

EVERY WOMAN IN THE BIBLE: WOMAN'S RIGHTS IN THE ANCIENT WORLD.

Introduction:

There is no question that in the cultures out of which ancient Israel emerged, laws and customs favored men over women. Society was organized along patriarchal lines, and the legal status as well as the social and economic position of women reflected the words of Genesis 3:16; "To the woman He said, I will greatly increase your pains in childbearing; with pain you will give birth to children. Your desire will be for your husband, and he will rule over you."

Only in the past few decades have the feminist and non-feminist scholars begun to argue that Old Testament Law is different, and that egalitarian (aiming for equal wealth, status etc. for all people) theme can be noticed in the rulings contained in Exodus, Leviticus, and Deuteronomy. These scholars have emphasized provisions made in biblical laws for the offspring of the unloved as well as loved wives, and also provisions that protect dependent family members. They have argued that such laws promote relationships that are distinctively non-hierarchical.

The debate raises two important questions, (1) is the position of women reflected in Old Testament Law really radically different from their position in other law codes of the era? (2) What assumptions underlie Old Testament laws concerning women, and what is their real purpose.

Women in Law Codes of the Era:

There are about 10 ancient law codes from the biblical world that are used to compare the study of women's rights.

The Code of Ur-Nammu	About 2200 BC
Sumerian Laws	About 2200 BC – 1900 BC
Laws of Eshnunna	About 1900 BC
Code of Lipit-Ishtar	About 1800 BC
Code of Hammurabi	About 1700 BC
The Edit of Ammisaduqa	About 1600 BC
Middle Assyrian Laws	About 1400 BC
Mosaic Laws	About 1400 BC
Hittite Laws	About 1300 BC
Nuzi Laws	About 1300 BC

In comparing these codes we find both similarities with and differences from biblical law. In some case legal provisions are parallel. For instance, most ancient codes protect the inheritance rights of sons born to a concubine when the father has acknowledged those sons.

In some cases the Mosaic code seems less lenient than others. For example a Hebrew woman sold into slavery to a fellow Hebrew was to be freed after six years. But the Code of Hammurabi freed the woman after only three years. The Laws of Eshnunna seem even to take the side of the woman against her husband in the following.

If a man divorces his wife after having made her bear children and takes another wife, he shall be driven from his house and from whatever he owns.

There is nothing like this in biblical code.

In other provisions, Mosaic Law seems more sensitive to a woman's rights and concerns than the contemporary codes. Mosaic Law holds guiltless a woman who is raped in the field, in that there was no one to help her should she have cried out. In contrast Middle Assyrian law A55 punishes a rapist by ordering that the rapist's own virgin daughter be raped by the father of the victim! A56 adds: unless the rapist simply swears that the woman consented!

It is not surprising that the law codes of the era should have a number of similarities. After all, each of the people the codes governed lived essentially the same kind of life and was faced with resolving the same kinds of legal issues -issues of inheritance, or marriage and divorce, of personal injury, of contract violations, and so forth. We should not be surprised that many of the legal rulings are similar.

It is difficult to sustain the argument that the biblical code introduces egalitarian principles (see above). The problem is that if we compare the position taken in the codes on one issue (to argue that Mosaic code is more sensitive to women), someone else can make just as strong an argument that Mosaic Law is less sensitive by comparing the position take in codes on another issue. (Much the same as we have today with our policy makers.)

Even more significant is, when we adopt a case-by-case comparison approach, we in essence, concede the point. If the Mosaic code truly was radically different from other codes, such comparisons would not be possible! That provisions in the Law of Moses can be set side by side with similar provisions in other law codes makes it clear that underlying assumptions about the role of women are the same in biblical and contemporary law codes.

The Language of Old Testament Law assumes a patriarchal society

When we examine the language of the Old Testament Law, we are led to the conclusion that Mosaic Law is not egalitarian at all, but assumes a patriarchal and male-dominated society. This is revealed in the following features of the Mosaic code:

The law is generally addressed to males. It assumes that the male is the actor.

Laws that protect the rights of dependents acknowledge the father's authority, even as they limit it.

A woman's legal status is determined by her relationship to men – either to her father or to her husband.

A woman's economic well-being is dependent on the membership in the household of her father, her husband, or her sons. A widow, is like a fatherless child, as depicted in the Old Testament as both poor and powerless, and thus worthy of special considerations.

Even when a law protects a woman's interests, it does so by limiting a man's freedom of action.

In the case of the first marriages, the woman is object rather than agent. It is the man who "takes" his wife and who brings her into his household.

There is a significant different in the status of sons and daughters, especially in the area of inheritance.

Property, children, and family name are all owned by and transmitted from the father to sons, not daughters.

The law of divorce assumes that the husband initiates a divorce. There is no provision stated by which a wife can initiate divorce.

When a man slandered or violated a young woman, damages were to be paid to the father, not the young woman.

The family is the father's household. The woman doesn't own the household, but belongs to it.

The fact that this kind of language is used throughout the Mosaic code makes it abundantly clear that Old Testament Law is not egalitarian. It is instead distinctly patriarchal in orientation and in its underlying assumptions.

Some provisions of Old Testament Law do affirm equal rights of husbands and wives.

While the structure of Old Testament Law is clearly patriarchal, and assumes that males retain the dominant position in society, the Law does not depersonalize women. This is seen most clearly in two features of the law.

First; women, like men, are held responsible for violations of criminal law. The idolater or the person involved in occult practices, whether man or woman was dealt with in the same way.

Second; children are to honor their mothers as well as their fathers. When a rebellious son refused to respond to the authority of his parents, mother and father together were to bring him to court, where the charge was lodged against "our" son. The rebellious son's refusal to heed the voice of his mother is equally damning as his refusal to listen to his father's voice.

While there are few such indications of equality of the spouses, it is important to avoid assuming the patriarchy in itself depersonalized women. Or that bonds of real affection did not exist between many husbands and wives, and fathers and daughters. The patriarchal structure of the Old Testament did make men *responsible* for the well-being of their families. But it did not make women mere chattels.

One function of Old Testament Law required the patriarchal orientation.

In all probability those who examine Old Testament Law to support either chauvinist or feminist agendas will miss a vital point. The central concern of the Mosaic Law was not *gender* but *family*.

God did not shape His law to make a statement about male/female relationships. The Law was shaped to accomplish a different purpose entirely.

God had chosen Abraham and his descendants for a great and wonderful mission. Through the seed of Abraham, Isaac, and Jacob, God would give the world His Word and ultimately, the Savior. The Israelites truly were the chosen people – chosen not simply for their own sake, but chosen as an instrument through which God in Christ would bring salvation and renewal to all who believe.

God's purpose required the preservation of the Jewish race, not just for centuries, but for millenniums. For God's purpose to be achieved, Israel would have to retain its identity and racial integrity despite living among similar peoples whose languages might be comparable, but whose religious and immorality were strongly corruptive. Israel would have to keep its identity and racial integrity even when the Jewish people were torn from their homeland and scattered throughout a pagan empire, subject to man's attractive and insidious influences. If Israel were to remain distinct, a powerful sense of family and national identity had to be established and maintained.

Old Testament laws that relate to men and women invariable function to strengthen and preserve family identity. This concern – not the gender agenda of our day – drives biblical family law. The Law embodies priorities other than the priority of those who argue for or against gender equality.

When we understand biblical family law as a means for preserving and strengthening the family identity, we can better understand its patrilineal orientation. Laws are needed to establish inheritance, marriage, divorce and other family matters to structure a sense of unity in all generations – past and future. From the beginning the identity was transmitted from father to son – from Abraham to Isaac to Jacob to the sons of Israel to their sons, and their sons' sons.

YES God's Old Testament Law is patriarchal and male-dominated, but this is not because God favors one sex over the other. The patriarchal structure was required if the Law was to accomplish one of its essential purposes and strengthen every Israelite's sense of national and personal identity.

Some people would like to argue that God might just as easily have chosen to give the Law with a matriarchal – rather than patriarchal structure. The fact that He chose the patriarchal is very significant because of the consequences of the Fall that God explained to Eve in Genesis 3:16. To Eve He said, "Your desire shall be for your husband, and he shall rule over you". This was neither a curse nor an announcement of punishment, but rather the statement of a consequence.

The Fall twisted Adam and Eve's very nature out of the shape that God had created, warping every dimension of the human personality. For Eve this meant that she and her daughters would find themselves wanting and needing male approval. In this vulnerable state she would be ruled by her husband, not because she was inferior, but because sin had corrupted the relationship between men and women as it had all things. The relationship of complete equality that Adam and Eve had known was altered, and since the Fall human societies have reflected the dominant and all too often oppressive rule of men over women.

The Old Testament Law's patriarchal structure is in harmony with that reality – a reality other societies of the time reflect as well.

So, the women we meet in the days of Exodus and the Conquest are women who lived in a patriarchal society. While the women may be gifted, as Miriam surely was, or assertive, as Caleb's daughter was, they lived in a day when, insofar as the law that governed their lives and society's expectations were concerned, women truly were less significant than men.

Anymouse

