

CRIMES AGAINST WOMEN: A COMPARISON OF PENTATEUCHAL
AND ANCIENT NEAR EASTERN LAWS

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To the modern reader of the Pentateuch, a number of laws given to Israel appear odd, if not barbaric. This is especially the case in commands dealing with crimes committed against or by women. Forced, permanent marriage to one's rapist, seemingly light monetary fines against a seducer, and a disturbing "magical" ordeal for a woman accused of adultery (with no such ordeal given to a promiscuous husband) are some of the most difficult to accept as divine intention. Numerous attempts have been made to temper the offense, one of which is the "redemptive movement" thesis of William Webb. In *Slaves, Women, and Homosexuals*, he argues that the Mosaic laws (especially those concerning slaves and women) were a humanitarian improvement from the surrounding ancient Near Eastern (ANE) cultures.¹ Further improvement in women's rights and protection in the New Testament demonstrate that the Mosaic laws were not God's perfect or final stance on these issues but a concession, a "work in progress," so to speak. Yet they were a movement closer to the "ultimate ethic" of equality desired by God. This paper seeks to investigate this ground for Webb's thesis—that the Mosaic laws on sexual crimes against women differ from the ANE law collections in the form of positive improvements on behalf of women. Similarities are to be expected as well, and as such the issue this paper seeks to address is what the similarities and differences are, and why—what they reveal about YHWH's intention to set Israel apart as a holy nation. Some tentative implications can then be drawn regarding the divine purpose behind these laws, and implications of this for both the past and the present.

As there are numerous sexual crimes addressed in the Pentateuchal laws, this paper will limit them to three—seduction, rape, and adultery (including accusations of infidelity)—against women in three statuses—virgins, betrothed women, and married women. The reason for the selection of these three crimes and these statuses of women is due to their closely connected

¹ William J. Webb, *Slaves, Women & Homosexuals* (Downers Grove: IVP Academic, 2001), 32-33.

nature, as typically only the status of the woman or the location of the event determines the category of the crime and its penalty. As we shall see, this is also true for most extant laws from the ancient Near East.

An Introduction to Law in the Ancient Near East

Archaeology has produced a wealth of ancient cuneiform law collections from Mesopotamia and Asia Minor, seven of which include laws pertaining to our topic. Five are from the Old Babylonian period: the Laws of Ur-Nammu (LU), ca. 2100-2046 B.C.; the laws of Lipit-Ishtar (LL), ca. 1930-1864 B.C.; a Sumerian Laws Exercise Tablet (SLEx), ca. 1800 B.C.; the Laws of Eshnunna (LE), ca. 1800-1770 B.C.; and the famous Laws of Hammurabi (LH), ca. 1790-1750 B.C. Tiglath-Pileser I of Assyria (1115-1077 B.C.), published Middle Assyrian Laws (MAL) that probably date back to the 12th century. And from central Turkey the Hittite Laws (HL) date somewhere between 1650-1180 B.C.² No law collections are known to exist from Canaan, the nearest culture to Israel. The collections closest to biblical law in date are the Hittite and Assyrian, as the Exodus is thought to be somewhere between 1440 and 1290 B.C.

A comparison study between ANE and OT law is fraught with problems. First, our knowledge of ANE laws is not exhaustive, being dependent upon the luck of the digger's spade; laws contrary to the ones we know of might have existed.³ However, parallel lines of thought

² There are some discrepancies in dating between Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient East*, trans. Jeremy Moiser (Minneapolis: Augsburg, 1980), Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2nd ed. (Atlanta: Scholars Press, 1997), and John H. Walton, *Ancient Israelite Literature in its Cultural Context* (Grand Rapids: Zondervan, 1989), so the above dates include the widest range between them. There are also some differences in the spelling of names (e.g., Nammu vs. Namma), but the most common are used here.

³ R. Westbrook, "Biblical and Cuneiform Law Codes," *Revue Biblique* 92:2 (1985): 254.

undergird most extant collections, either due to similarities in culture or sources, and this permits some room for generalization.⁴

Second, our understanding of ANE law is often anachronistic. While formerly thought to be codes (“a complete set of requirements intended to cover every eventuality”) and to be enforced absolutely like modern law,⁵ most scholars now view them as “a kind of ideal principle rather than a literal rule. . . . a document of theory, not of practice—perhaps of justice, not of law.”⁶ Most collections were commissioned by kings seeking to validate their reigns with examples of their justice, and a lack of correspondence between thousands of contemporary legal documents with the terms set in law collections cause many scholars to conclude that the law collections “had little or no impact on the daily operation of legal affairs.”⁷ Yet whether or not they were actually enforced, they still reflect the cultural values and assumptions of people in the ancient Near East.⁸

Third, though verbal parallels abound, the nature of and purpose for the biblical laws were almost completely unparalleled in the ANE. The Mosaic law (ML) alone is portrayed as divinely revealed; law collections were always secular. The context for biblical law is covenantal, in which holiness before God must be upheld, whereas the context for ANE laws were societal, in which social order and mores must be upheld. And whereas the concern of the collections was civil law, the focus of the Pentateuch is cultic, or religious, law, and civil and

⁴ Ibid., 252: verbal dependence can be found between several collections, and it is known that the Codex Hammurabi, which is itself dependent upon earlier sources such as Ur-Nammu and Lipit-Ishtar, was copied by scribal schools and influenced regional law for more than a thousand years.

⁵ Alexander T. Desmond and David W. Baker, eds., “Law,” *Dictionary of the Old Testament: The Pentateuch* (Downers Grove: InterVarsity Press, 2003), 500.

⁶ Walton, *Ancient Israelite Literature*, 85.

⁷ Roth, *Law Collections from Mesopotamia and Asia Minor*, 5.

⁸ Ibid., 7.

criminal law are only cursorily dealt with.⁹ This brevity of civil law demonstrates a focus on giving examples of *how* Israel is to live as a unique and holy people before God rather than comprehensively covering all situations.¹⁰

Women and Marriage in the Ancient Near East

The ANE and Pentateuchal laws regarding seduction, rape, and adultery cannot be properly understood by the modern reader without being viewed in the context of their respective cultures. Both were strongly patriarchal, in which fathers and husbands had total authority over the women in their households. Women usually could not testify in court or divorce their husbands.¹¹ Most girls were married at twelve years of age to much older men, and marriage was less about relationships and more about economics and social status.¹² A girl could not choose her own spouse; her father or brothers would form a marriage contract with a prospective groom and/or his family. A brideprice, somewhere around 50 shekels of silver, was paid to the girl's father to confirm the contract (and reimburse her family for the loss of a worker), and from then on the betrothed virgin was legally considered a wife, whether or not the marriage was consummated.¹³

⁹ The comparisons in this paragraph are mostly taken from Walton, *Ancient Israelite Literature*, 69-91.

¹⁰ Some even argue whether the Pentateuchal civil laws were intended to be enforced to the letter, as very few examples are given in the rest of OT narratives before the 8th century. But since motive clauses so intersperse them, this is probably more due to the notorious failure of Israel to enforce the Law than to any lack of intention within the Law itself. [SOURCE]

¹¹ Alexander T. Desmond and David W. Baker, eds., "Family Relationships," *Dictionary of the Old Testament: The Pentateuch* (Downers Grove: InterVarsity Press, 2003), 294.

¹² Daniel C. Snell, *Life in the Ancient Near East, 3100-332 B.C.E.* (New Haven: Yale University Press, 1997), 52.

¹³ Desmond, "Family Relationships," 295. Douglas K. Stuart, *Exodus* (Nashville: Broadman & Holman, 2006), 510: "The betrothal/brideprice system was designed to make marriage harder to come by that what could be achieved on whim or quick decision, and it elevated marriage accordingly because people instinctively value what is

Virginity of the bride was of utmost importance to the honor of both families and determined the level of the brideprice. As such, a girl who was not a virgin would be very difficult to marry off, and if she were her brideprice would be greatly reduced.¹⁴ Adultery was considered one of the greatest crimes in the ANE, and this is even more so in the Pentateuch, where marriage is the most important human covenant before God.¹⁵ Infidelity was typically considered only a woman's offense, unless the adulterer was caught in the act, and only the husband could initiate divorce.¹⁶ Divorce was especially detrimental to a woman, as few men would want "damaged goods," and a divorced woman was often doomed to a life of poverty and stigma.¹⁷ With this understanding, we may proceed to the laws themselves.

Laws on Sexual Crimes in the Ancient Near East and the Pentateuch

The Scenario of Seduction

The only known ANE law to deal with consensual seduction of an unbetrothed virgin is MAL A, 56: the seducer is ordered to swear an oath, presumably that he did not rape her, and pay triple the brideprice, since she is now "damaged goods." The father can punish his daughter as he wishes, but unlike the case of rape he may not ravish the seducer's wife.¹⁸

hard and costly to get." Cf. Laws of Eshnunna, art 28: "If he concludes the contract and the nuptial feast for (?) her father and mother and he marries her, she is indeed a wife; the day she is seized in the lap of another man, she shall die, she will not live" (Roth, 63).

¹⁴ Stuart, *Exodus*, 510.

¹⁵ Desmond, "Family Relationships," 296.

¹⁶ Patrick D. Miller, *Deuteronomy* (Louisville: John Knox Press, 1990), 164.

¹⁷ Baruch A. Levine, *Numbers 1-20* (New York: Doubleday, 1993), 199.

¹⁸ All ANE laws in this paper are summarized from Matthews & Benjamin and Roth.

Exodus 22:16-17 compels the seducer to pay the full brideprice and marry the girl. The father reserves the right to refuse marriage to the man, but he still guaranteed the brideprice.

The only similarity between these two laws is the payment of the brideprice, which acts both as a fine and a reimbursement of the permanent loss of her worth as a non-virgin.¹⁹ Theologically, the ML requirement of marriage is because in the eyes of YHWH she is now “one flesh” with her seducer and must remain so.²⁰ Positively, this makes certain that she has the security of marriage which she might now not otherwise have—an important necessity, particularly if a child was made. The girl is not held responsible, possibly due to the young age of most virgins.²¹ It also is a deterrent to the man, for he would “suffer economic loss and still not get the girl he wanted, or end up with a wife he did not want.”²² This command is unique in the ML in that the father is reserved the right to protect his daughter through refusal of marriage. Questions that remain are why the brideprice is not more, as in MAL A, 56, and what distinguishes seduction from rape of an unbetrothed virgin, since in neither case is the girl’s testimony involved.²³

¹⁹ John I. Durham, *Exodus* (Waco: Word, 1987), 327: “The terms off this ‘guiding principle’ indicate that its primary focus is financial, both with regard to the father of the unattached girl and also with regard to the young woman herself.”

²⁰ Stuart, 509: in the eyes of God they are married virtually if not legally.

²¹ *Ibid.*, 510, fn. 177: Also, “The woman would have so much more to lose under the marriage laws and customs of Israel that it might be assumed she would have to be ‘seduced’ more than the man, but laws are generally worded as applying to the singular male as a paradigm for all persons whether individual or plural.

²² Alexander T. Desmond, and David W. Baker, eds., “Sexuality, Sexual Ethics,” *Dictionary of the Old Testament: The Pentateuch* (Downers Grove: InterVarsity Press, 2003), 746.

²³ Seduction/rape of a betrothed slave girl demands a fine of 5 shekels of silver (LU, 8) or 20 shekels of silver (LE, 31) and the slave remains the property of her master. In Lev. 19:20-22, the man must offer a ram guilt offering to absolve his sin, but because she is a slave he does not have to offer a brideprice. Though it appears both share guilt (19:20), no punishment is prescribed for the slave girl “because she has not been freed,” and her status has made her vulnerable to attack. Derek Tidball, *The Message of Leviticus* (Downers Grove: InterVarsity, 2005), 243: The seduction of a slave is considered a disrespectful aberration but not a legal offense—hence, the punishment is “serious but not severe.”

The Scenario of Rape

Rape of an Unbetrothed Virgin

The consequences of rape in the ANE were dependent upon the status of the woman and the location of the crime. First, the case of an unbetrothed virgin. According to SLEx, 7 & 8, if the rape occurred to a girl who was outside the protection of her household without her parent's knowledge, the girl is to be married to the rapist. If her parents knew she was outside (or there was disputation about his identity), then he was to swear an oath that absolved him of guilt. MAL A, art 55 is far more severe. If an unbetrothed virgin is kidnapped and raped, the father is to kidnap and rape the wife of the offender in the ANE principle of *lex talionis*—an eye for an eye. The rapist is to pay 1/3 more than the brideprice, and marry the girl without opportunity for divorce if the father permits it.

Deuteronomy 22:28-29 requires the rapist to pay 50 shekels of silver (a higher-end brideprice)²⁴ and marry her without opportunity for divorce. Again, the theological principle is that this couple is now “one flesh” and must remain so. Positively, the marriage, however abhorrent, would give the girl security, and the rapist is unable to wrong her twice and get out of his punishment by divorcing her. This is a more weighty penalty than a simple oath. The OT principle that only the offender should pay for his sin (Deut. 24:16) prevents the injustice of the rapist's wife being likewise ravished. Questions that remain are why the brideprice is not more, why the father has no right to refusal, and how the security of marriage could outweigh the horror of marrying one's rapist.²⁵ Apart from the *lex talionis*, MAL A, 55 and Deut. 22:28-29 are

²⁴ Desmond, “Sexuality,” 746: about four years of wages—also the price of a prime adult male slave.

²⁵ Our sense of outrage is probably cultural: cf. 2 Samuel 13:16 After Tamar is raped by her half-brother brother Amnon, her response to his rejection is, “No! Sending me away would be a greater wrong than what you have already done to me”—marriage to her rapist was far more preferable to her than cultural shame.

probably the most similar of these sorts of laws, and one can see here a progression in strength of penalties from an earlier law.

Rape of a Betrothed Virgin/Wife

Now the case of rape of a betrothed virgin or wife (nearly equivalent in ANE cultures). For the rapist of a pledged virgin, the punishment is death, with no penalty to the girl (LE 26, LU 6, and LH 130). For the rape of a woman/wife, MAL A, 12 demands death for the rapist (whether caught in the act or accused) if the wife is outside of her house, with no guilt for the woman. HL 197 varies the punishment according to the location of the crime: if it is in the mountains, the rapist dies and the woman is exonerated. If it is in her own house, consensual or not, it is considered adultery and the woman is [also] executed. The husband is given the right to kill them if he discovers them in the act.²⁶

In Deuteronomy 22:23-27, the rape of a betrothed virgin in a town is considered adultery (since the public setting should have protected her) and both are to be stoned to death. But if this occurs in a rural location, only the rapist is killed.

This command is particularly difficult. On the one hand, capital punishment for clear rape appears to have universal ANE consensus and is entirely appropriate. On the other hand, since women could not testify about the event, location determined whether it was rape or adultery, and this is a very fallible guide. In the ANE closer quarters and less privacy probably made secret crimes like rape less likely in urban areas than now, but it could still occur.²⁷ Interestingly,

²⁶ MAL A, 9 includes severe penalties for sexual fondling: “If a man lays a hand upon a woman, attacking her like a rutting bull (?), and they prove the charges against him and find him guilty, they shall cut off one of his fingers. If he should kiss her, they shall draw his lower lip across the blade (?) of an ax and cut it off” (Roth, 157). The ML has no equivalent, other than the command against coveting a neighbor’s wife.

²⁷ G. J. Wenham, *Leviticus* (Grand Rapids: Eerdmans, 1979), 287: In the village culture of Israel, the “small, closely knit communities . . . would have [made it] extremely difficult for any local person to commit and

the ML takes unusually great pains to emphasize the innocence of the rural rape victim, and even likens the rape to murder. It is possible that previous Israelite practice shamed the victim, as is the case in other cultures today, and this command exhorts compassion to the victim. The ML also removes the husband's right to vigilante justice, giving the couple the right to trial. Theologically, this puts the offense against YHWH, not the husband, and makes certain that the community either cleanses itself of the sin of adultery or shows mercy to the victim.

The Scenario of Adultery

Ancient Near Eastern laws had much to say of adultery, and in nearly every instance the husband determined the punishment for his wife, with either no punishment or similar punishment meted out to the other man. If a married woman initiated sexual relations with a man, she must die but the man is freed (LU, 7). A betrothed woman "seized in the lap of another man" is killed; presumably the man was freed (LE, 28). In Hammurabi, the adulterous couple was to be tied up and cast into a river, but if the wife was pardoned by her husband, the partner was also pardoned by the state (LH, 129). Adultery at the woman's invitation meant no penalty for the man, but intercourse by force meant punishment identical to the wife (MAL A, 16). Adultery with a known married woman meant equivalent punishment, but adultery without knowledge of her status cleared the man of charges (MAL A, 14). A husband had full right to immediately kill a couple caught in the act, but if he brought them to court he could choose to free his wife, freeing the man, or cut off his wife's nose, castrating the man and lacerating his face (MAL A, 15). But intercourse in the man's household meant execution for both (MAL A, 13).

offense without its becoming common knowledge." However, cf. 2 Samuel 13: Amnon's ravishing of Tamar in his house—the biblical account clearly portrays this urban setting as rape.

In contrast, the Pentateuchal law is simple and terse: “If a man is found sleeping with another man's wife, both the man who slept with her and the woman must die. You must purge the evil from Israel” (Deut. 22:22).

Theologically, the offense is not against the husband but against God. The husband does not decide the level of punishment—adultery is a sin so serious that it always must receive the death penalty. It does not matter who initiated it, for both must die. Positively, both parties, and not just the woman, are deemed guilty, and vigilante justice is removed in favor of a trial with proof from two witnesses. The difficulty is that it appears in the Pentateuch that the category of rape does not seem to include (older) married women—for them intercourse with another, consensual or not, is considered adultery.

Accusations of Infidelity

Accusations Against a Virgin

Finally, laws regarding the problem of false accusations of infidelity. There is only one ANE law: accusations of promiscuity against a virgin proven to be false required a fine of 10 shekels of silver (LL, 33).

In Deuteronomy 22:13-21, a husband's accusations that a newly married wife was not a virgin required proof of her virginity. If he was proven slanderous, he was fined 100 shekels of silver²⁸ (given to the girl's father) and was not allowed to divorce her. If no proof of virginity was found, then she was to be stoned to death.

²⁸ Desmond, “Sexuality,” 745: the 100 shekel fine was the value of two prime adult male or three prime female slaves—twice the amount charged for rape.

This is another difficult passage. Positively, the fine is ten times more costly, as it takes seriously and protects the honor of the virgin and her family. Also, removing the option of divorce prevented husbands from frivolously accusing and divorcing their brides and destroying their lives. However, proof of virginity is not always available at the time of deflowering, and no doubt many innocent girls were stoned (if the sentence were carried out).²⁹ Theologically, this demonstrates again the utter seriousness of sexual impurity before God and the importance of purity in the marriage.

Accusations Against a Wife

Accusations of adultery against another man's wife without witnesses or proof was another matter. In most law collections, the wife had to go through a "River Ordeal," in which she was thrown into a river, perhaps to be tried by the river god.³⁰ If she survived (no doubt a rare occurrence), her accuser had to pay a fine of 20 shekels of silver (LU, 14), or be flogged and shaved (LH, 127). The Assyrians were more harsh with a false accuser: he was to be flogged forty times, serve as the state's slave for one month, be castrated (shaved?), and fined 3,600 shekels of lead.³¹ If a husband accuses his own wife, she must swear "an oath of innocence before the divine patron of her household, and then she may return home" (LH, 131).³²

In light of this background, the biblical ordeal begins to appear less odd. Numbers 5:11-31: A suspicious husband must take his wife to the priest and present a grain reminder offering

²⁹ Desmond, "Sexuality," 275, notes that this could possibly mean the menstrual cloth showing that she is not pregnant before the marriage consummation.

³⁰ Levine, *Numbers*, 204.

³¹ This punishment is almost identical to a false accusation of homosexuality against another man.

³² Matthews & Benjamin, *Old Testament Parallels*, 105.

“to draw attention to guilt.”³³ The priest shall make a draught of dust from the tabernacle floor, holy water, and the washed off words of a curse from a scroll.³⁴ After loosening her hair (a sign of shame or remorse),³⁵ she is to “stand before the LORD,” hold the reminder offering, and swear before the LORD.³⁶ If she is guilty, the curse will cause miscarriage, but if she is innocent it will not harm her.

This ordeal contains striking similarities and differences from its ANE counterparts. The biblical account combines the oath and an ordeal. The oath of imprecation, as the center of a possible chiasm, forms the crux of this entire ordeal,³⁷ and the similarities with LH, 131 are obvious. It is YHWH, and not the ordeal itself, who exonerates or condemns.³⁸ Holy water is involved in both, but here the woman’s vindication is not hinged upon her swimming ability but upon the divine act of YHWH.³⁹

Theologically, the ordeal is needed because there is no proof for a very serious accusation, and either vindication of the innocent or sanctification of the community must

³³ Philip J. Budd, *Numbers* (Waco: Word, 1984), 64: this is akin to a poor man’s sin offering (Lev. 5:11).

³⁴ Levine, 210: The water and dust are sanctified by their location in the tabernacle—they “bind the suspected woman to the sanctuary, and thereby to its resident God, who is judging her”; it is bitter both in its taste and affects. By drinking it, and with her agreement to the curse, she submits to the judgment of God.

³⁵ Cole, *Numbers*, 116 and Budd, *Numbers*, 64, note the similarities with a leper’s uncleanness (Lev. 13:45; 21:10), mourning (Lev. 10:6), and possibly a harlot’s shame (Levine, *Numbers*, 196).

³⁶ Levine, 198: Her “Amen! Amen!” as in Deut. 27:15, shows her acceptance as binding the terms of the execration and the acceptance of the consequences, both positive and negative.

³⁷ Cole, *Numbers*, 115. Budd, 65, however, sees the consumption of the bitter water as the central rite, in accordance with his focus on the magical nature of the ordeal.

³⁸ Levine, 194, reminds us that as such adultery was a deed done in secret, the object of the ordeal “was to seek God’s judgment, to learn the truth in the absence of evidence. God, the divine judge, knows the hidden facts, and through the outcome of the ordeal will bring them to light.”

³⁹ Interestingly, R. Dennis Cole, *Numbers* (Nashville: Broadman & Holman, 2000), 118: “This is the only case in biblical law where the outcome depends on a miracle.”

occur.⁴⁰ Also important is the alleviation of suspicion and restoration of trust in a marriage. Miscarriage is an appropriate penalty because “there is to be no fruit from an illicit union,”⁴¹ and an unfruitful womb, seen as a divine curse, is always shameful in the ANE.⁴²

Positively, this ordeal is not life-threatening to either an innocent or guilty woman like the River Ordeal, and an innocent woman would have nothing to fear and from God would be free from condemnation by the community.⁴³ The guilty woman would experience the suffering and shame her sin deserves, yet she will live because there were no witnesses. This also prevents flippant divorce, as the husband would first have to submit his wife to the ordeal and await the outcome.⁴⁴ The difficulty lies in the fact that the wife has “no reciprocal proviso for bringing charges against a suspected unfaithful husband,”⁴⁵ like the ANE counterparts, but unlike the other law codes there is no penalty for her accuser, whether her husband or another.

Summary and Implications

This cursory comparison of ANE and Pentateuchal laws has revealed a surprising degree of similarity, particularly with the Middle Assyrian Laws. Honor, virginity, and fidelity are of utmost importance, as are compensation of the brideprice, capital punishment for adultery, and

⁴⁰ Budd, 65: “Num 5 as a whole is about the sanctification of the community. A crucial part of this process, beginning in vv 1-10, is the unmasking of hidden sin, and the vindication of those unjustly accused.”

⁴¹ Ibid. Levine, 193, supposes on that the husband became suspicious because his wife was pregnant: “the ordeal focuses on pregnancy by its own binary alternatives: either the wife in question will retain her seed or she will not.” It is possible that her miscarrying womb would become a permanent condition.

⁴² Cole, 117.

⁴³ Ibid., 114.

⁴⁴ Levine, 193; 199: if she is guilty, divorce is likely, and she “would henceforth be ostracized and considered undesirable as the wife of any other Israelite man.”

⁴⁵ Cole, 114.

restoration of trust in marriage. These similarities are understandable in light of the close proximity of time and culture.

There are striking differences as well. A focus on the offense as against the husband/father is changed to a focus on offense as against the holiness of YHWH. The husband/father cannot determine the level of punishment and mete it out; instead, the punishment is established by God according to the severity of the sin, and the perpetrators and victims are guaranteed the right to trial. No third party is allowed to suffer on the offender's behalf. The victim of seduction or rape is assured the protection and security of marriage. And the woman accused of infidelity without proof is given either the satisfaction of an extremely high monetary affirmation of her worth, or rescue from a certain death sentence and/or a life of poverty and shame. These differences speak to the extreme importance of holiness before God, the sanctity of marriage, and an increased humanitarian concern evident elsewhere in the Mosaic law.

These differences still appear to be slight, and do not go as far as we would wish. The theory that these covenantal laws are not ideal or God's final word but contained concessions to the time and culture of the Israelites has some ground in Matthew 19:3-9.⁴⁶ This paper has shown that William Webb's argument that there is redemptive movement (however small) of the biblical laws from the surrounding ANE culture has merit, though where he takes this movement is at points suspect. The Western legal system has stopped up a number of the holes that allowed the abuse of women to continue under both ANE laws and Torah. But rampant promiscuity both before and during marriage—even for Christians!—now reveal a horrific complacency toward

⁴⁶ Matthew 19:3-9 “³ Some Pharisees came to him to test him. They asked, 'Is it lawful for a man to divorce his wife for any and every reason?' ⁴ 'Haven't you read,' he replied, 'that at the beginning the Creator 'made them male and female,' ⁵ and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh'? ⁶ So they are no longer two, but one. Therefore what God has joined together, let man not separate.' ⁷ 'Why then,' they asked, 'did Moses command that a man give his wife a certificate of divorce and send her away?' ⁸ Jesus replied, 'Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning. ⁹ I tell you that anyone who divorces his wife, except for marital unfaithfulness, and marries another woman commits adultery.’”

the sexual purity that was, and remains, so important to YHWH. His call for believers to remain a holy people is unchanged—if anything, it is heightened (Heb. 13:4; 1 Pet. 1:15-16).

Appreciation for the protection permitted in ancient times and even more today is good, and living lives of complete purity before God is even better.

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