

5. WOMEN AND THE LAW OF MOSES

Perhaps one of the more controversial areas in this subject today concerns the Law of Moses, for not only does the Law seem to be addressed to men, it includes material that at first glance seems offensive--selling a daughter into slavery, or a pregnant woman being classified "unclean" like a leper. Because the Law has been given such a selective and sketchy treatment, usually being used to bolster one's point on a given subject rather than given a thorough analysis, we shall have to take some time with it. Even this will be an uphill struggle because so many people have their minds made up about the Law, what it did, how it treated women, and what a Christian should do with the Law.

Introduction to the Law of Moses

There are several important points to be made at the outset. First, the Law was the constitution of the nation of Israel in the Old Testament. It was a unit, covering all areas of life, financial, spiritual, political, and military. The Law could be divided into three sections: the Decalogue, the Cases, and the Cultic Ritual. The **Decalogue** or Ten Commandments laid out the underlying principles of the constitution. The **Cases** gave representative laws for different kinds of situations that might arise. The list was not meant to be complete--one cannot account for every case. The **Cultic Laws** covered everything connected to the Sanctuary and the worship of God. And since the nation was a theocracy, this section was the largest, for it was hard to separate ordinary life from the worship and service of the LORD.

Second, the Law was similar to law codes of the ancient Near East in many ways but different in its tone and its religious orientation. The Law of Moses follows the form of ancient treaty codes, so that the people would know what kind of agreement they were making. Yahweh would be the great Lord and Master to whom everyone owed absolute allegiance. But here is the major difference: whereas the other nations had many capricious deities, Israel was a nation rooted in monotheism. And that one true God was different in nature from the gods and goddesses of the ancient world. As a result, the Law of Moses was in many ways a kinder code--the punishments were not as harsh, the provisions more generous and compassionate, and the sacrifices introduced complete forgiveness and fellowship with God.

Third, the Law as a unified code, the constitution of ancient Israel, was fulfilled in Jesus the Messiah. Here we must be very precise in our words. What the Law taught about the nature and will of God, or, to put it another way, the timeless theological truths embedded in the Law, are eternal and therefore are still binding on the household of faith. That is why Paul can say "all Scripture" is profitable for instruction in righteousness. But as a legally binding system to follow, the detailed legislature, or the regulations, of the Law has been done away with in Christ. The

Christian, then, has to study each law to discern what about it is timeless revelation, or, the theological message, and what temporary regulation for ancient Israel is. Now some of the laws have the regulation very close if not identical to the theological idea, and so they look like they are still applicable on that level--and for all practical concerns are (it is still wrong to make an image of God to worship). But most of the laws need some detailed study to determine the abiding, applicable truth for today (e.g., tattoos were prohibited, so we have to know why, and then determine if the regulation still applies or has a corresponding New Testament principle). One cannot simply pick or choose from the Law what one wants to apply. For example, one national Church ruled that women who were priests could not administer the Eucharist when on their periods, because the Law of Moses ruled that they were barred from the Sanctuary at those times. However, the Israelite sanctuary was unique, and it is gone, having been fulfilled in Christ. So many of the regulations concerning health and contamination cannot apply so strictly. Yet there still is a theological point that has to be derived for our use. Moreover, if we are going to apply that teaching so literally, then are we going to restrict the priesthood or ordained ministry to a hereditary office within one clan? Some things cannot be carried straight across to the Church on a literal level--but the timeless theology can, and must. The Church needs to spend some time to discover how to apply the meaning of the Law to today. Many have found it helpful to be able to distinguish the spirit of the law from the letter of the law. We shall come back to this.

Fourth, women were bound to obey all negative laws and all positive laws that were not time-related. We know that the Law of Moses was given to everyone in the community. That is why it used the conventional form of the verb, the simple masculine singular form; but women were not exempt from the Law as the prophetic records make clear. For example, in the Decalogue the law of the Sabbath does not mention "your wife" (Exod. 20:8), because she is included in the command already. But in sorting out how the Law would be obeyed, the rabbis early saw that certain positive precepts were related to time and would conflict with prohibitions. For example, a woman could not enter the Temple while on her monthly period; but the Law required that sacrifices be made at the scheduled festivals. In such cases the prohibition outweighed the precept to attend. The woman could come at other times, just as anyone could; but she could not come at the time of her period, just as anyone unclean for one reason or another could not come to the sanctuary (e.g., men who had nocturnal emissions). We shall return to the ritual laws of worship later.

The Center of the Law: One Holy God

The very first law of the code declares that God will allow no rivals for allegiance and worship. There is only one true and holy God, and therefore the people dare not worship any others. What the Law declared and demanded, God's jealousy protected.

It is, therefore, with sadness that we read again and again that the major sin of Israel in the Old Testament was idolatry. Ultimately, both kingdoms of Israel and Judah were exiled because of the sin of idolatry. This must be stressed again and again. When people came to faith in

Yahweh and became members of the covenant, they were submitting their wills to his will. For them to decide they did not like the system and transfer their allegiance elsewhere was viewed with indignation by the prophets.

While the Law was being revealed to Moses, Israel was fashioning a golden calf to worship (Egyptians and Canaanite imagery of fertility). Exodus 32:2 explains that they made it from the golden earrings of the women. Later, their gold would be fashioned into the laver for the Tabernacle. The idolatrous experience ultimately led to their indulging in revelry. The judgment brought on the ringleaders and the willing participants was a warning for ages to come.

In Exodus 34:15-17 the LORD warned against further idolatry. But in doing so he introduced the terminology of “prostitution.” False worship was prostitution, or covenant unfaithfulness. This image in the Bible is probably the figure of speech known as **metonymy**, for there is a reality to it as part of false worship. Spiritual defection is like unfaithfulness to a marriage; but that spiritual defection in antiquity usually involved cult prostitution. Thus, later in the history of Israel, Hosea would use the image of the unfaithful wife for Israel's spiritual defection--a defection that doomed the nation to exile.

At the end of the history of Israel the references to idolatry that caused the exile are telling. Jeremiah 44:7-10, and 15-30, record the prophet's judgment on the exiles in Egypt who were now idolatrous. They were burning incense to the **Queen of Heaven**, and making cakes in her image, and were not about to stop. The announcement of judgment is addressed to "all the people, including the women" in verse 24. To abandon Yahweh for the Queen of Heaven was utter folly.

Ezekiel also attests that idolatry caused Israel to be cast away from God's blessing. In Ezekiel 8:13-15 the prophet saw the women weeping for **Tammuz** in the very Temple of Yahweh, and it was detestable. Tammuz is the Babylonian (Sumerian) god Dumuzi who dies in the fall (bringing on winter) and comes alive in the spring; the cycle is part of the ancient mother-child cult that was spread across the world by the Phoenicians (and centered in Baal in Canaan). The annual cycle called for women to weep for Tammuz. But Yahweh would have none of this.

Whatever one thought about life or the life-cycle, or however one responded to the Law (a burden, or a lamp; bitter requirements or instructions that were sweeter than honey), it was the Law of the LORD, and the LORD permitted no other gods to be worshiped or served by his people--if they were to remain his people.

Women and the Law

Laws of Marriage and Divorce

In addition to all the laws which covered "life" and "monetary" matters, certain laws focused on the marriage relationship. Marriage laws have always been complicated, but with the ancient customs it was even more so.

The "Sale" of a Daughter (Exod. 21:7-11). This passage in most English translations immediately sounds cruel and offensive, but when it is understood it makes sense for that culture (although some Israelite could easily misuse it as he could with any law). The "sale" of the daughter had to do with arranging a contract for service--she was going to be a maidservant in someone's household, and perhaps a wife. It worked this way: if because of poverty, or just because he wanted a better life for his daughter, a man could help her move up the social ladder by arranging this deal where he actually hired her out with a view to her being cared for, and possibly married to, an upper class person. The law stated that the "owner" had to take care of the maidservant very well; she had to have the best food, her "kit" which was clothing and cosmetics and jewelry, and protection. If the owner, or his son, wanted to marry her, then she would bear a son who would be an heir of the nobleman. This would be a better lot in life than marrying a poor fellow down the road who had no money for a bride price or her dowry (kit), and having nowhere to go socially. If the "owner," that is, the one who paid the bride-price for her, does not treat her right, she was to go free. If neither he nor a son wanted to marry her, even as a concubine, then she was to go free and could keep her kit (and therefore marriage to the poor fellow down the road would not be so bad).

A concubine was simply an additional "wife" or "maid-servant" whose chief goal was to have children for the man if he wanted her. She might on occasion replace the principal wife in the marriage, and her son might become rich and famous as the heir. This would happen if the man formally adopted the son as his heir.

N.B. The Law of Moses did not come in and turn the culture upside down overnight. These were customs and traditions that had been there for millennia, because the people needed to keep having lots of children to offset the high mortality rate. What the Law did was regulate what they were doing so that it was righteous. On occasion it ruled a custom out of existence.

The Levirate Marriage (Deut. 25:5-10). Were it not for the Book of Ruth we would not know very much about how this custom worked--but even there we find some differences. The law was meant to ensure there was an heir to carry on the family and the name of a deceased relative. (Usually a male carried on the name and the inheritance, but Moses ruled that women could do this too). The widow was to be married to the brother of the deceased, or to the closest relative, in order to raise a child for the inheritance. This law was all bound up in the laws of the land, which were designed to keep the lands in the family and prevent rich people from accumulating all the land.

If a man died and his next of kin was designated as the one to marry the widow, could he refuse? Apparently so, for the near kinsman in Ruth's case refused, and was disgraced as one who cared nothing for the family. (In the *Talmud* there is a tractate [section] on "Refusal"). And in Ruth's situation it was up to the woman to begin the process (as it had been with Tamar). This

may be because she was a foreigner and she and her mother-in-law thought that Boaz would have been hesitant to start it with a Moabite.

The later Rabbinic literature goes into great detail on how this custom worked (if anyone wanted to read more). The main point is, however, that the law guaranteed an heir for the deceased father, and a child for the widow. That may not be important to modern Americans, but it surely was to men and women in ancient Israel.

Marriage in Priestly Families (Lev. 21, 22). The laws for the families of priests were strict. The priests could not marry divorced women or prostitutes, and the high priest could only marry a virgin, not even a widow. The main points here are practical and theological: on the **practical** side, the priesthood of Israel was hereditary and so the right kinds of marriages had to be maintained for the proper influence in the line; and then on the **theological** side, the priests were being set apart as holy to the LORD, and their marriages were to set forth not only the ideal in marriage, but the picture of the covenant relationship with God. The apostle Paul carried this ideal into his lessons for elders in the epistle to Timothy, as we shall see later.

Was this ruling unfairly discriminating against women. I suppose men could have made it that way, but the laws in the rest of chapter 21 list all the things that eliminated men from the priesthood itself--blindness, lameness, disfigurement, deformities, being crippled, hunchbacked, dwarfed, having defective eyes, festering sores, or damaged testicles. God set a very high standard for the priesthood and the marriages of priests in Israel. We gather from the history of Israel that the priests seldom got to this ideal.

If a priest's daughter married anyone other than a priest, she no longer could eat from the sacred food from the sacrifices--that was reserved for qualified priestly families. If she became a widow, she could once again share in that food. This is not simply a benefit of ministry--it is their livelihood. The main supply of food and other income came from the gifts and offerings of the people.

As we shall see below, the rule for the priests and the holy things was not so much a male-centered idea with severe restrictions on women as it was the natural and necessary result of the holiness of God who dwelt among them. Due to the nature of God the Law had to specify what was permitted in his presence and his service.

Marrying a Captive Woman (Deut 21:10-14). The Law made provision for a warrior to marry a captive woman. Israel did not normally go to war and enslave people (when they did it was portrayed as disgraceful). But should a man find a woman he wanted when at war, rules were laid down for her protection. There was to be a ritual period of preparation and then the marriage; but if the man did not want her after all, she was to be set free, and not retained even as a slave.

War was a fact of life in the ancient Near East. It is not our purpose here to discuss the way it was conducted, and the reasons for it. Any reading of Joshua through Kings reveals that this period of history was a matter of survival among the tribes of Israel as well as the other people of the world. If they were not strong they would be swallowed up by the greater powers, who in turn would be overrun by the world empires. It was in many ways a civilized time, but in many

ways very uncivilized. Women, children, and especially widows and orphans, were often treated badly (although poor men and foreigners, not to mention captives, were not treated any better--they lived in poverty without rights, or if they were prisoners they might be decapitated, impaled, hamstrung, or enslaved by their captors). These things were outlawed in Israel, for the Law tried to regulate civility, fairness, and kind treatment within a turbulent world. It did not always succeed.

The Right of the Firstborn (Deut. 21:15-17). This ruling reflects the situation seen in the family of Jacob and may have been influenced by that tradition. The case is a man who has two wives and hates the first but loves the second. This law states that the firstborn son will be the heir and get the double portion, even if that child comes from the unloved wife. In Jacob's family, Reuben was the firstborn, but because he tried to take over the leadership by sleeping with Jacob's concubine (Gen. 35), he was disqualified. Simeon and Levi were next in line, but because of their unbridled violence (Gen. 34), they were passed over. Judah became the heir; and this proved to be the correct choice because of the way he changed over the years and became a responsible leader, willing to lay down his life for Benjamin (Gen. 45). Jacob did give a double blessing to his favorite son, Joseph (Gen. 49), so that his sons Ephraim and Manasseh got an equal share with the other tribes. But kingship went to Judah.

Later we shall see how the laws were complicated when a man had too many wives and too much for the sons to inherit--the crown, for example. In the story of David, Bathsheba had to work behind the scenes to ensure that her son got to the throne, making her the Queen Mother, a most powerful position in the realm. Solomon also had to remove other sons of David from the competition (they had their priests ready to anoint them).

Tokens of Virginity (Deut. 22:13-21). The laws for proving virginity in a marriage seem to the modern reader somewhat crude, and a lot of modern interpreters take this as a very demeaning custom for women. In the ancient world these customs grew up out of necessity--a great deal of money was involved over the marriage of a pure woman, something one might lie about. Everything in ancient Israel carried some monetary value to it--we may think in terms of value, but do not usually put it down in detailed terms. A marriage contract in Israel had to record the amount for the bride-price as well as the details of how the woman would be cared for, and also the amount to be paid to her in the case of divorce or widowhood. While on the one hand these laws make the woman sound like so much property, owned first by the father and then by the husband--and that probably was the common perception in the ancient world--on the other hand they did serve to protect the woman in her marriage and her future. Modern Judaism has made the bride-price more of an insurance policy, a settlement laid aside just in case anything goes wrong. But from the Arabian world all the way to Korea, the Orient still retains bride-prices to be paid to the family of the bride. It probably is much a part of that ancient Semitic polite bartering--"what will you give me?" (see it displayed in Gen. 23) -one gift is given in return for another gift "given." Even today if you are "given" something by a Bedouin, you will be expected to "give" something in return.

Marriages were most often arranged in antiquity (although the woman could usually refuse, but then might never get married), and served a very practical purpose of producing a legitimate heir. "Love" in the modern sense of romantic love that leads to marriage did not play a big part of

it. So in the contracting of the marriage and the determining of the bride-price to be paid, the value of the woman had to be determined. Naturally, her social status and abilities and qualities had to be considered; but the main point taken into consideration was her virginity. A divorced woman would not be as appealing in such arrangements as a young virgin, and so the bride-price would be less. This is probably why the contracts were often made when the girl was still very young. And then, on the wedding night, proof had to be obtained of the virginity, proof that the contracted bargain had been kept. The token was the blood, or some other guarantee that she was a virgin--at least to satisfy the husband.

If the woman had been promiscuous while in her father's house, and went through with the marriage claiming to be a virgin, this was a very serious matter, and received the same punishment as adultery, for the betrothal period was treated like the marriage time. She could be put to death. Normally, as in the case of Joseph in the Book of Matthew, the marriage arrangement would be dissolved, because it became more and more difficult (and less and less desired) in the Old Testament to put anyone to death. Such punishments were very rarely enacted.

No less punishment was possible for the guilty man, although the laws for him are worded differently and will be discussed below. A man who sleeps with a betrothed woman could be put to death; a man who sleeps with an un-betrothed woman was to marry her, or at least pay the bride-price for her if the woman's father said "no way."

Divorce (Deut. 24:1-4, and 5). In one of the most difficult passages to interpret in the Law, Moses sets forth the ruling for divorce. But this passage is not just concerned about divorce, but about the question of remarriage after the woman may have been married to someone else. There are two main questions of interpretation here.

The first problem is the interpretation of the cause for the divorce. The NIV translates the phrase in question as "something indecent" about her. That is workable but vague. The Hebrew is also vague, though: "the nakedness of something" (*'erwat dabar*). This expression has given people fits for centuries. It divided the Rabbis on divorce, forcing the question to Jesus in Matthew 19. One school of thought, Hillel, which was more lenient about the laws, focused on the second word, the qualifying genitive *dabar*, "thing," and said one could divorce for any reason; the other, Shammai, the more strict, focused on the first word *'erwat*, "nakedness," and said divorce was only permitted for some indecency such as fornication or lascivious behavior. (Of course, you cannot break up the two words in this, a construct relationship; the second word qualifies the first). The key is finding out what is meant by "nakedness." Adultery was not brought into the discussion since the Law gave death as the penalty for that, not divorce. So it has to be a violation of the moral code short of a death-penalty offense.

The school of Hillel, which emphasized the second word and concluded anything was a cause for divorce, gave some samples. They made the law very general, even saying a woman could be divorced if she "spoiled the dish." The saying is Hillel's, but he probably meant it as a pun, the dish being the woman herself, for Hillel was quite a punster. His disciples probably took him literally, and said if she spoiled dinner he could divorce her. This was usually academic, because few could afford to divorce a wife and pay out the settlement.

When the school of Shammai emphasized the first word and restricted the cause for divorce to "nakedness," they interpreted it to be a figure for public lewdness and shameful behavior (What would Shammai say about modern dress?). You can read this lengthy debate in the Talmud under the tractate on Divorce (*Gittin*).

The two words in the Hebrew construction cannot be separated. The first word specifies the second (here the first word is called a genitive of specification, the word "thing" qualifying the first word). So Shammai was closer to the truth in his exegesis because "nakedness" is the important word in the syntax, and "thing" locates it. Any shameful or disgraceful or lewd activity (*dabar* can mean "word, thing, event") in public was sufficient cause for divorce.

But the Rabbinic literature also gives samples of how difficult it was to divorce. Once again, money had to be paid out through the marriage contract, so that even this woman would have to be taken care of.

Could a woman divorce a husband? In the Law Codes of the ancient Near East there were occasional rulings that permitted this. The Law of Moses does not deal with it at all. In fact, this passage only mentions divorce as the occasion for the ruling it wishes to deliver. But because of the monetary arrangements in marriage and the fact that few women were in the financial position to rid themselves of a husband, the law does not encompass that issue. Later Judaism simply applied the law for both men and women, with even the strictest groups saying that the rabbi would file for her. Here again I think the reason for the silence on the matter in the Bible is that the laws were working within the culture as it was.

The second matter in this passage that is difficult is the ruling that if the divorced woman marries someone else, she cannot return to the first husband in the case of a subsequent divorce. Many suggestions have been made for this law--none of them very satisfactory. It may be that if the first husband filed the certificate of divorce for the above reason, for him to take her back later--after someone else had her--would show not only that he did not take his charge that seriously, or that he had promoted her defilement with another man. Some have also suggested that once they had been married they become related, and now a remarriage would violate the incest laws of Leviticus 18. Whatever the reason, the law would cut down on capricious activities and remind people how serious divorce was.

Of course these laws were violated right and left. There is very little in human history that is more difficult to sort out than the practices and the laws of marriage, violation of marriage, and divorce.

Deuteronomy 24:5, by its location in the text, provides a nice counter to the difficult divorce case. It states that when a man marries he must be free to stay at home for one year "and bring happiness to the wife he has married." He is exempt from war and from any other obligation.

The Law was not merely interested in the value of a woman and the money transacted. Laws safeguarded the financial security of the woman. Laws also safeguarded her happiness. In his sermon on divorce, Malachi reminded the Israelite culprits who were getting rid of their wives that the wife was "the wife of your youth" ('they shared all the hopes and dreams

and early experiences), "your partner" ('they were bound together as one), and "the wife of your covenant" ('God witnessed this covenant bond). He concluded, "Has not the LORD made them one? . . . because he was seeking a Godly seed" (Mal. 2:15). No doubt this led Paul to conclude that it was best to keep the marriage together so that the children might be sanctified--even though he did indicate that a marriage with a non-believer was not an actual marriage (1 Cor. 7; he says that if the unbeliever departs, let him depart "they have never been bound"). Malachi was dealing with some people who had put away their legitimate wives, thus destroying worship (compare Mal. 2:13 with 1 Peter 3:7), and married foreign women. His advice is that they put away these wives and return to the original wives. Ezra dealt with the same kind of issue (Ezra 9 and 10); especially 10:11). It may well be that this defiling of the covenant by marrying foreign wives was the fornication that was reason for divorce, or at least included in it, for the word "fornication" in Jesus' exception clause (Matt. 19:9) is the same word listed in the Jewish things that were doubtful and to be avoided according to the edict of Acts 15:29 ("food sacrificed to idols, from blood, from meat of strangled animals, and from fornication"--the first three were typically offensive to Jews and Gentile converts should abstain, but if the fourth is the general meaning of "fornication," why was it included here as a doubtful thing?). I suspect that the reason Moses had for permitting divorce was fairly narrow, and not really addressing the issue of adultery. Then, under the prophets, intermarriage with foreign women was a defilement that had to be corrected, and so that was included under the cause for putting away a spouse. Then, the terminology was broadened in the New Testament to include any persistent sexual violation of the marriage code, even though the primary meanings of the words might be more restricted. At least the disciples thought that--who could marry?

One final question to be considered on the issue of divorce in Israel concerns the reason why the laws never look to charge the man with fornication or adultery. I think there is something to the point that the marriage contract was interested in the value of the wife acquired. But I also think that the social customs made it easier for a man to have more than one sexual partner. If a man could have more than one wife, or could have a few concubines, depending on his wealth, there was probably less reason for him to go "outside the marriage" [for whatever that meant back there] to seek a partner. Whereas the woman was limited to this one man. Polyandry was only practiced in ancient Semitic cultures, long before Hammurabi even, and then in connection with the Temple service.

We do not have time to draw together all the biblical teachings on this subject -- that would be a course on its own. For Hebrew customs and rules, see Isaac Klein, *A Guide to Jewish Religious Practice* (KTAV), and Maurice Lamm, *The Jewish Way in Love and Marriage* (Harper and Row).

Laws Concerning the Violation of Marriage

Seduction and Rape (Deut. 22:22-30; Exod. 22:16). Here again the laws are governed by the status of the woman and the conditions of the sexual intercourse. (1) If a man sleeps with a married woman or a betrothed woman, the penalty is death. (2) If a man seduces a woman who is not betrothed, he is to marry the woman and pay the bride-price to the father. This assumes that

there is consent by the woman. If the father has a look at the man and does not want him mixed up with their family, he can refuse. Nevertheless, the bride-price has to be paid because in a subsequent marriage contract the woman would not receive such an estimation. (3) If the man raped the girl, if she had protested, then only the man is to be put to death. The girl has done nothing wrong. Later the Rabbis would rule that if you found a man starting or trying to rape a woman, you should kill him; then, you would be saving the girl from this fate, and enacting the punishment he would have gotten anyway. This might not stand up in modern courts (although in the Middle East the law sometimes bends to local customs).

Incest (Lev. 18; Deut. 22:30). The Law went to great lengths to ensure that incest would not occur. It was called "abomination" that made the land vomit out its inhabitants. Leviticus lists all kinds of cases that are to be avoided, using the euphemism "to uncover the nakedness of" for sex, probably a forced sexual encounter, or one that pressures from the point of advantage. The Rabbis recognized that the list was not complete, for they took the lead and expanded other cases that were to be covered.

Two issues come to mind here. The first is that in the earlier period, and occasionally under the Law, these laws were violated, or came close to being violated. The Levirate Law (marrying a brother's wife) simply has to be viewed as an exception to the rule for a specific crisis -- social immortality was more important. But early tribal marriages were pretty much enclosed within the tribe and may have come close to violating this. But I think that Law is not so much concerned with questionable marriages between relatives as it is the crossing of sacred boundaries. Leviticus 18 probably is looking at situations where the men have power (physical, financial, or some control) over women and use that to their own satisfaction. God foresaw the great troubles that would come from incestuous relationships and simply ruled it out. (At the beginning of life there had to be some marrying of sisters and brothers; but if that was continued over the centuries it would have an affect on the physical and mental condition.) The Canaanites regularly indulged in such things that the chapter lists, and that was the reason for their expulsion from the land.

The other issue is the major omission in the chapter -- father-daughter incest. It was known in the ancient world; pagan kings occasionally indulged in this (Ramses had 57 children, three of them daughters that he subsequently married). But in Israel it seems that the main interest of a father with respect to the daughter was marrying her off for a good bride-price. Only a fool would even think to violate that, especially when other avenues for sexual activity (whether lawful or unlawful) were open to him that would not lose him the money.

Sex with a Slave Girl (Lev. 19:20-22). Here, again, financial considerations weigh on the decision, for a slave girl (or one betrothed to be a concubine) was not the main wife and did not demand such great financial settlements. The Law does not say if the girl was willing or protesting. But there is punishment for the act, albeit not a death penalty. What must not be missed is that when the man brought the guilt offering to the Temple, in that type of offering the priest had to make the estimation of financial reparation. Here we must presume that the guidelines from all the other laws served him.

Violence and a Pregnant Woman (Exod. 21:22). This brief law comes in the section of laws dealing with damages that require financial restitution. If two men fight and accidentally hit

a pregnant woman so that the pregnancy is terminated, the offender must pay what the husband demands and the courts allow. There is a textual problem here, for it is not clear whether the result is that the child is born prematurely (NIV) or there is a miscarriage. The latter seems to make better sense, since the law is treating injury and liability. It may be that the woman was intervening in the fight and when she was hit she miscarried--but there was no further damage to her.

Here too we see how financial settlements were estimated. One cannot argue that the child was not a human because there was no death penalty for causing the death of an unborn child. Slaves who were killed fell in the same category; a death penalty was not always carried. A lost child was a real tragedy, but not as severe as the loss of a child who was perhaps ten years old, who had lived and grown, and in whom the parents had invested their lives and hopes.

The Bitter Water Test (Num. 5). This passage is covered with mystery. Not only does the passage give little explanation as to what was intended or how it worked, there is no other passage that shows it in actual operation. The workings of it surely must have been psychological, showing guilt or innocence in a stressful situation.

Once again it focuses on a man's accusation of adultery by his wife, and not the reverse. The value of a virtuous woman in the Israelite family was to be maintained; and, as said before, the man might have had access to other women under the law and may not have been charged as often. But we have no passage in the Bible where either a husband or a wife brought such a charge and had it tested with water.

The test may have been designed to cut down on false accusations. If a man wanted to be rid of his wife, and brought the charge, but it was proven to be a false charge, then he can never divorce her and must support her always. Once again the woman would be protected from false accusations. The man was simply not believed because of his word.

The Laws of Ritual Purification (Lev. 12 and 15).

The Law of Moses ultimately focused on worship in the Sanctuary. When Jesus marvelously revealed himself to the woman of Samaria (John 4:23) he affirmed that God was looking for worshipers. God has always desired that men and women be actively involved in worship, but before they can do this they have to meet certain qualifications.

From the beginning of the Old Testament God has taught that fellowship with him is not common, for he is uniquely different. Because he is holy, the worshipers must be holy. Israel's Law evaluated every part of human life and activity to prepare people for entrance into the Temple. Although those laws at times seem strict, or strange, they had the purpose of safeguarding the holiness of God, and setting down for all times that the standard of worship is holiness. All human activity and human nature is simply incompatible with the nature of God.

We cannot deal at great length with all of this, for that is a course in itself; but we must look at the laws of purity in Leviticus. Too often these teachings have been misunderstood. A leading women's magazine claimed that Leviticus had a low view of women because it taught that they were "unclean" because of their monthly period or childbirth. It is unfortunate that such unbalanced and simplistic conclusions are set forth without any attempt to explain and qualify the laws.

The Book of Leviticus is the manual for worship in the Old Testament. To understand its laws we must understand its theme: "Be holy because I the LORD your God am holy." When the Bible calls something holy it means that it is set apart to God and his service, and set apart from the world and its corruption. The term "holy" is used for people, places, and objects, as well as for God.

Part of the confusion comes with the way the terms have been translated; holy, unholy, clean, and unclean. The critical term for our study is "unclean" (Hebrew *tame'*, pronounced *tah-may*). "Unclean" is an unfortunate choice, but we really have little else. People hear the word "unclean" and naturally think of filth or sin. Certainly sin and corruption rendered a person "unclean" and required washing and atonement offerings before there was any participation in the sanctuary. But much of Leviticus is concerned with what is common or profane ("profane" is derived from the idea of anything "outside the temple"). Daily activities were profane. Common functions like sexual intercourse in a marriage was profane, common, and not classified "holy," even though we use the expression "holy matrimony." Contact with illness, dead bodies, eating certain foods, relations with pagans, and a host of other activities of life all were classified as common, profane (*khalal*, the opposite of "holy," *qadosh*). And all these things required ritual purification and sacrifices before the person could enter the temple.

So we must clarify the categories in Leviticus. Everything that exists--people, places, things--can be classified as holy or unholy. But unholy things fall into two groups: clean and unclean.

That which Leviticus calls unclean could be sinful, but it could also be common or profane participation in living in this world's life. Unclean things cannot be holy; they have no place in the Temple. But even clean things had to be made holy by sacrifice because mere cleanness was not good enough. It was still earthbound. If a person was cured of a skin disease and was not pronounced clean, that person still had to make a sacrifice to get back in. God's people had to learn that God is so holy, so separated from the physical, so distinct from this corrupted world, that everything in his presence must be sanctified by atonement. Whatever Leviticus calls unclean is simply not compatible with God's holiness. The term "unclean" may describe sin, sickness, bodily discharges, mildew on the wall, corruption and defilement; it describes what is not in its pristine condition, what is abnormal, unhealthy, weakened, or contaminated. It does not always describe sinfulness. We must therefore look at the two Levitical laws: emission and childbirth.

Leviticus 15. The laws of Leviticus 14 concerning emissions are hygienically beneficial, as modern study has proved. But more than that they teach God's people about holiness. Anything unclean, even normal bodily emissions, prevented a worshiper from entering the temple. Be careful here. It did not prevent them from worshipping--it prevented them from worshipping in the

temple. The Law required that three times a year Israel would assemble in the temple, Passover, Pentecost, and Atonement. Those are the times of main concern.

The laws are fully balanced in this chapter between males and females, so one does not treat the text fairly to say it singles women out as unclean. The chapter first lists chronic discharges in the male (vv. 2-12) followed by normal emissions (vv. 16-18); then it lists normal female menstruation (vv. 19-24) followed by the discussion of chronic emission in the female (vv. 25-27). This arrangement is perfectly balanced to show the unity of the double sided law. So both the male and the female are united in this aspect of uncleanness--a point many overlook when they hear that menstruation made a woman unclean in the Law.

The man with a chronic discharge, due probably to some infection, was unclean. His bed, his chair, and his clothes were also unclean, so that anything touching them would be contaminated. Why? Discharges such as this contained dead matter and were related to the curse. Separation from evidences of death was very important for God's holiness. Only after it cleared up could he be cleansed ceremonially.

Seminal discharge also make a man unclean, even if it is normal marital relations. Here we must make a fine distinction. The law was not saying that coitus was sin. It kept men and women out of the temple but it was not sin. This provision must be seen against the customs of ancient religions. The Canaanite temples were completely corrupted by vile fertility rites as part of their worship. Israel was not to go after such abominations. They were to recoil from such customs. These meticulous laws effectively removed sex and earthiness from worship. So the holiness laws made a clear distinction for true worship.

The woman's menstrual period also made her unclean for seven days so that whoever touched her would be unclean (the ritual for such as washing). After her period she would be purified by ritual. The main reason for this law was that only one kind of blood was permitted in the temple--that which was from a healthy animal to be used in the covenant sacrifice. Any other blood could not be brought into God's courts. It must remain separate.

This and any chronic disorder rendered the woman unclean, meaning that she had to remain apart from the temple. It was actually a gracious provision. Discomfort and pain often occur at this time. Since life was arduous for women these laws allowed her some privacy and gave her opportunity to renew her energy. Modern society has not been this understanding. But it would have been an additional hardship for a woman on her period to walk or ride for a day or two up to Jerusalem.

Leviticus 12. Leviticus 12 provides all the stipulations for purification after childbirth. Many find it hard to understand why the law said childbirth brought uncleanness, especially when God ordained that people have children (Gen. 1:28). Birth was considered a work of God (Ps. 139), and children were a heritage from the LORD (Ps. 127). Nevertheless, the Law said when birth occurred Temple participation was interrupted.

The chapter states that when the woman had a boy, she was unclean seven days and for thirty-three days after the child was circumcised she could touch no consecrated thing. Once the

proper waiting period was over she would bring the offerings for the burnt offering and for a sin offering. Atonement would be made and she would be clean and holy.

Older commentators believed that this law taught uncleanness because the woman had brought another little sinner into the world. More probably it is that any "diseases" and bodily emissions were incompatible with the divine presence of a holy God and rendered the person "unclean." Even Mary needed purification after the birth of Jesus--who certainly was not a sinner (Luke 2:22-24).

The point to be made is that the birth itself did not make the woman unclean. Leviticus is probably concerned with discharges that occur at parturition. Anyone reading the Old Testament knows how important the ritual elements were--the blood, the incense, the fire, the water for washing. Any foreign substances must not be brought in or they would defile the holy things. This Law then is more than a dignified hygienic procedure for women at childbirth which a washing certainly is. It separates things that are physical from things that are holy.

Here we need to contrast this with pagan idolatry. When the idea of God, or gods and goddesses--the idea of the holy--became too physical, then these laws became worthless. The deities of the pagans were too physical, their worship was then physical and earthy. Often in the modern world our perception of God is too physical. That is why we cannot understand these laws. God is spirit; he is above all this. Anything physical, human, earthbound, moribund, or human is simply not compatible with the divine nature. Consequently, before you or I ever enter into God's presence in glory, we will be, must be changed, glorified. For Revelation affirms that nothing unclean goes into his presence in heaven.

In Leviticus 12 the fact that the boy brings uncleanness for seven days only is probably due to the fact that the law said he had to be circumcised in the temple on the eighth day. The reason the time is doubled for the birth of a girl has been the subject of wide speculation--the Bible does not say. Some have suggested it was due to the relative value of the sexes in the ancient world, and while that could be part of the case, it may also have been that a daughter would inherit the infirmities of a woman. The lengthened time of purification may reflect the anticipation of her future monthly requirements.

Once the time of waiting was over there was ritual and celebration. Childbirth was serious, and not easy. When they survived there was great rejoicing. Once pronounced ritually clean the woman could enter the temple again. So the laws of separation were to preserve the holiness in the temple and in no way were to punish the woman for being a woman.

We may find many of these laws uncomfortable, but if we feel uneasy reading about them the point has been made. Bodily emissions, physical functions, and especially pagan practices, could have no part in God's holy presence. But God shines in upon the cleansed, purified worshiper who complies with holiness.

These laws were not directed against woman as inferior creatures; they concern men and women as potential worshipers. They taught that every aspect of life had to be purified from the contamination of this sin-cursed world because God was dwelling in their midst. The old laws and

the Israelite temple were external examples of this principle. Jesus himself taught the same truth when he washed the disciples feet, for he said unless he did so they would have no part with him (John 13).

Now that Jesus Christ has come and died the Law has been fulfilled. The blood of Christ, pictured throughout the old covenant by the sacrifices, makes us acceptable before God. And because the Spirit of God dwells within us, we are to be holy. Every moment, every day, everywhere, we all, male and female, must be holy. We must avoid sin to be sure. But we must live above the common and the profane--things of this world that are not necessarily sin but can destroy our worship. The effect of sin has left its mark on life; we breathe an impure atmosphere, we walk in a foul world, we are influenced by impure ideas. Moreover, all of life bears the marks of sin--there is disease, frailty, depression, pain, contamination, decay, and death. A call to holiness in the Church requires that God's people constantly renew their innermost spirit before God, so that fellowship may be rich and vibrant (2 Cor. 4:16). This is all part of the teaching of sanctification, which God began to teach in Leviticus.

In the Church age it would be incorrect to apply the law literally, and teach that a man or a woman with a discharge or an emission must not come to Church. Of course, wisdom might suggest that for their comfort and convenience they might wish to stay home. But the sanctity of the temple, the *Shekainah* Glory actually dwelling in the Holy of Holies, is not in the sanctuary of the Church. Ever since the incarnation, the glory of the Lord is with Christ, and that now is the heavenly Temple. What these laws suggest, if our correlation and application is done carefully, is that we have wonderful hope that all this earthly stuff will end in a twinkling of an eye, when we shall be changed from corruptible to incorruptible, from physical to spiritual bodies. Diseases remind us of the presence of the curse, and fill us with the hope of glory.

Laws for the Temporal Care of Women

In addition to all the legislation on marriage and its security for women, there were additional rulings that protected women and sought to ensure their care. Unfortunately, the messages of the prophets and of Jesus tell us the laws were often ignored.

Widows and Orphans. Exodus 22:22 made it clear that people were not to take advantage of the widow and the orphan, the two classes of people in the land that were the most needy. God declared that if these people were abused in any way, he would avenge them with the sword--"I will kill you with the sword"--and in talionic justice--"your wives will become widows and your children fatherless." In Israel, as well as in the entire ancient world, the ideal king was to champion the cause of the poor and the needy, the afflicted and oppressed, the widow and the orphan (see Psalm 72; Isaiah 1:17; James 1:27). Jesus pronounced a woe on the Pharisees because they devoured widows' houses (Matt. 23:14, but see textual difficulty).

Inheritances (Num. 27). In an unusual appeal case Moses ruled that women could inherit their father's estate if there were no male heirs. This was the case of the daughters of Zelophehad who appealed that since their father died in the wilderness and had no sons his name should not be permitted to die out. The LORD affirmed that their appeal was right, and that they should receive land among the relatives. The important point in Israel's Law was that the family must be kept alive through inheritance for the children. The land grants for each clan of each tribe were to be maintained. This ruling, as well as the *levirate* law, guaranteed that none should become extinct.

Conclusion

In spite of how primitive many of the laws seem to us, they do seem to have as their primary purpose the protection of women in a world that was known predominantly for its use and misuse of power. The Law of Moses used many laws that were already in existence, and retained many cultural customs; but it also modified them to harmonize with the Yahwistic faith. We do not know how many of these laws actually worked out, or if all of them actually were used. But where we have evidence to work with we can often see that the spirit of the law--righteousness and peace and mercy--overruled the letter of the law.

For additional study, see the following:

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The word "cultic" is commonly used to mean religious practices; it is not to be confused with the word "occult," which has an entirely different etymology and meaning.

In a metonymy, something related to or connected to the idea is put for the idea itself. Here the word "fornication" would be a metonymy of adjunct, because idolatry, pagan worship, usually involved fornications as well.

This was done marvelously in the book. Since the near kinsman would not raise up the name of the deceased this way, his name was not preserved in the book. Instead, the book refers to him as *p'loni 'almoni*, "you old so and so."