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Review Essay:
**THE BOOK OF NUMBERS AS A
PROTO-DEMOCRATIC VOICE
OF HOLINESS**

*Penei Adam: The Face of Man: The Philosophy of Man and Nation
in the Book of Numbers*

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The Torah contains many apparent contradictions. Classical rabbinic interpretation often (but not always) reconciles them. In narratives, this approach leads to an integrated account of what happened. In legal passages, this approach leads either to harmonization, or to the conclusion that each passage refers to different elements of the law.

Pioneering a different approach, R. Mordechai Breuer (1921-2007) proposed his Theory of Aspects (*shittat ha-behinnot*), in which he maintained that God revealed the Torah to Moses in its complex form such that the multiple facets of the infinite Torah are presented in different sections. Since we are limited as humans, we cannot simultaneously entertain these perspectives, so they appear to us as contradictory. The complete truth emerges only when one takes all facets into account. In this manner, R. Breuer accepted the text analysis of critical scholarship through one version of the Documentary Hypothesis while rejecting its underlying beliefs and assumptions.¹

¹ For an analysis of R. Breuer's method, see especially Amnon Bazak, *Ad ha-Yom ha-Zeh: Fundamental Questions in Bible Teaching* [in Hebrew], ed. Yoshi Farajun (Tel Aviv: Yediot Aharonot, 2013), 109-139; Shalom Carmy, "Concepts of Scripture in

R. Breuer's uncritical acceptance of the readings of the Documentary Hypothesis as "science" detracted from his work.² However, his fundamental premise, that the divinely revealed Torah presents aspects of truth in different places, has significantly influenced subsequent generations of Orthodox scholars.³ We have come a long way since the early 1960s, when R. Breuer first published his pioneering studies. Many in the *beit midrash* have found productive means of incorporating the positive elements of academic Bible study into the religious learning of Tanakh.⁴

One valuable recent study is that of R. Breuer's son-in-law, R. Avia Hacohen. In his book, *Penei Adam*, he argues that the Book of Numbers focuses primarily on the human aspect of the God-Israel relationship, in contrast to the other books of the Torah, which focus more on the divine aspect of that relationship. In the spirit of R. Breuer,⁵ R. Hacohen attempts to understand each passage on its own terms in order to appreciate the religious message of each aspect of the Torah.

While R. Hacohen follows the analytical method of R. Breuer, he also frames his thesis within the religious context of Hasidic teachings. The Baal Shem Tov taught that the path to finding God is to look for the divine within each person (11-13). At the conclusion of his study, he again

Mordechai Breuer," in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer (New York: New York University Press, 2012), 267-279; Meir Ekstein, "Rabbi Mordechai Breuer and Modern Orthodox Biblical Commentary," *Tradition* 33:3 (Spring 1999), 6-23. For a collection of R. Breuer's articles on his methodology, and important responses to his work, see *The Theory of Aspects of Rabbi Mordechai Breuer* (Hebrew), ed. Yosef Ofer (Alon Shevut: Tevunot, 2005).

² This criticism is all the more true as a growing number of academics have rejected or significantly modified the classical Documentary Hypothesis. See, recently, David M. Carr, "Changes in Pentateuchal Criticism," in *Hebrew Bible/Old Testament: The History of Its Interpretation, III/2: The Twentieth Century*, ed. Magne Saebo (Göttingen: Vandenhoeck & Ruprecht, 2015), 433-466.

³ See Yoel Bin-Nun, "*Teguva le-Divrei Amos Hakham be-Inyan Torat ha-Te'udot ve-Shittat ha-Behinot*" (Hebrew), *Megadim* 4 (1987), 91; R. Shalom Carmy, "Concepts of Scripture in Mordechai Breuer," *op. cit.*; R. Shalom Carmy, "Always Connect," in *Where the Yeshiva Meets the University: Traditional and Academic Approaches to Tanakh Study*, ed. Hayyim Angel, *Conversations* 15 (Winter 2013), 1-12.

⁴ See the essays in *Modern Scholarship in the Study of Torah: Contributions and Limitations*, ed. Shalom Carmy (Northvale, NJ: Jason Aronson, 1996); Hayyim Angel, "The Literary-Theological Study of Tanakh," afterword to Moshe Sokolow, *Tanakh: An Owner's Manual: Authorship, Canonization, Masoretic Text, Exegesis, Modern Scholarship and Pedagogy* (Brooklyn, NY: Ktav, 2015), 192-207, also in Angel, *Peshat Isn't So Simple: Essays on Developing a Religious Methodology to Bible Study* (New York: Kodesh Press, 2014), 118-136.

⁵ R. Hacohen explicitly associates his methodology with that of R. Breuer in his introduction, 19-20.

invokes the teachings of the Baal Shem Tov, and states that Numbers also teaches that one finds God by looking inside each person (239-247).⁶

With his thesis that Numbers is a literary unit and reflects a distinctive voice of the Torah, R. Hacoheh gains an immense methodological advantage over R. Breuer. After all, the Book of Numbers actually exists. In contrast, R. Breuer worked with the readings of a hypothesis involving putative voices spliced together between various passages in the Torah, after having isolated them from their local context, and even from the verse in which they appeared. R. Hacoheh offers numerous local insights into passages in Numbers, but his book's greatest contribution is its sustained comparison of Numbers to the other books of the Torah in an effort to demonstrate the unique character of Numbers. This essay will focus on that unique contribution. I then will separately examine R. Hacoheh's analysis of *sota*, where he proposes a novel hypothesis pertaining to the interface between traditional belief in revelation and academic Bible study.

1. THE ENTIRE ISRAELITE CAMP IS HOLY

The Sages debate whether the Israelites marched as a line or as a box in their desert travels (J.T. *Eruvin* 5:1, 22c). It might have been logistically easier to march in a line, but a verse reads, "As they camp, so they shall march, each in position" (2:17),⁷ and Rashi concludes that the nation marched as a box. Ibn Ezra agrees that they marched as a box, but adds that this formation resembles the Celestial Chariot described by Ezekiel (cf. *Num. Rabba* 2:10; Ramban to Num. 2:2). R. Hacoheh observes that in Exodus and Leviticus, the Tabernacle is described in great detail as an independent entity. In Numbers, however, Israel's entire camp, rather than only the Ark or the Tabernacle, serves as the footstool for God's Presence (58-64).⁸ In the words of the *Kuzari* (II:26), "the camp and its divisions are to be compared to the body and its constituent limbs, the Tabernacle being to the camp what the heart is to the body."

⁶ R. Hacoheh also explains the oftentimes trying relationship between Moses and the Israelites through the framework of the challenges of Hasidism pertaining to the difficulty for individuals to develop their own potential when they have a relationship with an overwhelmingly charismatic rebbe.

⁷ Translations of biblical passages are from *Tanakh: The New JPS Translation* (Philadelphia: Jewish Publication Society, 1985).

⁸ See also R. Elhanan Samet, *Iyyunim be-Parashot ha-Shavua*, third series, vol. 2 [in Hebrew] (Tel-Aviv: Yediot Aharonot, 2015), 318-336.

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R. Hacoen adduces support for this perspective from the laws of ritual impurity. In Numbers, God commands ritually impure people to leave the camp: “Instruct the Israelites to remove from camp anyone with an eruption or a discharge and anyone defiled by a corpse... so that they do not defile the camp of those in whose midst I dwell” (Num. 5:2-3). In Leviticus 11-15, however, most ritually impure people are prohibited from entering the Tabernacle but are not required to live apart from the community. Rashi (on Num. 5:2) quotes *Pesahim* 67a, which distinguishes between the different impurities listed in Numbers. Only people with *tsara’at* had to leave the entire camp. A *zav* could not enter the Tabernacle or the Levite inner circle. One who had been in contact with a corpse was barred only from the Tabernacle.⁹

R. Hacoen explains that this discrepancy reflects the different perspectives of the two books. Leviticus emphasizes the holiness of the Tabernacle, and therefore ritually impure people are excluded from going there. Numbers, however, shifts the emphasis to the sanctity of the entire Israelite camp. Therefore, Numbers formulates the commandment in a manner that suggests that the entire encampment is sacred, and ritually impure people must leave (37-39).

In the above example, R. Hacoen’s distinction between the books of the Torah is convincing. In another instance, however, R. Hacoen appears to quote selectively to support his thesis. As the Israelites embarked from Sinai toward Israel, the Ark led the way (10:33). Wasn’t the Ark located at the center of the camp? Rashi (on 10:33, following *Sifrei*) concludes that 10:33 must refer to a different Ark that carried the broken tablets. The Ark that carried the fixed tablets indeed remained at the center of the camp. Insisting that there was only one Ark, Ibn Ezra suggests that it traveled ahead of the camp only for the first journey from Sinai as described in Numbers 10. After that, the Ark traveled at the center of the camp.

Based on his understanding of the perspectives of the different books, R. Hacoen suggests that in Exodus, the Ark is where God reveals His Presence (Exod. 25:22; 29:42-43). In human-centered Numbers, the Ark serves the nation. It leads the way when Israel travels (Num. 10:33),

⁹ Adopting a harmonistic reading, Jacob Milgrom argues that the Numbers passage refers only to the prohibition from entering the Tabernacle, rather than banishment from the entire camp (*The JPS Torah Commentary: Numbers* [Philadelphia: Jewish Publication Society, 1990], 33). However, the plain sense of the text reflects the reading of our Sages, Rashi, and R. Hacoen.

and leads them into war (10:35-36). These passages thereby reflect two perspectives on the Ark, rather than two Arks (29-32).

However, the description of Israel's encampments is *also* found in Numbers, and there the Ark marches in the center. The difference in perspective is not between Exodus and Numbers, but rather between Numbers 10:33-36 and everything else.

For that matter, R. Hacohen never addresses the placement of the laws of the Red Heifer in Numbers rather than with the other laws of ritual impurity in Leviticus chapters 11-15. This question is important in any event,¹⁰ but is particularly significant given R. Hacohen's explanation of ritually impure people discussed above. By not addressing this issue, he weakens his overall thesis regarding the distinctive nature of Numbers.

2. PEOPLE REPLACE PRIESTS AT THE CENTER OF HOLINESS

R. Hacohen contends that certain laws and narratives belong in Numbers precisely because of that book's emphasis on the entire nation being holy. For example, aspects of the dedication of the Tabernacle appear in different books of the Torah. Exodus 40 focuses on God's Presence occupying the Tabernacle, and Leviticus 9 highlights the people's service of God. In Numbers 7, the representatives of each tribe dedicate the Tabernacle.¹¹

In a similar vein, the laws of *nazir* (Num. 6:1-21) parallel the laws of the High Priest (Lev. 10:6-9; 21:10-15). Both must refrain from wine and contact with the deceased, and both are called holy. The critical

¹⁰ For example, R. Elhanan Samet suggests that the laws of the Red Heifer, which pertain to impurity resulting from contact with the deceased, are placed in between the last narrative of the first generation and the first narrative of the new generation. This was the Torah's gentle way of saying that the first generation died out (*Iyyunim be-Parashot ha-Shavua*, first series, vol. 2 [Ma'alei Adumim: Ma'aliyot, 2002], 218). See also R. Joseph Soloveitchik, *Vision and Leadership: Reflections on Joseph and Moses* ed. David Shatz, Joel B. Wolowelsky, and Reuven Ziegler (Jersey City, NJ: Ktav-Toras HoRav Foundation, 2013), 207-211. For further explanation of why the laws of the Red Heifer also should not have been included with Leviticus 11-15, see R. Elhanan Samet, *Iyyunim be-Parashot ha-Shavua*, third series, vol. 2 (Tel-Aviv: Yediot Aharonot, 2015), 84-87.

¹¹ Elsewhere, R. Hacohen demonstrates that Numbers 5:1-8:26 is a reverse parallel to Leviticus 6-15. He uses these structural parallels to argue that Leviticus focuses on meeting God in the Tabernacle, whereas Numbers focuses on meeting God where you are (251-253). See also R. Hacohen's more detailed earlier article, "Order and Content in the Book of Numbers" [in Hebrew], *Megadim* 9 (1990), 27-39.

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difference is that the High Priest is forbidden to grow his hair long, whereas the *nazir* must grow his or her hair. These parallels suggest that anyone can temporarily attain the sanctity of the High Priest. The High Priest's trimmed hair represents the dignity of the establishment, whereas the *nazir*'s long hair symbolizes spontaneous holiness sprouting from within. It is appropriate for the laws of *nazir* to appear in Numbers, which emphasizes the sanctity of all Israel. Fittingly, the High Priest must not leave the Temple precincts (Lev. 21:12), whereas the "sanctuary" of the *nazir* is among the people (43-44).

Another analogy between Israel and the priesthood is found in the laws of *tsitsit* (Num. 15:37-41). R. Hacoheh connects *tsitsit* to the High Priest's headpiece called the *tsits*. It is a sacred garment and has a string of *tekhelet* (Exod. 28:36-37).¹² Like the *nazir*, the commandment of *tsitsit* gives regular Israelites a taste of the holiness of the priesthood. R. Hacoheh observes further that this passage also belongs in Numbers, where all Israelites are to be a holy nation like the priests (95-96).

R. Hacoheh identifies a different human dimension in the passage about *Pesah Sheni* (Num. 9:1-14). On the one hand, the Passover sacrifice is connected to a particular date. On the other hand, people can become ritually impure or they may be far from the Temple on the fourteenth of Nisan. The Torah therefore stresses the severity of non-participation in the Passover sacrifice with the threat of *karet*, and simultaneously accommodates human reality by creating a make-up date (47-52).

R. Hacoheh contrasts the divine ruling regarding the blasphemer in Leviticus (24:10-23) with the divine rulings regarding *Pesah Sheni* and the daughters of Zelophehad in Numbers (27:1-11; 36:1-12). In the case of the blasphemer, the text does not emphasize the people's question. Instead, God reveals the proper laws to Moses. In contrast, the divine rulings in Numbers emanated from human requests. R. Hacoheh argues that this contrast again points to the nature of each book.

Surprisingly, however, R. Hacoheh ignores the episode of the gatherer of sticks in this discussion (Num. 15:32-36). Similar to the story of the blasphemer, an individual committed a terrible sin and Moses was unsure regarding the precise punishment, so God responded with a ruling. It appears that the distinction between the cases of divine rulings is

¹² R. Hacoheh further observes that halakha links *tsitsit* to the priesthood by permitting *tsitsit* to be made out of wool and linen (*sha'atnez*). The Sages derive this law from the juxtaposition of the prohibition of *sha'atnez* and the commandment for *tsitsit* (Deut. 22:9-12; see *Yevamot* 4a). Some priestly garments similarly were made of *sha'atnez* but were worn only in the Temple precincts. *Tsitsit* can be worn anywhere.

not one of a divine-oriented Leviticus versus a human-oriented Numbers, but rather two instances of human-initiated questions and two instances of grave sins with punishments. While many of R. Hacoheh's examples are convincing, the occasions where he quotes selectively weaken his overall hypothesis.

3. KORAH AND HIS DEMOCRATIC ARGUMENT

R. Hacoheh analyzes the complexity in Korah's rebellion (221-238). On the one hand, Korah and his followers clearly are sinners. On the other hand, the people side with Korah even after he is killed, demonstrating the power of his argument. R. Hacoheh maintains that although Korah was a demagogue and failed in his rebellion, there is truth to his battle cry that all Israel is holy (Num. 16:3). Korah loses in Numbers and God upholds the priestly role of Aaron. In Deuteronomy, in contrast, several laws reflect a more democratic perspective than the attitude in Numbers, thereby echoing the positive aspect within Korah's argument.

For example, in Numbers the tithe goes to Levites (Num. 18:21). In Deuteronomy, however, tithes belong to all Israelites (Deut. 14:22-23). Halakha understands each passage as referring to a different law. Numbers 18 refers to *ma'aser rishon*, the first tithe, whereas Deuteronomy 14 refers to *ma'aser sheni*, the second tithe (see Rashi on Deut. 14:23). At the textual level, however, there is no mention of first or second tithes. Numbers offers the perspective of priests and Levites being separate, whereas Deuteronomy presents all Israel as worthy of receiving tithes.

Similarly, in Numbers, firstborn animals are gifts to the priests (Num. 18:15), whereas in Deuteronomy firstborn animals appear to go to all Israelites, who must consume them in the place God chooses (Deut. 15:19-20). Following the harmonization in *Bekhorot* 28a, Rashi explains that Deuteronomy must also refer to priests. R. Hacoheh maintains that the two passages again reflect different perspectives, with Deuteronomy focusing on the democratic aspect of holiness.

In Leviticus, only priests are explicitly prohibited from eating carrion, *nevela* (Lev. 22:2-8). It sounds like regular Israelites are permitted to eat it, although touching *nevela* renders an Israelite impure: "If an animal that you may eat has died, anyone who touches its carcass shall be unclean until evening; anyone who eats of its carcass shall wash his clothes and remain unclean until evening; and anyone who carries its carcass shall wash his clothes and remain unclean until evening" (Lev. 11:39-40). In

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Deuteronomy, eating *nevela* is prohibited to all Israel, since all Israel is holy (Deut. 14:21). Following *Nidda* 42b, Rashi (to Lev. 11:40) explains that eating *nevela* is prohibited, and the formulation in Leviticus teaches an additional law, that just as the size of an olive is required for the Torah prohibition of eating *nevela*, so, too, the size of an olive is required to render one ritually impure. R. Hacoen again maintains that these passages reflect two perspectives, one that distinguishes the priesthood from Israel, and the other that equates all Israel as a holy nation.

Fittingly, the term *b-b-r*, to choose, appears in Numbers with regard to the priesthood (Num. 16:5, 7; 17:20). In contrast, Deuteronomy emphasizes that God chose all of Israel (Deut. 7:6; 14:2).

Through these examples, R. Hacoen demonstrates that different books of the Torah offer facets of the truth. As noted earlier, however, his analysis of the Korah rebellion appears to threaten the overall hypothesis of his book, namely, that specifically Numbers focuses on the sanctity of all Israelites rather than only the priests and Levites. Evidently, Numbers ascribes more distinctiveness to priests and Levites than R. Hacoen had argued.

It appears that there is a dialectic running throughout the Torah, with one facet viewing everyone as having equal access to God, and the other accepting a hierarchy. This dialectic traces back to the two revelation narratives in Exodus. In chapters 19-20, God reveals Himself to all of Israel, and charges all Israelites to become “a kingdom of priests and a holy nation” (Exod. 19:6). Although Moses ascends the mountain while the people remain at the base of Sinai, Moses initially receives the same revelation as the nation. In chapter 24, in contrast, there are several gradations of access and visionary experience, where Aaron, his sons, and the seventy elders ascend the mountain in addition to Moses (Exod. 24:9).

Similarly, Leviticus 1-16 focuses on the service of God in the Tabernacle that was performed by the priesthood. However, a significant portion of the second half of Leviticus highlights the holiness of every individual and argues that a holy life is to be pursued everywhere and at all times rather than only in the House of God.¹³

The same dichotomy holds true in Numbers. On the one hand, R. Hacoen convincingly demonstrates the human emphasis of many passages in Numbers, especially through contrast with related passages in

¹³ For a recent application of this approach in Leviticus, see Shalom Carmy, “From Israelites to Priests: On the Unfolding of *Vayikra*’s Teaching,” in *Mitokh Ha-Ohel: Essays on the Weekly Parashah from the Rabbis and Professors of Yeshiva University*, ed. Daniel Z. Feldman & Stuart W. Halpern (New York: Yeshiva University Press, 2010), 297-301.

Exodus and Leviticus. On the other hand, Korah and his followers were fatally mistaken in asserting that there is no room for a priesthood. While R. Hacoheh focuses on the passages in Numbers that stress the democratic dimension of holiness, it still must be said that the priests and Levites form the inner circle around the Tabernacle and must protect the sanctuary from outsiders (Num. 1:51; 3:10, 38; 18:7). They have a separate census and sacred responsibilities, they receive special gifts in return for their sacred work, and they are called chosen by God.

Overall, the approach and many of the examples cited by R. Hacoheh convincingly demonstrate different aspects of truth within the Torah, and he appears correct that Numbers places an even greater emphasis on the human dimension of holiness than either Exodus or Leviticus. However, the aforementioned weaknesses in his arguments suggest that Numbers is more multifaceted than his understanding that it reflects the human dimension of the God-human relationship. Regardless, R. Hacoheh has opened an important discussion regarding the possibility of identifying a distinctive perspective for each of the books of the Torah.

We may conclude with the poignant last words of the first generation in the wilderness, who so desperately wanted to approach God but feared it was too dangerous to do so in the wake of Korah's rebellion: "But the Israelites said to Moses, 'Lo, we perish! We are lost, all of us lost! Everyone who so much as ventures near the Lord's Tabernacle must die. Alas, we are doomed to perish'" (Num. 17:27-28). The following chapter exhorts the priests and Levites to guard the sanctuary so that it would be safe for Israelites to approach God (Num. 18:1-7). This divine response to the people's fears perfectly encapsulates the dialectical view of Numbers. Priests and Levites are sanctified and in the center so that all Israelites can safely approach God and attain holiness. In a similar vein, Israel needs its priesthood to serve as conduits of the divine blessing to the entire nation, "Thus they shall link My name with the people of Israel, and I will bless them" (Num. 6:27).

APPENDIX

Tradition and Bible Criticism: Where They Meet and Where They Don't.

As we have discussed, the majority of R. Hacoheh's book integrates the approaches of rabbinic tradition and the academy by espousing the methodology of R. Breuer's Theory of Aspects and applying it systematically to the Book of Numbers as a literary unit. However, on one occasion

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he adopts a different component of critical analysis that requires separate attention.

R. Hacoen expresses discomfort over the fact that a significant portion of the passage on the *sota* (Num. 5:11-31) appears to presume that the suspected adulteress is guilty even before she drinks the bitter water. One gets the impression that a husband can merely accuse his wife of adultery and thereby subject her to a terribly humiliating procedure.

The Oral Law drastically reduces the scope of this law, requiring witnesses for the husband to warn his wife not to seclude herself (*edei kin-nui*) and witnesses who subsequently saw her secluding herself with another man (*edei setira*) (*Sota* 3a). The likelihood of adultery must therefore be high before a husband can subject his wife to the *sota* procedure. The procedure also prevents the husband and the community from taking the law into their own hands, and can reconcile husband and wife when she did not commit adultery. However, R. Hacoen does not think that the halakha reflects *pesbat* in this passage, since there is no explicit reference in the Torah to witnesses for the warning or seclusion. Rather, R. Hacoen believes that our Sages were troubled by his moral question and therefore circumscribed the Torah's laws.

In his analysis of the biblical passage, R. Hacoen invokes Rambam's premise that the Torah did not make a complete break with the ancient pagan world when it would have been difficult for the Israelites to give up their conventions. Rather, the Torah adapted several ancient practices into its monotheistic system, most notably the Temple and sacrifices.¹⁴ In this spirit, R. Hacoen suggests that prior to the Torah, there must have been an ancient ritual text ruling that if a husband merely suspected his wife of adultery, he could subject her to a humiliating ordeal and she was presumed guilty. The Torah was unwilling to eliminate this well-entrenched ritual, and therefore incorporated the pagan text. However, since the Torah was uncomfortable with the premise that the woman is presumed guilty, it added several glosses to the original text, suggesting that it was only possible that the woman committed adultery. In the putative original pagan text, the waters served as a punishment for adultery. In the final Torah text, the water tested whether she in fact committed adultery. R. Hacoen further suggests that the Sages in the Oral Law

¹⁴ See, for example, Russel J. Hendel, "Maimonides' Attitude toward Sacrifices," *Tradition* 13:4-14:1 [Spring-Summer, 1973], 163-179; Menachem Kellner, "Maimonides on the Nature of Ritual Purity and Impurity," *Da'at* 50-52 [2003], i-xxx; Roy Pinchot, "The Deeper Conflict Between Rambam and Ramban over the Sacrifices," *Tradition* 33:3 (Spring, 1999), 24-33.

continued this process of legal modification, making it even less likely for social injustice to occur.

Conscious of his acceptance of critical methodology, R. Hacothen defends his position on the grounds that he has the best reading of the text. Therefore, he attempts to build a traditional structure around that analysis, giving God the final voice of the text.

There are several objections one may raise against R. Hacothen's analysis. Whereas the text does not explicitly refer to witnesses of warning or seclusion, our Sages' halakhic reading is consistent with the text, and R. Elhanan Samet adopts their reading.¹⁵ If one is convinced that the Oral Law does not correspond with *peshat*, some critical scholars maintain that the text is unified, in which case R. Hacothen's hypothesis is unnecessary.¹⁶ If one is unconvinced by this unified reading, R. Mordechai Breuer—who essentially espouses R. Hacothen's reading—suggests that the passage contains two aspects, one that presents the water as punishment for adultery and one where the water tests whether the woman is guilty.¹⁷ Thus there are three sound readings consistent with tradition.

However, R. Hacothen is unconvinced by these approaches, and prefers his hypothesis. We then must raise additional questions. First, few extant ancient Near Eastern legal texts govern the case of the suspected adulteress. The Code of Hammurabi does (paragraphs 131-132), but its laws do not resemble R. Hacothen's imagined pre-Torah pagan ceremony. While such a legal text may hypothetically have existed, R. Hacothen's thesis is predicated on pure conjecture. Finally, Rambam maintains that the Torah adapted pagan practices, but does not suggest that the Torah incorporated actual legal *texts* and then merely added editorial glosses.¹⁸ The novel methodology advanced by R. Hacothen in the case of *sota* is difficult to accept.

¹⁵ *Iyyunim be-Parashot ha-Shavua*, second series, vol. 2 (Ma'alei Adumim: Ma'aliyot, 2004), 158-174.

¹⁶ See, for example, Herbert C. Brichto, "The Case of the *Sota* and a Reconsideration of Biblical 'Law,'" *Hebrew Union College Annual* 46 (1975), 55-70; Michael Fishbane, "Accusations of Adultery: A Study of Law and Scribal Practice in Numbers 5:11-31," *Hebrew Union College Annual* 45 (1974), 25-45.

¹⁷ *Pirkei Mikra'ot* (Alon Shevut: Tevunot, 2009), 229-243.

¹⁸ I thank Professors Menachem Kellner and Marc Shapiro for confirming that Rambam does not suggest this possibility in his writings.