do in this ritual? Doesn't this go against the Torah's own ban on magic?

**BERURIAH THE SCHOLAR ANSWERS:** Surprisingly, the priests' actions do remind us of classical fairy tales, in which sorcerers and witches cast magic spells. For before giving the woman the potion to drink, the priest explains to her: If you are innocent of your husband's charges, nothing will happen to you. But if you're guilty, "MAY YHVH MAKE YOU A CURSE AND AN IMPRECATION AMONG YOUR PEOPLE, AS YHVH CAUSES YOUR THIGH TO SAG AND YOUR BELLY TO DISTEND; MAY THIS WATER THAT INDUCES THE SPELL ENTER YOUR BODY, CAUSING THE BELLY TO DISTEND AND THE THIGH TO SAG" (5:21–22). The Torah calls this part of the formula "THE CURSE OF ADJURATION" (5:21).

**THE SAGES IN OUR OWN TIME TEACH:** More than a prediction, this curse is what linguists call *performative* language—that is, in pronouncing these words, the priest is enacting the curse, so that if the woman is indeed an adulteress, the curse will come true.

OUR DAUGHTERS ASK: What kind of curse is this, when "the belly distends and the thigh sags"? What's supposed to happen to her?

THE RABBIS EXPLAIN: If the woman was indeed guilty of straying, her body would reveal her guilt in a physical malady, such as a miscarriage, a prolapsed uterus, or a hysterical pregnancy, the ultimate effect being the inability to bear children. Thus the guilty woman would be punished precisely where she had sinned—that is, measure for measure. And if nothing happened, she would be declared innocent and would be welcomed back into her household and community with honor.

WILY REBECCA RETORTS: There's no record that this curse *ever* worked! But that's because what really matters here is that the *husband bears* the curse and *imagines its effect*.

OUR DAUGHTERS ASK: But if such is the case, why does the priest make the accused woman sanction her own curse? As it is written: "AND THE WOMAN SHALL SAY, 'AMEN, AMEN!'" (5:22) Enough is enough already!

LEAH THE NAMED ANSWERS: The Hebrew word *amen* is related to *emet*, meaning "truth." So when the accused woman says, "Amen, amen!" in response to the priest's curse, she's actually joining with him in affirming his words. Her acquiescence invests the ritual with additional force: because if she's proven guilty, she's forfeited her right to appeal; but if she's cleared, she can point to God's own ruling in the case.

OUR DAUGHTERS ASK: Why does the priest end his part of the ritual by erasing what he's just written down? As it is written: "THE PRIEST SHALL PUT THESE CURSES DOWN AND RUB IT OFF INTO THE WATER OF BITTERNESS" (5:23). Doesn't this action cancel the curse?

THE SAGES IN OUR OWN TIME ANSWER: The figurative English expression "I'll make you eat your words," meaning "I'll have my revenge," loosely parallels this step in the *sotah* ritual. After speaking the curse, the priest writes it down and then dissolves the ink into the earthen bowl already muddied with dirt from the Tabernacle floor. Anthropologists call this practice sympathetic magic, the belief that physically acting upon a talisman or another symbolic token—here words on parchment—by eating, drinking, burning, puncturing, burying, or handling it, can bring about magical results. By drinking the curse she's already verbally assented to, the accused woman takes it in and lets it work its magic on her body, punishing her for or freeing her from her husband's accusation.

OUR MOTHERS MUSE: Today we practice our own kind of sympathetic magic in our lives, cherishing mementos and memories, good luck charms, and other fragments of our vanished past.

## DOUBLE STANDARDS

OUR DAUGHTERS DECLARE: This ritual is appallingly unfair to the woman! Because even if she's proven innocent after going through this whole awful ordeal, the Torah still lets her husband off the hook, as it's written: "THE MAN SHALL BE CLEAR OF GUILT." But if she's proven guilty, "THAT WOMAN SHALL SUFFER FOR HER GUILT" (5:31). Why does she have to suffer if she's sinned, while her husband faces no penalty if he's falsely accused her? And what if a wife suspects her husband of going astray, or what if she's simply overcome by a fit of jealousy? Shouldn't there be a comparable ritual to exorcise her feelings? Surely the Torah does not exempt men from infidelity or suggest that women are immune to feelings of jealousy—think of Rachel and Leah! Isn't the Torah here guilty of a double standard?

THE RABBIS ANSWER: We too were so troubled by these obvious inequities that we sanctioned this ritual only in cases where the husband himself was first cleared of sexual impropriety. And Rabbi Yohanan ben Zakkai finally outlawed the ritual even while the Temple still stood. He evidently recognized how destructive marital jealousy could be for the disenfranchised Jewish people, whose only solace and hope against the imperial Roman war machine was a stable, enduring family.

## THE PATH OF THE NAZIRITE

OUR DAUGHTERS ASK: We've always been taught that Jews do not renounce the body in favor of the soul, that Judaism is a this-worldly religion. So is the Nazirite an exception to this rule, an ascetic who withdraws herself from the world?

BERURIAH THE SCHOLAR ANSWERS: Although the Torah doesn't promote celibacy or monastic communities, it does permit individuals—men and women—to take upon themselves for a predetermined period of time (and in rare cases, as with Samson and Samuel, for a lifetime) a *Nazirite vow*, during which time they swear to renounce all intoxicants, abstain from eating anything derived from grapes, shun contact with corpses, and refrain from cutting their hair. Yet despite these restrictions—the same as those applying to priests, except for the additional ban on haircuts—Nazirites were otherwise integrated into society, allowed to marry, conduct business, and observe all the commandments. The individual signaled the end of the Nazirite term by shaving

off the consecrated hair in front of the Tabernacle and offering the locks up to God upon the sacrificial altar.

**OUR DAUGHTERS ASK:** Why would someone take upon herself such a vow?

**THE RABBIS ANSWER:** "TO SET [her] SELF APART [*le-bazir*] FOR GOD" (6:2). According to both the Mishnah and the Jewish historian Josephus, many Israelite women took upon themselves Nazirite vows, especially in Roman times, including two royal figures, the convert Queen Helena of Adiabene and Berenice, sister of King Agrippa II, who became a Nazirite—*nezirah*—after recovering from illness.

### THE NAZIRITES QUEEN HELENA AND BERENICE

**SERAKH BAT ASHER THE HISTORIAN RECOUNTS:** When the righteous convert Queen Helena of Adiabene sent her son off to war, she vowed to become a Nazirite for seven years if he returned home safely. He did return unharmed, and she fulfilled her vow. But when she came to settle in the land of Israel, the Rabbis ruled that the first seven years were invalid and required her to remain a Nazirite for seven more. At the end of these fourteen years, she happened by chance to become ritually impure. Some say she continued her vow for yet another seven years; others, for only thirty days.

Berenice, the sister of Agrippa II, king of Chalcis (southern Lebanon)—and some say his lover—also took upon herself a Nazirite vow when she recovered from illness. When the Romans marched on Jerusalem, she and her brother defected to the Roman camp and from there watched the destruction of the city and the Temple. She ended her days in Rome, out of favor with Titus as well as her own people.



## 36. BEHA'ALOTKHA:

### *Spiritual Leadership*

(NUMBERS 8:1-12:16)

**TORAH TEACHES:** This parasha opens with various laws concerning the Levites and the celebration of Passover. Then the Torah describes the divine cloud that constantly hovers over the Tabernacle, guiding the people. This is followed by a detailed description of the marching formation of the Israelite camp.

When the people now complain bitterly of hunger and cry out for meat, Moses despairs and asks God to end his life. God instructs him to share the burden of leadership with seventy elders.

Following God's instructions, Moses appoints seventy elders, who surround the Tabernacle, where, possessed by *ruakh*, the spirit drawn from Moses, they begin speaking in tongues. Two other elders, Eldad and Medad, who remain elsewhere in the camp, also receive the spirit and speak in tongues. Alarmed by what he takes as an act of defiance, Joshua demands that these two renegades be restrained. But Moses disagrees, declaring: "WOULD THAT ALL GOD'S PEOPLE WERE PROPHETS, THAT GOD PUT THE DIVINE SPIRIT UPON THEM!" (12:29) Then God sends quail to the people upon a wind sweeping in from the sea, followed by a severe plague.

Miriam and Aaron speak out against Moses, and God strikes Miriam with leprosy. For the next seven days, Miriam is isolated outside the camp, and the people wait for her return before traveling on.

### MOTHERING THE CHILDREN OF ISRAEL

**OUR DAUGHTERS ASK:** For forty years, Moses puts up with endless complaints from the people: Why did you take us out of Egypt to die in the desert? What will we eat? Where can we find water to drink? Why are you taking us to a land ruled by giants who will devour us? Mark our words, Moses—we'll find our graves here in the wilderness! How does he deal with such unrelenting negativity?

**MOTHER RACHEL ANSWERS:** Moses reserves his own grumbling for God's ear. In turn, God is patient with Moses, supplying the people's wants and