

Bar-Ilan University

**Enhanced Women's Status in Deuteronomy and the Safeguarding
of Their Property and Ancestral Inheritance Rights**

Varda Deutsch

Submitted in partial fulfillment of the requirements for the Master's
Degree in the

Zalman Shamir Department of Hebrew Bible

Ramat Gan, Israel

2023

This work was carried out under the supervision of
Prof. Joshua Berman

Zalman Shamir Department of Hebrew Bible, Bar-Ilan University.

Acknowledgments

I would like to thank the HKBH for all the grace he has bestowed on me.

I am indebted to Professor Rabbi Joshua Berman who agreed to be my mentor and was a tremendous source of inspiration and great erudition. His insight and scholarship together with his endless patience and kindness made this possible.

I would like to acknowledge Professor Michael Avioz who accepted and enabled me to pursue graduate academic Bible studies and thank the staff of the Department of Bible Studies for all of their administrative help.

Thanks to my kind, wise, and encouraging husband Dr. Moshe Deutsch, and to our five children (Techiya, Shlomit, David, Yehuda and Sarah) and grandchildren for their constant support to follow my dream. Special thanks to my late Dad Rabbi Prof Fred Heuman, z"l, who instilled my passion for Bible studies.

Table of Contents

Abstract	i
Chapter 1. Introduction	1
Background	6
Review of Scholarship and Discussion of a Newly Defined Group of Deuteronomic Amendments Which Improve and Protect Women's Status and Property Rights (Chapters 2-6)	28
Chapter 2. The Prohibition of Not Coveting Another's Wife (Deut 5:17)	28
2a. Improved Women's Status in the Deuteronomic Decalogue Compared to the Exodus Version (Ex 20: 13)	28
2b. The meaning of the verbs "ארה" and "המד"	31
2c. The Wife's Economic Value as the Object of Desire	40
2d. Improvements in Women's Status and the Revision of This Commandment	43
2e. The Commandment Provides Protection of the Married Woman, Her Assets and Property	45
Chapter 3. Egalitarian Slave Release Rights for Women (Deut 15:12-15)	49
3a. Hebrew Slaves in the Pentateuch	49
3b. Female Hebrew Slaves in Biblical Law and Novel Deuteronomic Modifications Regarding Their Manumission	52
3c. The Egalitarian Release Terms of Female Hebrew Slaves Safeguarded Their Ancestral Land and Property Rights	61
Chapter 4. The Prohibition of Restoration of Marriage (Deut 24:1-4)	65
4a. The Economic and Social Platform of Marriage for Women in Biblical Times	65
4b. Understanding the Complex Text of This Ordinance (Deut 24:1-4)	68
4c. Safeguarding the woman from social abuse and protection of her economic status and property rights	76
Chapter 5. Inclusion of Mothers in the Law of the Wayward and Rebellious Son (Deut 21:18-21)	80
5a. An Egalitarian Law That Improved the Mother's Status	80
5b. The Defiant Son and Legal Proceedings in the Nearby Cultures of ANE and Egypt	82
5c. The Rebellious Son in Israel	83
5d. Violating the Fifth Commandment, and Losing Possession of the Inherited Land	90
5e. Inclusion of Mothers with Equal Parental Status Provides Protection of Her Legacy	94
Chapter 6. The Levirate Marriage	97
6a. The Levirate Marriage in the Bible (Deut 25:5-10)	97
6b. The levirate marriage in ANE cultures	98
6c. The Unique Role of the Levirate Marriage Within the Broader Inheritance Scheme of Land in Ancient Israel	100

6d. The Levirate Marriage Protects the Widow's Security and Status and Secures An Heir for Both Parents	104
Summary and Conclusions	110
Bibliography	113
Appendix	123
Table 1. Modified Ordinances in Deuteronomy Protecting Womens Status and Their Affiliation with the Land of Israel	123
תקציר	8

List of Abbreviations

AB	Anchor Bible
ABD	D. N. Freedman, ed., The Anchor Bible Dictionary
BDB	Brown-Driver-Briggs Hebrew and English Lexicon
CH	Code of Hammurabi
CAD	The Assyrian Dictionary of the Oriental Institute of the University of Chicago, Chicago, 1956-
GKC	E Kautzsch, Gesenius' Hebrew Grammar, ed. A. E. Cowley
HALOT	Koehler, Baumgartner and Stamm's The Hebrew and Aramaic Lexicon of the Old Testament
HL	Hittite Laws
KB Veteris	Ludwig Koehler and Walter Baumgartner, eds., Lexicon in Veteris
LH	Laws of Hammurabi
NIDOTTE	Willem Van Gemeren, ed., New International Dictionary of Old Testament Theology and Exegesis
NICOT	New International Commentary on the Old Testament
TWOT	Theological Wordbook of the Old Testament

Abstract

Deuteronomy sets the foundation for a theologically based, socially and ethically responsible society, having a solid economic agenda. The Deuteronomic humanitarian vision, expands and clarifies the previous laws laid down in the covenant at Sinai, providing further guidelines to protect the weak and vulnerable elements of society. Women and their social welfare were indeed a significant element of this approach. Legislation concerning women in general is more prevalent in Deuteronomy than in other books of the Bible, providing them with better security and rank but also imposing additional restraints. The legislation that secured women's permanent ancestral land inheritance and ownership rights, in families having no sons (Numbers 26:33, 27:1–11) strengthened their economic rank and prevented economic destitution for these families, as land was the most vital economical asset in ancient Israel. Several biblical narratives demonstrate that indeed women could own property such as land from inheritance, dowry, or gifts. The circumstances in ancient Israel, when a woman's assets were of key importance were when entering a marriage, when serving as a wife and mother of common heirs, when exiting a marriage by divorce or loss of spouse, and upon release from manumission. These are examples of life situations when ancestral land tenure and other personal wealth may have come under risk. Unfortunately, there is a dearth of scholarly discussion on women's land and property rights and their inheritance as important integral elements of continuity of the family inheritance system. The continuity of family land inheritance played an integral role in the complete legislation of the land allocation platform designed for the economic wellbeing of the polity.

This investigation was aimed at demonstrating that Deuteronomy possibly deals with protecting property and land rights of the women to protect them from destitution and to maintain continued lineage fidelity of the family land inheritance at risk. This group of amendments, which improves the women's status under precarious conditions, serves in safeguarding the economy of the next generation and the integrity of the national land appropriation system. In this study, I have characterized five Deuteronomic laws that were new or modified compared to previous ordinances that may belong to a new collection of regulatory amendments adjusted to address and protect women faced with stressful and precarious life

situations. These laws have a possible common goal of protecting property and inheritance rights of these women under risky conditions.

The Deuteronomic laws to be discussed include;

1. The prohibition of coveting another's wife (Deut 5:17).
2. Egalitarian slave release rights for women (Deut 15:12-15)
3. The prohibition of restoration of marriage (Deut 24:1-4)
4. The termination of the wayward and defiant son (Deut 21:18-21).
5. The levirate marriage (Deut 25:5-10).

These laws were highly significant as they safeguarded the integrity of continued family inheritance of their ancestral lands, and all family or personal assets which under a varied circumstances, may have been jeopardized. In support of this idea, is that these laws which describe the unsafe situations, are related textually to the long term inheritance of the land of Israel according to the associated scripture (table 1). The hypothetical purpose of these laws is discussed by reviewing the scholarship of each law and analyzing the potential detrimental ramifications to the woman's property and future family inheritance if these laws were not implemented. My claim is that the selected laws, in addition to improving their status, may have protected the legal tenure of the woman's landholdings, ancestral inheritance and the women's personal property, under unwarranted or risky conditions. If uncertainties would arise, the lineage fidelity of ancestral property holding could be threatened. These unique Deuteronomic laws, which were in favor of the women at risk, could protect the lineage fidelity and future inheritance of their ancestral property holdings and the rights to their heritable private assets, thus preventing poverty and destitution of the individual. In a broader scope, laws protecting women's property, could provide a significant stabilizing and fortifying feature to the ancestral inheritance system, for the future families by preventing impairment to the economy of the polity.

The prohibition of coveting another's wife (Deut 5:17) found in the Decalogue, is the first law addressed. This law clearly demonstrates a higher repute for the wife's value, when comparing the Deuteronomy version of the Decalogue (5:17) to that in the book of Exodus (20:13). The change in this commandment demonstrates a higher rank for women's value, as she has been separated from all the other property with a discrete commandment acknowledging her own individual elevated status.

Several scholars introduced the idea that in addition to the obvious social law prohibiting endangering someone else's marriage, this law contains a significant economic element. Coveting another's wife or coveting the property to which she has title, challenges the right of the entire household to its land and to the inheritance rights, which was a cardinal issue in settling the land of Israel. The isolation of the wife from all other possessions in this commandment warns against coveting another's wife, because the result could be catastrophic for the woman and her future generations and contribute to weakening the economy of the polity. The prophet Micah warns that he who re-appropriates ancestral land will be excluded from the congregation of G-d (Micah 2:5). A wife's inheritance, dowry or any other property belonging to her can be considered a prime asset not to be tampered with as it establishes orderly family inheritance and economic stability. It is thus reasonable that a woman possessing wealth, inherited or gift acquired, would have a high economic value which could certainly be coveted. Coveting and taking over another's wife, causes instability, irreversible emotional and economic damage to both the woman and her family. A willful appeal to leave her husband for another coveting man would result in a divorce and her property and wealth could certainly come under jeopardy of permanent loss. If she owned land and assets which empowered her status and provided an economic platform planned for her future generations, it could be lost forever as she can never return to her first husband (Deut 24:1-4).

A new additional understanding of this commandment can be understood that requires men to have not only emotional but also economic restraint. Taking over someone's wife is not only stealing the husbands' most precious asset, but also her wealth, and the inheritance of her family and personal property for generations to come. This commandment is associated with the land of Israel as the reward stated in the scripture for keeping the Ten Commandments is long term national inheritance of the land, by the people of Israel. I propose that this modification, as several other regulatory amendments, discussed herein, was necessary to protect the woman's rights to her property, whether owned as a current or future inheritance or obtained as a gift. This particular amendment, provided protection of the wife from vulnerability and irreversible emotional and economic and damage to her and to her children's inheritance caused by a covetous man. Additionally, coveting the value or property of another's wife could result in significant negative impact on the public economy by disrupting the framework of families and their property distribution.

The egalitarian slave release rights for women (Deut 15:12-15) is the second law discussed. According to Exodus 21:7–8, the regulations concerning the manumission of indentured slaves in the Book of the Covenant related exclusively to male slaves (Ex 21:2-11) while female slaves were not freed. This law, unique to Israel, is a marked example of the Deuteronomic enlightened and humanistic attitude to women compared to previous enactments. The corresponding instructions in Deuteronomy 15 expressly stipulate that slave release applies to both male and female slaves, setting the same time limit of manumission and requiring equal severance pay to women as to men. Deuteronomy thus overtly improved female slave rights and release terms. The law obligates the master to release the female Hebrew slave after seven years and to provide the slave with an economic grant upon manumission. In the Book of the Covenant, Ex 21:7–11, the "amah" was either to be redeemed or married to her master or master's son, with no time limit or release grant mentioned. In Deut 15:12–18, the female slave was to be released in the same way as the male slave because the process of release has been altered: The freed slave was to receive resources from the master, and therefore, she was not released in a more vulnerable state than the male servant.

The release conditions of all slaves were designed to prevent insolvency and poverty of the released servant regardless of gender. Leviticus directs the economic reestablishment of the slave, dictating that upon release, he returns to his family and regain his lands and holdings (Lev. 25:28, 25:39-46) to rebuild his economic and family life. Deuteronomy expands this option to female slaves, further ensuring that she could return to economic restitution and stability. Without this ruling the women slaves, would never be free to reclaim their own lives or, if relevant, reclaim their ancestral land and property to support future patrilineal generations. For the unmarried freed bondswoman this law bolsters her ability to return with a reasonable economic standing to the safe protection within her family and to establish her own future. The female slave was granted freedom to live, to marry, and to establish her own family. If the ancestral land was sold by her poor father, and she were free having no brothers, she could pay to redeem it or to retrieve it in the Jubilee year, thus maintaining the lineage fidelity of inherited property to be passed on to her progeny. The release during the Jubilee year, of a female Hebrew slave, of any kind whose father having no sons had died during her servitude, would immediately enable retrieval of her ancestral land, preventing destitution and providing an economic base for generations.

The economic release status of bondswomen was equal to that of bondsmen. This is in agreement with the scholarly consensus that the release conditions of all slaves were designed to prevent insolvency and poverty of the released slave. Leviticus directs the economic reestablishment of the slave, dictating that upon release, he returns to his family and regain his lands and holdings (Lev. 25:28, 25:39-46) to rebuild his economic and family life. Deuteronomy expands this option to female slaves, further ensuring that any slave regardless of gender, could return to economic restitution and stability. Without this law, her heritable patrilineal ancestral land and family assets would be threatened. This land would never return to the family and the lineage fidelity of its inheritance would be lost and the family economic base destroyed. Such families, with no land, would fall into destitution causing destabilization and damage of the economic fortitude of the polity. I propose that this law is one of set of Deuteronomic regulatory amendments identified in this paper that protects women's status and their land and property rights.

The prohibition of restoration of marriage (Deut 24:1-4) is the third law of this group of laws discussed. This Biblical law prohibits the reunion of marriage if the divorcee wife had contracted another marriage. This prohibition is about remarriage, not divorce. This ordinance (Deut 24:1-4) is unusually long and complex ending with a clear prohibition and motive for the law. The actual cause of the divorce is vague, described as something personally immodest or offensive to her husband (ערוֹת רְבִי “a naked thing,”). There is a scholarly consensus that this divorce is due to something too shameful for the husband to accept. Following divorce from her first husband, she is not taboo and free to marry another man. The first husband's subjective opinion of shame may be the key to understanding the purpose of the ordinance. This prohibition and the rationale behind truly has to do only with the first husband. This is clear because in this law the grounds for the dissolution of her second marriage are irrelevant, with no significance to whether her second husband was alive or dead. A clearly specified issue is that she had been "defiled הַטְּמֵאָה , the Hothpaal Pf form. While there is no consensus among scholars or Rabbis on whether the defiler was her first or second husband, it appears that the first husband is the main subject and the verb may provide a clue that he was the defiler of this virgin and then reduced her status from married to divorced for his own personal reasons.

There are many theories as to why, her first husband can no longer ever be her spouse, which researchers and commentators relate to sacral issues. Yet, her right to

marry another and procreate is protected by the legally recognition of her second marriage. This law as well is unique to Israel, without parallel in any other legal system of the ancient world. While there are many views regarding the rationale of this law, several scholars relate it to protecting the socio-economic status of the woman and preventing exploitation of her property. I propose to further expand this idea giving it a broader scope. In addition to safeguarding her honor as a person, from the husband that rejected her, this prohibition protects her personal property and ancestral property if relevant, from abuse or misappropriation, under conditions in which legal ambiguities could arise. The sin of remarriage with his first wife is an "abomination" and the motive to comply with this prohibition is not to cause "the land to sin". This appears to correspond well with an economic motive preventing misappropriation of assets and land thus protecting the wife's personal or familial property. The purpose of this law may be to protect the purity of ancestral land, the divinely appropriated Nahala land, from sin. The verb, תהטיא in the Hiphil tense, representing a causative action which can also mean to cause an error or miss the goal (Ju 20:16). The scriptural motive stated of this law is to guard the inheritance of the land of Israel (v.4) supporting the notion that the law directly protects this inheritance for future generations. In the absence of this law, the lineage fidelity of the wife's ancestral land and personal property could have been at risk.

Investigators and exegetes agree that the intent of this legislation applies new restrictions on the practice of divorce, preventing its abuse as a "legal" form of marital exploitation of different kinds. Yet his law, in addition to protecting women from abuse and precluding divorce from becoming a legalized form of adultery, appears to have a significant but overlooked economic motive as well. This was noted by a few scholars. I argue that this injunction could provide an additional regulatory amendment which directly protects women's personal property and ancestral land. This law thus safeguards the wife's property from abuse by her first husband, and if relevant the lineage fidelity of her paternal family land.

The fourth law studied, **the law of the wayward and rebellious son (Deut 21:18-21)**, provides another regulatory amendment that can be appreciated as protecting women's assets by its egalitarian inclusion of the mothers in the decision to terminate the defiant son. The practice of terminating a disrespectful defiant son was similar in Akkadian parallel law and in the *Code of Hammurabi*, however, it required only fathers to arraign their heirs. The law of the wayward son also unique to Israel is truly dramatic because it

concerns an offence within the family that warrants complete agreement and cooperation of both his father and mother to submit their son to the authorities for a death penalty. This law, provides that a disconnected and disrespectful son may be removed from the legacy of both his parents by their choice. The requirement of both parents pronouncement to terminate their defiant son may relate to the heritable family assets which mandate a united decision regarding eliminating this unscrupulous heir. Both parents must equally collaborate in handing over their son to the elders for a sentence of death. Many scholars note that this law is directly related to the commandment of respecting parents.

Women may have owned heritable property and must therefore also participate in terminating her own heir. Therefore, it appears that this Deuteronomic law also reflects protection of the wife's property or inheritance. Many women owned some personal property from dowry or gifts, and a few even owned ancestral land. I would like to propose that this law relates to rescinding of inheritance rights to ancestral property of both parents in an egalitarian manner. Since the mother may also own heritable assets she was given the equal right to agree or disagree to executing her recalcitrant heir. In cases of maternal property ownership the law grants the mother an equal legal role as the father in deciding whether to dismiss her heir who is to be executed for dishonoring his parents. Requiring the mother's cooperation in dealing with a defiant son is characteristic of the supportive stand for vulnerable women seen in Deuteronomy and unique to Israel. It is surprisingly, that most scholars did not discuss the annulling of inheritance by both the father and the mother, which was certainly of public economic concern to the kin and tribe in ancient Israel. The law of the defiant son (Deut 21:18-21) and the levirate marriage (Deut 25:5-6), are unique to Israel in that they both require approval of the public leaders, the elders, and protect property inheritance equally of both the father and the mother from potential precarious outcomes. The law of the defiant son (Deut 21:18-21) also requires the approval of the public leaders, the elder, as does the next law of the Levirate marriage. This body regulates property disinheritance of the unscrupulous son equally for both the father and the mother preventing precarious outcomes for the family and for the community.

The final law addressed is that of **The levirate marriage (Deut 25, 5-10)**. In contrast to eliminating a dangerous heir mention in the previous law, this law tries to afford the childless widow an heir. This legislation appears to me to be one of the ultimate Deuteronomic modifications that improved the socio-economic status women

under duress. The required levirate marriage takes into account the marital and economic conditions contracted between two families with the purpose of producing progeny to inherit the legacy of the family. The Israelite levirate marriage law, in addition to providing an heir for the deceased husband's estate, as noted in the scripture (Deut 25:5-10), also safeguards the widow's right to economic support by the husband's family, and recognizes her right to procreation and generating an heir for the deceased and the combined assets of the marriage. This in turn protected the economic viability of the woman's progeny and that of her future generations. This law in particular is a prime example of laws connected to the integrity of inheritance of the land of Israel and the maintenance of family estates that improved and protected the socio-economic status of women at risk.

Based on the understanding of several scholars reviewed herein we can summarize that this exclusive Deuteronomic law made an arrangement which would facilitate the widow's benefitting from the deceased husband's estate. The custom of the levirate marriage in Israel was similar to that practiced in other ANE cultures with a clear motive that differed totally from other cultures. The Israelite levirate law, safeguarded her protection and support and provided the widow with a family levir to sire an heir. Her improved status from a widow to a wife was a window of opportunity. Affording her an heir to her first husband's ancestral estate secured legitimate claim to the land and inheritance rights for her child.

Another significant outcome of this law, proposed herein, is that it that it also is provided her with an heir to all assets of the marriage household which included any paternal property bestowed into the marriage transaction by her father, and all other gifts she may have acquired after the marriage. Protecting the widow's assets and land was crucial, since they were part and parcel of the marriage that terminated before its purpose was achieved. With the purpose of engendering an heir to secure continued family ownership of the husbands' estate the law of the levirate marriage also safeguarded, when relevant, the income and potential repossession of her ancestral land and personal assets. This law is a notable example of laws which improved and protected the socio-economic status of women at risk by preserving inheritance integrity of the land of Israel and family preservation. As a Deuteronomic regulatory amendment, it was aimed at protecting the widow as part of the family she had married into, and appears to have envisioned providing an heir to all of the couple's assets in their common estate.

To conclude, guarding the woman's land and property rights under indeterminate conditions was crucial as family assets and land was the most basic economic resource and the income platform for the forthcoming generations. I have analyzed five selected laws that may have protected the legal tenure of the woman's landholdings, ancestral inheritance and the women's personal property, under unwarranted conditions. These laws, in favor of the women at risk, could protect their property rights thus preventing poverty and destitution of the individual. In a broader scope, laws protecting women's property, would provide a significant stabilizing and fortifying feature to the ancestral inheritance system, for future families by preventing impairment to the economy of the polity.

Chapter 1. Introduction

Deuteronomy sets the foundation for a theologically based, socially and ethically responsible society, having a solid economic agenda. According to the Bible narrative, ancient Israel after escaping the bondage of Egypt and wandering the desert for forty years, was destined to proceed from a tribal nomad people, carrying a rich religious and social culture, to an agriculturally centered new national entity with innumerable socio-economic challenges. Earlier traditions are represented in Deuteronomy with new relevance, setting a design for moral socio-economic protection and growth in their new homeland¹. Moses interpreted the law between two periods of time, between slavery in Egypt and a born a new nation entering its own homeland, in a way that was based on the authority of divine commissioning at Horeb².

The founding of a long-term Israelite national entity in Canaan required the establishment of a durable and ethical socio-economic system for the Israelite society. Legal and economic institutions are fundamental to any social system and ethics and community unavoidably involve law and economics³. Deuteronomy, while setting forth theological and moral obligations of each individual⁴, held a primary concern to enhance wellbeing by protecting the unfortunate and vulnerable⁵. Social justice and welfare are priorities in Deuteronomic law which cast a blueprint for the implementation of moral justice that could be observed by the existing society⁶. The Deuteronomic humanitarian vision, expands and clarifies the previous laws laid down

¹ Eckart Otto, *The Study of Law and Ethics in the Hebrew Bible / Old Testament*, ed. Magna Sæbø, *Hebrew Bible/Old Testament The History of Its Interpretation*, vol. III/2 (Göttingen, Germany: Vandenhoeck & Ruprecht, 2015), Blessing O. Boloje, “Deuteronomy 15 : 1 – 11 and Its Socio-Economic Blueprints for Community Living Compositional History of Deuteronomy,” *HTS Teologiese Studies* 74, no. 1 (2018): 1–7, Kandy Queen-Sutherland, “Deuteronomy and Adultery: A Commandment to Live Free,” *Review & Expositor* 113, no. 4 (November 1, 2016): 500–512, pp 505.

² Eckart Otto, *Deuteronomium 1,1-4*, ed. Christoph Dohmen Ulrich Berges Ludger Schwienhorst-Schönberger, *Herders Theologischer Kommentar Zum Alten Testament, (HThKAT)*, vol. 1 (Freiburg: Herders, 2012), Dominik Markl, “The Decalogue and Deuteronomistic Deuteronomy,” ed. Eckart Otto, *Zeitschrift Für Altorientalische Und Biblische Rechtsgeschichte / Journal for Ancient Near Eastern and Biblical Law* 25 (August 20, 2020): 299–304, pp.303, Cohn Robert L., “*The Second Coming Of Moses : Deuteronomy And The Construction Of Israelite Identity*,” in *World Congress of Jewish Studies* (World Union of Jewish Studies, 1997), 59–71, pp64.

³ Todd G Buchholz, “Biblical Laws and the Economic Growth of Ancient Israel,” *Journal of Law and Religion* 6, no. 2 (1988): 389–427.

⁴ J. G. McConville, “Law and Theology in Deuteronomy,” *Journal for the Study of the Old Testament* 33 (1984).

⁵ Moshe Weinfeld, “Origin of the Humanism in Deuteronomy,” *Journal of Biblical Literature* 80, no. 3 (1961): 241–47.

⁶ Weinfeld.

in the covenant at Sinai, providing further guidelines to protect women, mothers, wives, widows, children, the ill, the disabled, slaves, prisoners, outsiders, liminal people and even livestock, and the nature of their households⁷.

In contrast to all cultures of the Ancient Near East (ANE), Deuteronomy uniquely eliminates social class distinctions. Eckhart Otto states that "*The book of Deuteronomy grounded the ethics of economic solidarity in daily life on the program of a cultic community, in which there should be no distinction between persons because of gender or social status*"⁸. It is only negative circumstances, not class, that cause deprivation of normal social or economic standing⁹. In cases of economic hardship, Deuteronomy attempts to relieve human suffering by making all of Israel, as a people and as individuals, responsible for supporting the deprived, with a focus on those who lack land and cannot support themselves (Deut 15:7-11). The poor may glean from harvests of others (Deut 24:19-21), and every third year the Levites, resident aliens, fatherless children, and widows receive the tithes from the agricultural produce of Israelites (Deut 14:28-29, 26:12-13). Primary socioeconomic and legal protection, was provided to all individuals by the male patriarch and his household the "בית אב" or father's house¹⁰. Members of the patricentric household, including women, were subordinate to the patriarch¹¹ who was responsible for their welfare¹². Women in ancient Israel, as they were dependent on a male providers, either father or husband, for sustenance and protection. In the absence of a male sponsor, women were economically insecure and defenseless and thus included in the social group needing protection¹³. Deuteronomy inseparably integrates human rights and social welfare with the potential robustness of the economy. Women and their social welfare are indeed a significant element of this approach.

Legislation concerning women is more prevalent in Deuteronomy than in other books of the Bible, providing women with better security and rank but also imposing

⁷ Jonathan R Ziskind, "The Treatment Of Women In Deuteronomy:- Part I," *Jewish Bible Quarterly* 27, no. 3 (1999): 231–37.

⁸ Otto, *The Study of Law and Ethics in the Hebrew Bible / Old Testament*, 2015.

⁹ Roy E Gane, "Social Justice," in *The Oxford Handbook of Biblical Law*, ed. Pamela Barmash (New York: Oxford University Press, 2019), 19–34, Kandy Queen-Sutherland, "Deuteronomy and Adultery: A Commandment to Live Free," *Review & Expositor* 113, no. 4 (November 1, 2016): 500–512, pp 505.

¹⁰ Carolyn Pressler, *The View of Women Found in the Deuteronomic Family Laws* (Berlin ; New York : De Gruyter, 1993).

¹¹ Daniel I Block, "Marriage and Family in Ancient Israel," in *Marriage and Family in the Biblical World*, ed. Ken M Campbell (Downers Grove, IL: IVP Academic, 2003), 33–102, pp 41-44.

¹² Victor Harold Matthews and Don C. Benjamin, *Social World of Ancient Israel, 1250-587 BCE*, book, ed. Don C. Benjamin (Peabody: Hendrickson, 1993).

¹³ Ziskind, "The Treatment Of Women In Deuteronomy:- Part I."

additional restraints¹⁴. It appears that Deuteronomy does not propose a gender revolution, nor does it challenge the hierarchal family structure¹⁵. Deuteronomy aims to preserve the family, the social order and the economic stability of Israel while settling and inhabiting the land¹⁶. The economic platform of ancient Israel was agriculture, which provided their sustenance. In their new homeland estates were to be allotted to tribes and families. The inheritance of the estates to future generations within the family or clan maintained direct lineage fidelity being transferred from father to son(s), with the first born receiving a double portion (Num 27:6-11, Deut 21:17). Daughters also served as blood-line heirs of ancestral land in families lacking male progeny. The legislation securing women's rights to inherit permanent ancestral land and property ownership rights (Num 27:1–11) applied to all of Israel. This ruling would serve to protect the families' economic rank, as land was the most vital economical asset in ancient Israel¹⁷.

While questions have been raised as to whether Israelite women beyond the first generation of settlers were allowed to own land at all, several bible narratives clearly validate that women did actually own property such as land from inheritance, dowry or gifts (Gen 29:24, 29, 31:14–16, Num 27: 7-8, Josh 15:20, 1 Kings 9:1, 2 Kings 8:3, Job 42:15). Yet, under precarious conditions, implementation of their legal right to own ancestral land and property and maintain their economic status and the family's inheritance may have been jeopardized. Carolyn Pressler notes that laws aimed at protecting women may have been necessary because of their vulnerability under certain circumstances¹⁸. Pamela Barmash notes that the subservient status of women in comparison to men, required laws to protect them as part of the general program protecting the socio-economic marginalized such as the widow, the fatherless, and the resident alien¹⁹.

¹⁴ William Hallo, "VIII Deuteronomy," in *The Book of the People*, ed. William Hallo, 1st ed., vol. 1 (Brown Judaic Studies, 2020), 89–102, pp99.

¹⁵ Pressler, *The View of Women Found in the Deuteronomic Family Laws*.

¹⁶ According to Wright, The Deuteronomic economic agenda included the protection of the land tenure system, based on an equitable and widespread distribution of the land, CJH Wright, *Old Testament Ethics for the People of God*, ed. CJH Wright (Downers Grove, IL: InterVarsity Press, 2004), pp207.

¹⁷ G Karavani et al., "Is There a Familial Tendency for Same Sex Offspring? A Lesson Learned from a Large Non-Selected Israeli Population," *Israel Medical Association Journal* 22, no. 7 (2020): 354–59, The specific circumstances, under which women could become land heirs or owners (i.e. families with no sons or dowries or father's gifts to daughters) were not extremely rare. Single sex families alone have been recently estimated to be about 1% which nationally is not a small number.

¹⁸ Pressler, *The View of Women Found in the Deuteronomic Family Laws*, pp6.

¹⁹ Pamela Barmash, "Biblical and Ancient Near Eastern Law," *Religion Compass* 12, no. 5–6 (2018).

Using a new approach, I would like to investigate exactly such type Deuteronomic laws, that are modified or do not appear elsewhere in the Pentateuch, which introduce improved personal status and economic security of women in defenseless situations. While Deuteronomy redresses economic vulnerability and attempt to prevent deprivation, there are few scholarly sources that address the interpretation of Deuteronomic law and the foundation of the new national economic systems and the preservation of the national economy²⁰. The laws identified and discussed herein may constitute a group regulatory amendments that provided protection of women's land rights, bloodline continuity of their ancestral inheritance and of all owned property of any kind. If appreciated in broader context, these adjustments were essential for safeguarding the integrity of the ancestral land appropriation-inheritance system based on lineage fidelity and designed to reinforce the economic durability of the polity.

Aims

The purpose of this study will be to explore a new venue regarding the protection of women's status, as land and property holders, in maintaining the continuity of the women's wealth and ancestral land tenure. Guarding the woman's land rights under indeterminate conditions was crucial as family land was the most basic economic resource²¹. Herein, I wish to explore an alternative approach to certain the laws which seem to have improved the wellbeing of women in Deuteronomy, by analyzing the economic advantages of these modifications. This thesis is premised on the notion that certain laws in Deuteronomy pertaining to modified women's status, play a key role in an economically driven process. An attempt will be made to demonstrate that these modifications were essential for establishing and sustaining an all-inclusive land rights and inheritance system for future generations thus fortifying the continuation of Israel's' land tenure. Disregard of a woman's legal land rights or shifting the land out of the woman's ancestral family's holdings, would disrupt and destabilize the biblical land inheritance system. These new regulations, if implemented, protect land and/or

²⁰ Roger S. Nam, "Portrayals of Economic Exchange in the Book of Kings," *Biblical Interpretation Series* 112 (2012): 1–3. Roger Nam states that the lack of scholarly sources addressing the interpretation of Deuteronomic law and the foundation of the Israelite economy is due to 'artificially separate economic matters from other social-scientific categories such as political, religious and sociological concerns.

²¹ Zipporah G. Glass, "Land, Slave Labor and Law: Engaging Ancient Israel's Economy," *Journal for the Study of the Old Testament* 25, no. 91 (2000): 27–39.

inheritance rights, enabling women prospective economic security and enhanced prosperity.

I have focused on selected modified laws of Deuteronomy, that appear to comprise a group of regulatory amendments with a unified objective to improve women's status and ensure protection of women's land tenure and personal asset inheritance under the certain precarious conditions. The Deuteronomic laws to be discussed include;

- I. The prohibition of coveting another's wife (Deut 5:17).
- II. Egalitarian slave release rights for women (Deut 15:12-15)
- III. The prohibition of restoration of marriage (Deut 24:1-4)
- IV. The termination of the wayward and defiant son (Deut 21:18-21).
- V. The levirate marriage (Deut 25:5-10).

Supporting this notion is the scriptural connection of these laws to the inheritance of the land of Israel and the circumstances in which the woman's ownership and/or inheritance of property by her future generations may have been threatened. The novelty of this study will be to investigate this defined group of new or modified ordinances in Deuteronomy, as having a multi-generational economic impact beyond the individual woman, thus protecting her inalienable rights of maintaining her ancestral land inheritance and assets that she may own. The continuity of family land inheritance plays an integral role in the complete legislation of the land allocation platform designed for the economic wellbeing of the polity. This investigation was aimed at demonstrating that Deuteronomy possibly deals with protecting property and land rights of the women to protect them from destitution and to maintain continued lineage fidelity of the family land inheritance at risk. This group of amendments, which improves the women's status under precarious conditions, serves in safeguarding the economy of the next generation and the integrity of the national land appropriation system.

Accordingly the aims are:

1. To provide a brief overview of views on women's ownership of land and assets in ancient Israel.
2. To summarize the understanding of selected laws and their purpose according to investigators.

3. To explore the possibility that these laws comprise a unique group of Deuteronomic regulatory amendments having a unified novel purpose; protection of women's land and property rights and the integrity of the family inheritance at risk.

Background

Modified Women's Status in Deuteronomy

There are three areas that pertain to the status of women in biblical times requiring review in order to lay a solid foundation for this research. These include the status of women in the surrounding ANE, women's status in Ancient Israel and their modified status in Deuteronomy compared to the other books of the Pentateuch. Much scholarship has been dedicated to comparisons of the many laws relating to women between ancient Near Eastern and Hebrew laws. Such assessments were well reviewed by Carol Pratt Bradley²² but are beyond the scope of this study. A notable point made by Etan Levine is that although there are numerous similarities in the laws, the intent of Hebrew law, often transcends, that of the laws of its surrounding cultures, including the place of women within the codes²³.

In the legal systems of ANE cultures, the archetypal “person” was a male head of household, with women typically belonging to some male figure. For example, Middle Assyrian law-book about women (circa 1100 BCE), defines women as belonging to men, either a "wife-of-a-man or a daughter-of-a-man"²⁴. Women as a class had no special status in the law other than a subordinate members of a household and their legal capacity was a function of one's position in the household rather than gender or age²⁵. The patriarchal household was most common domestic unit but other configurations were possible. Raymond Westbrook describes that a

²² Carol Pratt Bradley, “Women in Hebrew and Ancient Near Eastern Law.,” *Studia Antiqua* 3, no. 1 (2003).

²³ Etan Levine, “Biblical Women’s Marital Rights,” *Proceedings of the American Academy for Jewish Research* 63 (October 5, 1997): 87–135, pp88.

²⁴ Marten Stol, *Women in the Ancient Near East*, ed. prostitutes in de bakermat van Vrouwen van Babylon. Prinsessen, priesteressen, Utrecht (2012). de cultuur. Uitgeverij Kok, and Translated by Helen and Mervyn Richardso, E-pub (DeGruyter, 2016) , pp 663. The first section of this law-book which deals with crimes committed by women is concerned with a woman who steals property from a temple, and it is the deity of the temple who decides her punishment. "If a woman, either a wife-of-a-man or a daughter-of-a-man, should enter into a temple and steal something from the sanctuary, and it is discovered in her possession or they prove the charges against her and find her guilty: they shall perform a divination and they shall inquire of the deity; they shall treat her as the deity instructs them.

²⁵ Victor Harold Matthews, Bernard M. Levinson, and Tikva Simone Frymer-Kensky, *Gender and Law in the Hebrew Bible and the Ancient Near East*, book, ed. Victor Harold Matthews, Bernard M. (Bernard Malcolm) Levinson, and Tikva Simone Frymer-Kensky, *Journal for the Study of the Old Testament. Supplement Series*; 262 (Sheffield: Sheffield Academic Pr., 1998).

household might be headed by a single person, male or female, might be entirely independent or by a widow or divorcée, either alone or together with her adult sons, or brothers forming a joint household²⁶. Women were excluded on principle from the public sphere, and almost entirely absent from public office. The public positions reserved for women were queen, queen mother, and priestess. Women are not found as witnesses to contracts, excluding rare exceptions. Women in most of the ANE, however, did have the legal capacity to own property, but were restricted in these activities by their status as daughter or wife. Married women could act on their own account but more commonly with or on behalf of their husbands²⁷.

In ancient Israel as well, the economy was based on universal male dominance, and females who were dependent on male patrons for sustenance and protection, were indeed in a weaker and more vulnerable position²⁸. The dominant patricentric nature of the Israelite family, similar to its prevalence in ANE, also reflected the strong patria potestas of the biblical family and the women's inferior status²⁹. Typically the women were of inferior status in the Bible, where equality was not exhibited between men and women. Although females were considered patriarchal assets, belonging to their fathers or husbands, the males in Israel were directly responsible and liable for their welfare³⁰. This socioeconomic system enabled sustenance and prosperity for all family members during those times. According to Joshua Berman, women were subordinate to men in areas such as the judiciary, the cult, the military, and land ownership³¹. The inferiority of women was summarized by Levine with four points. He notes that the term itself *בית אב*, the father's or patriarch's house, indicates the inferior status of the wife. One could argue that *בית אב* delineates the patriarchal lineage of the homestead and its inheritance having no connection to status³². Carol

²⁶ Raymond Westbrook, "The Character of Ancient Near Eastern Law," in *A History of Ancient Near Eastern Law*, ed. Raymond Westbrook (Leiden: Brill, 2003), 1–1229, pp 37. ebscohost.com/E-book

²⁷ Westbrook, pp157.

²⁸ Block, "Marriage and Family in Ancient Israel," Carol Meyers, *Discovering Eve: Ancient Israelite Women in Context*. (Oxford University Press, 1991), Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School*, 2nd ed. (Oxford, UK: Eisenbrauns, 1972).

²⁹ Étan Levine, "Biblical Women's Marital Rights," *Proceedings of the American Academy for Jewish Research* 63 (October 5, 2001): 87–135, pp 4-5, Victor H. Matthews, "Family Relationships," in *Dictionary of the Old Testament: Pentateuch*, ed. Alexander T. Desmond and David W. Baker (InterVarsity Press, 2003).

³⁰ Gane, "Social Justice."

³¹ Saul M Olyan et al., "In Conversation with Joshua A. Berman, Created Equal: How the Bible Broke with Ancient Political Thought (Oxford University Press, 2008).," *Journal of Hebrew Scriptures*, 2010.

³²On the first mention in the scripture of *בית אב* where Abraham was commanded to leave his land and home, (Gen 12: 1-2) the exegete Avrabanel notes that Abraham was commanded to leave his land and genealogy *והתולדות מהארץ וההליכה השווה ההליכה מהארץ והתולדות*. Queen Esther was warned by Mordechai that

Meyers, disagrees with the idea of complete male dominance and indeed argues that **בית אב** represents a descent or lineage reckoning along male lines but not necessarily male dominance in household functioning³³. Levine's second point deals with the terms “give a wife” and “take a wife,” marks the woman an object in marriage³⁴. A third criteria that indicates the subservience of women is the purchase of a wife, establishing the power of the husband over her as a *non sui juris*. He held legal responsibility over her³⁵. Finally, the husband is referred to as **בעל**, or master, lord and owner of his wife. The Hebrew *ba'al* (like Akkadian *belu*) signified "lord" as well as "owner," but in the marital context it signified authority and not full ownership³⁶. A woman virtually belonged to her husband as an asset in a way that the husband did not belong to her. This is exemplified in the Exodus version of the Decalogue where the wife was included among the husband's possessions (Ex 20:17).

Acceptance of the all-powerful patriarchal paradigm was challenged in the late twentieth century, perhaps due to studies of women's roles in ancient Israel. Women in the Israelite family were protected by many laws. The Anchor Bible Dictionary under the term “Family” rejects the idea that fathers had absolute authority, disputing of life-and-death power over their dependents³⁷. Husbands did not own their wives as chattel. A wife clearly had her own standing in the tenth commandment of the Deuteronomic Decalogue (Deut 5:17) and her husband could never sell her³⁸. Unlike Hammurabi law, which permitted a wife sold to pay her husband's debts (LH #117), the Hebrew might sell his slaves, or even his children (e.g., 2 Kings 4:1, 5:5), but he could never sell a wife, even if she had been a war captive (Deut 21:14) and very different from Sumerian and Assyrian legislation, if an Israelite wife was

remaining silent will inevitably cause her and her family's lineage to perish "את רבית אביך תאבדו" as she herself was an orphan who did not grow up in her father's actual home (Esther 4:17). We may also infer the meaning of **בית אב** from the modern word **תא אב** or progenitor cell which is used today in the field of medicine and biology. In contrast to the multipotent stem cell (**תא גזע**), a progenitor cell enters a differentiation pathway that delineates a specific lineage for all its progeny. There are many types of progenitor cells throughout the human body. Each progenitor cell cannot continue to divide forever and is only capable of differentiating into lineage specific cells belonging to the same tissue or organ. <https://www.technologynetworks.com/cell-science/articles/what-are-progenitor-cells/12> 2021.

³³ Carol L. Meyers, “The Family in Early Israel,” in *The Family, Religion, and Culture Series: Louisville, KY: Westminster/John Knox Press*, (Louisville, Ky: Westminster/John Knox Press, 1997), 1–47.

³⁴ See Gen 4:19, 24:67, I Sam 25:40.

³⁵ Numbers 30:4-9. The male controls the legality of the women's vows.

³⁶ Levine, “Biblical Women's Marital Rights.”

³⁷ Christopher J. H. Wright, “Family,” in *The Anchor Bible Dictionary Vol2*, ed. David Noel Freedman (Yale University Press, 1992).

³⁸ Ilan Peled, “Law and Gender in the Ancient Near East and the Hebrew Bible,” 2020.

negligent, insulting or disobedient she could not be "thrown into the river"³⁹. While it is difficult and perhaps incorrect to make true cross cultural comparisons, the vulnerability of Israelite wives and their need for basic juridical protection is clearly attested to in the Bible⁴⁰. In Israel, there was strict accountability of a husband and a father to his wife's and children's welfare⁴¹.

New perspectives have developed regarding the roles and responsibilities of women within the family in ancient Israel. Carol Meyers offers a fresh outlook on the nature of family relationships viewing women as a fundamental, intricate part of the fabric of ancient life. She wisely advises against judging ancient history by modern assumptions and standards⁴² and views family life in ancient Israel as being based on heterarchical division of labor. She proposes a social system having a high level of gender interdependence for managing a sustainable and stable household, as well as for the bearing and raising the heirs within the ancient Hebrew family⁴³. Her viewpoint seriously challenges assumptions of women's universal oppression and subservience in the ancient Israeli society. According to Carol Pratt Bradley, the ancient Hebrew law codes addressed the stewardship and responsibility of a man to his family rather than establishing male superiority. In her view, men had a divine mandate to provide for temporal and spiritual well-being and conduct of his wife and children⁴⁴. I agree with Carol Meyers who states "Gender differences that appear hierarchical may not have functioned or been perceived as hierarchical within Israelite society"⁴⁵.

In Deuteronomy, there is a variety of laws pertaining to women that were modified or added in comparison the other books of the Pentateuch. Some of these laws stand in radical contrast to those of other cultures in ANE. Scholars are divided on whether Deuteronomic legislation primarily supported male dominance⁴⁶ with

³⁹LH 117 Biblical law allows the execution of an adulteress, yet old Babylonian marriage contracts stipulate that should the wife say to her husband "you are not my husband " she is to be cast in the water.

⁴⁰ Levine, "Biblical Women's Marital Rights", pp90.

⁴¹ Carol Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law," *Studia Antiqua* 3, no. 1 (2003), pp 37.

⁴² Meyers, "The Family in Early Israel , pp21."

⁴³ Carol Meyers, "Was Ancient Israel a Patriarchal Society?," *Society, The Literature, Biblical Literature, Biblical* 133, no. 1 (2014): 8–27.

⁴⁴ Carol Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law.," *Studia Antiqua* 3, no. 1 (2003), pp 6.

⁴⁵ Meyers, *Discovering Eve : Ancient Israelite Women in Context*, pp 30.

⁴⁶ Jonathan R Ziskind, "The Treatment Of Women In Deuteronomy: Part I, *Jewish Bible Quarterly* 27, 3 (1999): 231–37.

additional restrictions for women⁴⁷ or reflected an enlightened approach in supporting improved women's status⁴⁸. It appears that both supportive and restrictive changes occurred for protecting family fidelity, social stability and economic wellbeing⁴⁹. Deuteronomy has been seen by many scholars to raise the legal and social status of women and to alleviate their suffering. The scholars that view Deuteronomic laws as improving women status include Moshe Weinfeld⁵⁰, Michael Matlock⁵¹, J. Gordon McConville⁵² and Eckart Otto⁵³. Moshe Weinfeld is of the known scholars who sees Deuteronomy as being humanist and favorable toward the weak and the vulnerable having a primary concern of protecting man, particularly the man whose means of defense are limited. This directly pertains to vulnerable unprotected women as well⁵⁴. Weinfeld sees Deuteronomy's humanist outlook, beyond mere protection, with an outlook reaching out to the wellbeing of vulnerable of people having limited means of protection, including women. He gives the example of women who are now included in the ritual laws (Deut 14:22-29; 16:1-17)⁵⁵. As part of Deuteronomy's improving woman's status, he also notes that the tenth commandment "Do not Covet" in Deut

Sara J. Milstein, "Separating the Wheat from the Chaff: The Independent Logic of Deuteronomy 22:25-27," *Journal of Biblical Literature* (Society of Biblical Literature, 2018).

Cynthia Edenburg, "Ideology and Social Context of the Deuteronomic Women's Sex Laws" (Deuteronomy 22 : 13-29), *Journal of Biblical Literature* 128, no. 1 (2009): 43–60.

⁴⁷ Carolyn Pressler, *The View of Women Found in the Deuteronomic Family Laws* (Berlin ; New York : De Gruyter, 1993).

⁴⁸ Weinfeld, "Origin of the Humanism in Deuteronomy", Eckart Otto, "The Study of Law and Ethics in the Hebrew Bible Old Testament," (2015), Roland Boer, "The Sacred Economy of Ancient Israel" *Scandinavian Journal of the Old Testament* 21, 1 (2007): 29–48.

⁴⁹ Edenburg, Ideology and Social Context of the Deuteronomic Women's Sex Laws (Deuteronomy 22 : 13-29), pp57. She notes that these laws associated with the injunction to "eradicate the evil from your midst," implies a purpose to ensure the integrity of the social fabric, which may be destabilized by the presence of wrongdoings. She states; "This particular formula in the womens sex laws implies that maintaining the proper relations between the sexes, particularly with regard to the uncompromising fidelity incumbent upon women to maintain toward their patron, be he father, present husband, or future spouse, is as critical to preserving the proper social stability. Leniency was conceivable only when the girl had not yet been promised in marriage (22:28-29) or when she had not yet been possessed by her husband". Edenberg also concedes that Deut 22:13-29 contains elements of judicial reform. Private law was replaced with the authority a local governing body, and judicial oath to avoid dealing with family law cases that lack clear evidence. The problems arising from lack of evidence leaves burden of proof upon the accused and lack of exonerating evidence was equivalent to evidence of guilt.

⁵⁰ Moshe Weinfeld, "Origin of the Humanism in Deuteronomy," *Journal of Biblical Literature* 80, 3 (1961): 241–47, pp 243.

⁵¹ Michael Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law," *Journal for the Study of the Old Testament* 31, no. 3 (2007).

⁵² J. Gordon McConville, "Biblical Law and Human Formation," *Political Theology* 14, no. 5 (2013): 628–40, .

⁵³ Eckart Otto, "The Study of Law and Ethics in the Hebrew Bible / Old Testament," in *The History of Its Interpretation*, ed. Magne Sæbø, vol. III/2 (Bristol: Vandenhoeck & Ruprecht, 2015), 594–621.

⁵⁴ Moshe Weinfeld, "Origin of the Humanism in Deuteronomy," pp 243.

⁵⁵ Weinfeld, "Origin of the Humanism in Deuteronomy.," pp 244.

5:17 elevates the status of the wife who, in contrast to the Exodus version, is separated from all his other possessions. According to Matlock, the reversal in the Deuteronomic text marks a relatively higher concern or regard for women's value⁵⁶. McConville also sees this and other Deuteronomic ordinances as promoting a more advanced attitude to women⁵⁷. Otto states that Deuteronomy's economic ethics does not distinguish between persons due to gender or social status⁵⁸.

An prime example of status progress would be the law regarding the freeing of both male and female slaves and the conditions of their release as equal, regardless of gender (Deut 15:17). Tikva Frymer-Kensky explains, that male and female slaves have become equal under the law: "No Hebrew woman can be permanently made into a slave in the same way that no Hebrew man can be permanently made into a slave without his consent."⁵⁹ Walter Brueggemann mentions that this Deuteronomic law "considerably advances Israel's social vision"⁶⁰. Another example of improvement in woman's status in Deuteronomy is the law of the captive bride. Deuteronomy regulates the exploitation of defenseless women by powerful men under military victory. If a victorious soldier finds a beautiful woman he "desires" he can take her home with the intent of marrying her. Marriage is equivalent to providing protection and sustenance. She is then given mourning time, she shaves her head, pares her nails, takes off her captive's garb, and mourns her parents for a month. Only then can he marry her, yet, if he no longer desires her as a wife with full rights she must be "freed". He cannot sell or enslave her (Deut 21:10-14). According to Christopher Wright this law protects the captured woman in several ways. She is safeguarded from rape or enslavement as a concubine but rather awarded the status of a wife (Deut 21:11, 13). She is given time to mourn her family and adjust to her "traumatic new situation"; the victorious soldier is not granted "bridegroom's rights" restricting him from having intercourse with the captured woman for thirty days; finally, if he changes his mind and retracts his commitment to married to her, she is released as a free woman. He can take no further advantage of her and cannot sell her as a slave."

⁵⁶ Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law." (2007).

⁵⁷ JG McConville, "Biblical Law and Human Formation," *Political Theology*, 2013,.

⁵⁸ Otto, *The Study of Law and Ethics in the Hebrew Bible / Old Testament*, 2015.

⁵⁹ Tikva Frymer-Kensky, "Deuteronomy," in *Women's Bible Commentary*, ed. Carol A. Newsom and Sharon H Ringe, 1992, pp59.

⁶⁰ Walter Brueggemann, *Abingdon Old Testament Commentaries*, Deuteronomy (Nashville,: Abingdon Press, 2001), pp168.

Wright concludes that in these verses “the physical and emotional needs of the woman in her utter vulnerability are given moral and legal priority over the desires and claims of the man in his victorious strength”⁶¹. Jeffrey Tigay sees the aspect of this law is its respect for the personhood of the captive woman and the moral obligations created by initiating a sexual relationship with her⁶².” Eckart Otto writes even more strongly that “compared with the average and usual treatment of captive women in antiquity this provision in Deut 21:10-14 was a moral revolution on the long road towards equal dignity and rights of men and women”⁶³. However, one should not lose perspective that the law is expressed from within a thoroughly androcentric perspective. Richard Nelson rightfully notes that this law assumes the victorious male’s right to forcefully capture for the purpose of marriage, with indifference to her consent or objection. The issue of her possibly being already married to a former husband or that she may have children is evaded which in his view is a case of biblically-sanctioned marital rape⁶⁴. In contrast to Nelson, Jeffrey Tigay maintains that since no husband is mentioned, “the law possibly refers only to unmarried women⁶⁵. In summarizing this law, it appears that the power of the victorious soldier over the captive woman is not eliminated in Deuteronomy, but it is certainly regulated and mitigated.

In contrast to the scholars who view Deuteronomy as improving women's status, many scholars point out that several new laws clearly curtail women's freedom and equality, particularly the laws relating to bridal chastity and patriarchal family integrity (sex laws). Ziskind distinguishes that only women who were considered virtuous, were enabled to protect their reputation, while others whose behavior was considered the contrary, were dealt with brutally⁶⁶. According to Cynthia Edenberg, the formulation of family laws and the restrictions in Deuteronomy were designed to maintain the integrity of the social structure. It was the responsibility of the

⁶¹ Christopher J. H. Wright, *Deuteronomy*, ed. New International Biblical Commentary (Hendrickson Publishers, 1996), pp89.

⁶² Jeffrey H Tigay, *Deuteronomy*, 1996, pp. 194.

⁶³ Eckart. Otto, “False Weights in the Scales of Biblical Justice?: Different Views of Women From Patriarchal Hierarchy to Religious Equality in the Book of Deuteronomy,” *Gender and Law*, 1998, 128–46, pp145.

⁶⁴ Richard D Nelson, *Deuteronomy: A Commentary* (London: Westminster John Knox Press, 2002) pp198. Like Nelson, Midrash Sifrei assumes that the soldier may marry the captive even if she is married. Sifrei Deuteronomy 211.

⁶⁵ Jeffrey Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society of America, 1996), pp194.

⁶⁶ Jonathan R Ziskind, “The Treatment Of Women In Deuteronomy:- Part I,” (2007), pp152.

subservient wife to maintain total fidelity with no exception, even in the face of coercion⁶⁷. When comparing Deuteronomy sex laws to other Biblical laws, Ellens distinguishes between the sex texts of Leviticus that pertain to ontology and the sex texts of Deuteronomy that pertain to property, specifically a man's ownership of female sexuality⁶⁸.

An approach that bridges between these two outlooks is that of Carolyn Pressler who proposed that Deuteronomy does not portray concern for the status of women per se, but rather, women appear in laws having other concerns. She notes that certain laws afforded women and their children particular rights and protections within their subordinated legal status as daughters, sisters, wives, and mothers. Accordingly, she views Deuteronomy as showing concern for women within family laws but does not challenge their subordinate status per se⁶⁹. It appears to me that certain Deuteronomic laws endeavor to ameliorate the precarious and subservient status of women. Therefore, I see a third possible way to look at women status in Deuteronomy through the understanding that women served an integral part of the larger socioeconomic system. Under certain circumstances, the concerns of a larger significant framework required releasing the women from subordinate status thus truly improving their status. This was sometimes necessary to protect the stability of the socio-economic system and wellbeing of the polity. An example of such would be improvements of women's status in the implementation of the general inheritance system of the land of Israel, a central theme of Deuteronomy⁷⁰. Upon establishing a viable economic system in Israel, land plots provided the platform for family income, and stabilized by the territorial integrity of family lands and property were retained through direct bloodline inheritance for future generations (Num 26:33-34, 53). If there were no sons to inherit a fathers' property, the daughters were next in line (Num27:8-11), rendering them as bona fide non-male members of the national land appropriation and inheritance system.

⁶⁷ Edenburg, "Ideology and Social Context of the Deuteronomic Women's Sex Laws (Deuteronomy 22 : 13-29)."

⁶⁸ Deborah L. Ellens, *Women in the Sex Texts of Leviticus and Deuteronomy : A Comparative Conceptual Analysis* (New York: T&TClark, 2008).

⁶⁹ Carolyn Pressler, *The View of Women Found in the Deuteronomic Family Laws* (Berlin; De Gruyter, 1993).

⁷⁰ The idea of holy land inheritance is mentioned far more frequently in Deuteronomy than in any other book of the bible, having 71 occurrences according to the concordance of AlHatorah.Com.

This study addresses women's status in Deuteronomy from a new perspective within the context of protecting women's land, assets and inheritance rights as component of the larger land appropriation, property and inheritance system. I will provide A- a general overview of scholars' views on the ownership of land and personal property by Israelite women. B- a summary of the traditional understanding of laws from a selected group and their intent according to Bible exegetes and Bible investigators. C- an attempt to contribute to scholarship by discussing an alternative purpose behind a newly defined legal assemblage which appears related to protecting women's land tenure and the lineage fidelity of family inheritance rights for maintaining the integrity of the property allocation system in ancient Israel.

Overview and Scholars Views on the Women's' Land and Property Ownership in ANE and Ancient Israel

Land Ownership by Women in the Proximal ANE Cultures

In order to study the possibility that Deuteronomic law may have protected women ownership of property and land in ancient Israel, it is relevant to examine property ownership by women of the nearby ANE. Prior to directly examining the biblical texts, I would like to consider the context and history of property ownership by women in the surrounding cultures. In the Near East the most important way to authority and power was land tenure, as it was the economic platform for generating sustenance and commercial commodities⁷¹. Regarding land ownership or inheritance by women in ANE, unlike the documented biblical legislation, there are no explicit laws or statements of principles in the sources. The only evidence available is from texts of different periods from different places⁷². In very ancient pre-Sargonic Lagash (2300 BC) and in documents of the UR III period (2112–2004 BC) women often participated in land sale transaction as both buyers and sellers (primary and

⁷¹ L. J. Claassens, "Give Us a Portion among our Father's Brothers': The Daughters of Zelophehad, Land, and the Quest for Human Dignity," *Journal for the Study of the Old Testament (Online)* 37, no. 3 (/3, 2013), 319-337. Stephen C. Russell, "The Hierarchy of Estates in Land and Naboth's Vineyard," *Journal for the Study of the Old Testament (Online)* 38, no. 4 (/6, 2014), 453-469. Raymond Westbrook and Bruce Wells, *Everyday Law in Biblical Israel: An Introduction* (Louisville: Westminster John Knox, 2009), 91-106.

⁷² Zafira Ben-Barak, "Inheritance by Daughters in the Ancient Near East," *Journal of Semitic Studies* 25, no. 1 (1980): 87–135.

secondary)⁷³ and could inherit property in the absence of male heirs⁷⁴ as will be further discussed below.

According to Bernard Batto, the Mari documents which closely represent the economic, social and legal institutions known in Old Babylonia, delineate three types of land possession a- private land owned by an individual or group of individuals, b- land owned by the tribe under the control of the ethnic group or their rulers, and c- Land owned by the king, which in these texts is termed "palace field(s)" (eql ekallim)⁷⁵. The ANE monarchs, were owners of most of the land and they authorized land arrangements, such as leasing, licensing or ownership of land. The land plots administered and passed on to future generations as inheritance but could be terminated by a new king with an alternative agenda. The Royal land holdings of Mari were vast and lands were either utilized directly by the palace, farmed out to palace dependents and important others. A complex system of supporting the vast numbers of people employed by the state has been revealed in administrative documents. Some royal servants, especially those of the lowest ranks, were supported by rations directly from the palace stores, as illustrated by numerous ration lists. Others were indirectly rationed in the form of land allotments from which they derived their livelihood. Often, the king's land allotments were the objects of favoritism, personal influence with the king and could be purchased or given over as a gift. Royal land consignment for subsistence (eqlam nadanum), were very prevalent but revocable at any time⁷⁶. The best arrangement (eqlam vussurum), also practiced by Assyrian kings, this land grant of "releasing a field" that was awarded in perpetuum to the beneficiary and his heirs, including women. While the recipients of royal land grants derived both livelihood and wealth from this system, the palace also profited. Numerous receipts have been found for grain and other edibles paid as property taxes to the palace⁷⁷.

In general, although the ancient societies were male dominated, women

⁷³ Ignace J. Gelb, "Earliest Land Tenure Systems in the Near East: Ancient Kudurrus," in *University of Chicago Oriental Institute Publications 104*, ed. Oriental Institution of the University of Chicago (Chicago: University of Chicago, 1991), 1–328, pp35.

⁷⁴ Gudea *ensi* of Lagash (circa 2080–2060 BC or 2144–2124 BC), in the course of establishing justice in the city, he declares that the orphan was not left at the rich man's mercy, the widow was not left at the mercy of the strong, and "in the house in which there is no son, the daughter enters into the position of heiress". Gudea Statue B, vii: 44, trans. CAD A/n, 176b, 11.

⁷⁵ Bernard Frank Batto, "Land Tenure and Women at Mari," *Journal of Economic and Social History of the Orient* 13, no. 3 (1980): 209–39, pp210.

⁷⁶ Batto, pp214.

⁷⁷ Batto.,pp220.

throughout large areas of Mesopotamia were able to inherit and possess property, run independent agricultural businesses and pay taxes to the Monarch⁷⁸. Women owned property, with the right to acquire and dispose of it at will. More surprising is the extent to which women civil servants participated in the land tenure system at Mari. When women performed roles analogous to those of men, and were supported from palace resources in a manner similar to the men. Like the men, women civil servants also received subsistence allotments or had land permanently deeded to them, enjoying both the privileges and the obligations that came with such land grants⁷⁹. To eliminate the danger of a family losing its patriarchal estate, women could inherit land alone or together with male heirs. Although most of the land was inherited by sons, it is well documented that in Nippur, Ur, Nuzi, Ugarit, Akkad, Mari and Babylon, and Egypt daughters could inherit land and property in the absence of male heirs and sometimes together with them. Based on documents from Nippur and Ur III, Zafira Barak comes to the conclusion the prominence given to the position of the daughters as heiresses in families having no male heirs, shows the intention of preserving the family's control of the patrimony through the daughter⁸⁰.

She also notes that Elam daughters seem to have had full and equal rights of inheritance with sons⁸¹, but this was unusual. In most of these cultures, only in the absence of sons, the daughter who was the father's closest blood-relative, transmitted this blood-line relationship to her children⁸². Records of daughters inheriting property are found in Lagash and Old Babylon⁸³ and was the accepted practice in that society although certain conditions were sometimes required. Additionally, family bonding to the asset was further facilitated through marriage of that daughter to a male relative of the head of the family. Thus, the daughter, served as a vector passing the inheritance in a direct line to the descendants of the head of the house⁸⁴. Marten Stol clarifies that

⁷⁸ Bernard Frank Batto, *Studies on Women at Mari*, book, The Johns Hopkins Near Eastern Studies (Baltimore: Johns Hopkins University Press, 1974), pp64-72.

⁷⁹ Batto, "Land Tenure and Women at Mari." , pp239.

⁸⁰ Ben-Barak, "Inheritance by Daughters in the Ancient Near East", pp23.

⁸¹ Zafira Ben-Barak, *Inheritance by Daughters in Israel and the Ancient Near East. A Social, Legal and Ideological Revolution*, 2006.

⁸² Ben-Barak.

⁸³ Gudea Statue B, vii: 44, British Museum trans "in the house in which there is no son, the daughter enters into the position of heiress", Similarly an Old Babylonian legal text from Nippur states: "If a man dies and he has no sons, his unmarried daughters shall become his heirs.", Ben Barak, pp23.

⁸⁴ Ben-Barak, "Inheritance by Daughters in the Ancient Near East."pp32.

according to common law, after a woman transferred to the family of her husband she no longer inheritance rights from her paternal family and the dowry received was considered her share of that inheritance. Yet in the Old Babylonian period a daughter could receive the same portion as her brothers, Stol interprets that this relates to unmarried daughters⁸⁵.

Other types of land ownership could have been derived directly from the king. Permanently released heritable land called "nahalum", was recorded to have been awarded to women from the Akkadian of Mari King Zimri-Lim. A woman described her eviction from the house that belonged to her parents which was not a permanent royal award. She, being at risk of destitution having no male support, requested that the king permanently release to her a "nahalum" of a field and garden to guarantee her future income⁸⁶. This clarifies two important issues; a- women served as landowners and heirs and b- the word "nahalum" clearly defines a permanent land grant from the king. Among biblical scholars the cognate Hebrew root NHL relates to nahalum at Mari, a term used to describe a royal land grant which was made in perpetuum and included inheritance rights⁸⁷. According to HALOT נַחְלָה is an inalienable hereditary property⁸⁸. The Bible as well defines 'Nahala' as a permanent land holding from the Lord till the end of time (Lev 25:36). There are many other examples that Bernard Batto brings demonstrating women's ownership or receipt of land⁸⁹. He states that the policies pertaining to land use seem to have been constant throughout the Old Babylonian period at Mari, with women enjoying privileges very similar to those enjoyed by men, regardless of class. High class women did obtain more land grants than the poorer class women. Privately, women possessed property in their own right, and some female civil servants participated in the land tenure system at Mari. They performed tasks analogous to those of men, were supported from

⁸⁵ Marten Stol, "Women in the Ancient Near East," 2016, pp69 ebook <https://search.ebscohost.com/>

⁸⁶ Batto, 1980, pp. 226.

⁸⁷ A. Malamat, "Mari and the Bible: Some Patterns of Tribal Organization and Institutions," *Journal of the American Oriental Society* 82, no. 2 (1962).

⁸⁸ "נַחְלָה," in *HALOT* (Koehler, Baumgartner and Stamm's The Hebrew and Aramaic Lexicon of the Old Testament, HALOT Dictionaries Brill on line, 2022).

⁸⁹ Batto, 1980, pp. 233-236, As reflected in the Mari documents VIII, he shows that a judgment made by the governor regarding land possession belonging to the regular proletariat, a man and a woman, required that their community property (bitifana) be divided evenly. This ruling thus confirms the legal capacity of women to own land. The higher class women, were highly taxed as a result of their tenure of palace lands, such as the cases of two Sattum-kiyazi and Addu-duri highly ranked Mari woman under Zimri-Lim. An Old Babylonian lawsuit where both buyer and seller were women, demonstrates a case of the seller's breach. Ilusha-hegal, a priestess who had sold her house at Nippur to Addi-liblut's wife, complained in a lawsuit that she had not received the full purchase price.

palace resources similar to the men and received subsistence allotments or had land permanently deeded to them along with the obligations that came with such land grants⁹⁰. While men clearly occupied the predominant role in the possession and use of land, both in the private and public sectors, male preponderance was rooted in their standing as heads of the household and not from a legal incapacity of women to own land *per se*. In conclusion, there were several venues through which women obtained land rights in ANE. These included royal land grants of different sorts under various conditions to different classes, they were comprised of gifts and they included family inheritance, usually in absence of male heirs.

It is notable that in neighboring Egypt, where according to the bible narrative, the Israelites lived for hundreds of years, women played a significant active role in the ownership of landed property⁹¹, and actual land holders were commonly both men and women of many occupations and ranks⁹².

Land Ownership by Women in Ancient Israel

Upon settling the promised land, permanently heritable land areas 'Nahalot' were allotted to each tribe and subdivided among the families (Numbers 26:52-57). Israelite women of families having no sons were also eligible to own and inherit ancestral land (Numbers 27:1-11), similar to most of the ANE cultures. Recent research has shown that the expected frequency of families with no sons is about 1%. Contrary to the belief that families with no male progeny is a very rare occurrence, this is not the case today nor in biblical times, and such families required heirs. In a recent investigation by Karavani et al (2020), the familial tendency and frequency of the same sex offspring was studied in 66,066 families. They compared the prevalence of same-sex with the expected prevalence. Families having 4, 6 or 8 boys only present 7%, 1.8 % and 0.5% and families having 5, 7 or 9 girls only present 2.7%, 0.6% and 0.2% of the population respectively. Calculating from the bible narrative in Nm 26:33 the frequency of families having all female progeny (Zelophehad) within all the

⁹⁰ M Stol, "Women in Mesopotamia," *Journal of the Economic and Social History of the Orient*, vol. 38, 1995.

⁹¹ Sally L. D. Katary, *Land Tenure In The Ramesside Period*, ed. W. V. Davies, e-book (New York: Routledge imprint of Taylor & Francis Group, 2015), pp41.

⁹² Alan Henderson Gardiner, *The Wilbour Papyrus: Commentary*, ed. Alan Henderson Gardiner, Brooklyn M (London: Oxford University Press, 1948), pp79.

families (Mishpachot) cited in this census, it is 1/84 or 1.2% ⁹³. With one family out of each 100 having only female offspring, women from such families were granted land as legally inherited ancestral property (אֲחֻזַּת נְחֻלָּה) (Numbers 27:1–11). This biblical ruling secured a bona fide direct bloodline inheritance of the paternal name and family estate to his daughter(s), which served as a vector to maintain lineage fidelity of family land tenure for the forthcoming generations. The economic future of families who fled from the bondage of Egypt to settle their own land was so cardinal that the daughters of Zelophehad, who had no sons, were named in the census as part of the Clan (Num 26:33). They attained the right to own land to be allocated as paternal land. This ruling was entirely novel and unique to Israel because it enabled a future inheritance from their deceased father who himself did not own any land in his lifetime! The related passage in Numbers 36 stipulates that Zelophehad's daughters should marry within their tribe, to ensure that the tenure of land granted to them should not migrate to a different tribe via inheritance of sons whose father is from another tribe.

Although Jewish women's inheritance laws are rooted in the land division laws of the Bible, there are only sparse mentions regarding land or other property inheritance laws (pertaining to either gender) until the Talmudic periods when these laws were finalized. In the Bible, there are explicit mentions of women's wealth and property rights acquired through either inheritance, in the absence of male offspring, (Num 27:1–11 and 36:2–12, Josh 17:3–6) or as gifts or dowries (Gen 24:59–61, Judg 1:12-15, I Kings 9:16, 2 Kings 8:1-6, Job 42:15). The law enabling women's ownership of land was for all, rich or poor, with no class or status distinction, which is reflected in the biblical sources. The Shunamite woman (2 Kings 4:8), for example, was not royalty nor was she from an important wealthy family like Caleb, but rather an anonymous widow identified by the place she lived, yet she owned land (2 Kings 4:13). It is noteworthy that the Israelite women, when eligible, were granted unique

⁹³ G Karavani et al., "Is There a Familial Tendency for Same Sex Offspring? A Lesson Learned from a Large Non-Selected Israeli Population," *Israel Medical Association Journal* 22, no. 7 (2020): 354–59. The Biblical census provides a frequency of all female offspring that is amazingly close to the recent Karavani data. It thus appears that the frequency of families with single sex progeny is not so rare, and even at 1%, many families at any time stood to lose their ancestral land if the daughters were not eligible to inherit paternal property. While the Talmudic Halacha was documented later during the Babylonian exile, it is lined up with this biblical ordinance. Further clarification by Maimonides appears in the later Mishnah Torah "Nahalot", Bava Batra 8:2

inalienable rights to permanently inherit land with egalitarian ownership rights (Num 27:8-11).

Land or Property as Marriage Gifts and Dowry in ANE and Ancient Israel

In ancient times women were not usually economically independent, or large property owners. They were under male sponsorship of their father until they married when this responsibility was transferred to their husbands. In general, marriage arrangements in all ANE cultures were secured by men for both their sons and daughters which involved negotiations, provisions and legal concerns⁹⁴. T. R. Lemos—in *Marriage Gifts and Social Change in Ancient Palestine: 1200 BCE to 200 BCE* demonstrates that the investments of both the household of the groom to the marriage termed *bride wealth*, and that made by the household of the bride in the household of the groom, the *dowry*, were the most significant economic institutions in Syria-Palestine for the distribution of land rights and wealth during ancient periods⁹⁵. The institution of dowry, gifts the father gave to his daughter upon her marriage, was very common in ANE⁹⁶. When a woman married in ANE, there were three known types of bridal gifts. The first, 'mohar' was a bride price, as mentioned above, paid by the groom to the father of the bride almost always required. The second type of very prevalent gift was a 'dowry' which was provided by the father of the bride to his daughter to secure her economic future, and a third type of gift was granted to the bride from either her father or the groom⁹⁷. In the Old Assyrian period, the bride-price was called 'the price' and was paid out at the wedding. In the Old Babylonian period some care was taken to achieve a balance between the presents of the two families. A Sumerian proverb says, "What has the young man brought? What has the father-in-law released (búr)"⁹⁸. Westbrook summarizes that upon marriage, a daughter received a dowry as her share of the paternal estate⁹⁹. Although functionally the equivalent of an inheritance share, it was not a right required by law but rather depended on her father's discretion. He states that Akkadian the technical terms for dowry are, words for "gift" (nudunnû, eriktu). The

⁹⁴ Don C Benjamin, "The Land Rights of Women in Deuteronomy," *Biblical Theology Bulletin* 47, no. 2 (2017): 67–79,

⁹⁵ Tracy Maria Lemos, *Marriage Gifts and Social Change in Ancient Palestine : 1200 BCE to 200 CE*, ed. Ebsco Host, eBook, (Cambridge: Cambridge University Press, 2010).

⁹⁶ Raymond Westbrook, "The Dowry," in *Property and the Family in Biblical Law* (Sheffield, 1991, 1991), 142–64.

⁹⁷ Westbrook *ibid*.

⁹⁸ Stol, *Women in the Ancient Near East*, pp605.

⁹⁹ Westbrook, "The Character of Ancient Near Eastern Law.," pp1-90.

daughter normally received her dowry in advance of her father's death. A girl who had not yet married at the time of death of her father was entitled to be provided a dowry by her brothers (CH 184). The size of the dowry might have been negotiable between the bride's and the groom's families. Some parts of the Dowry were designated for the wife's absolute control. The Neo-Babylonian term *quppu* ("cash-box") refers to a cash fund for the wife's exclusive use. Much later Talmudic sources (based on previous oral law) refer to a category of dowry property called *melog*, which has earlier equivalents in Akkadian and Ugaritic (*mulugu*; *mlg*). It is separate from the rest of the dowry (which the Talmud calls "iron sheep") in that its loss, or loss of value or destruction, is entirely to the wife's account. This implicates her control over this part of the dowry, such as over personal slaves, whom the husband was not required to replace if they died.

Many Ancient Near Eastern laws are concerned with the economic rights of women within marriage and divorce. The *Code of Hammurabi* (CH) regards the dowry as becoming part of the husband's estate, but separated for the wife's maintenance in case of divorce or the husband's death and after her death, divided among her progeny. The husband had no right to hold exclusive power over her property, and he was not entitled to it after her death. If there were no children it was to be returned to her father's house (CH 162, 163, 164, 173, 174, 176A). Bradley understands the ANE laws as regulating economics of marriage and economic rights of both men and women. The woman in ANE was entitled to economic protection when widowed or divorced, preventing her destitution¹⁰⁰. There were many ANE laws related to the dowry and the economic rights of women within marriage and divorce. In contrast to many ANE laws, there is a relative paucity of biblical laws dealing with marriage in general and marriage gifts in particular. Some ANE codes are similar to those of ancient Israel and others not. An in depth comparison between those laws is beyond the scope of this study but has been reviewed by Carol Pratt Bradley¹⁰¹ and Marten Stol¹⁰². An important point that Pratt Bradley makes is that a substantial number of ANE laws concerned with financial arrangements concerning marriage and divorce, are not readily apparent in the biblical codes. She does not consider this proof that marital finances were not part of Hebrew society as

¹⁰⁰ Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law, pp19."

¹⁰¹ Carol Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law," *Studia Antiqua* 3, no. 1 (2003): 5 .

¹⁰² Stol, *Women in the Ancient near East*, pp300.

common law¹⁰³. Additionally, the law codes in the Old Testament stipulated the use of a divorce document, yet there is no biblical mention of marriage contracts. These appeared later in Jewish history as will be discussed below.

From the scriptures we know that the bride price paid by groom to the father of the bride is more prevalent than than bridal gifts from fathers to their daughters such as dowries. The biblical narratives mention *mohar*, bride-price, providing evidence of the provision of property granted to the bride by her father. We learn that the bride price could be paid in valuables or currency, (Isaac for Betuel's daughter Rebecca, Gen 24), as acts of bravery for the father of the bride (David for King Saul's daughter Michal, 1 Sam 18 27, and Othniel for Calebs' daughter Achsah, Josh 15 16,17) or as interned work for the brides' father until the value of the price was paid (Jacobs' work for Laban to pay for Leah and Rachel Gen 29 20). Examples of dowries are less common. According to Westbrook, dowry was a very common cultural norm and the term for "dowry" occurs only rarely in the Bible due to the prevalence of this institution. He is of the opinion that dowry was mentioned only under unusual circumstances¹⁰⁴. As mentioned above, it is clear that women in ancient Israel could be afforded family assets of key significance when they married. Carol Meyers believes that gifts of land or other property to daughters were the daughters' portion of the inheritance or property transmission system of ancient Israel as was the norm in ANE¹⁰⁵.

Descriptions of women receiving direct dowry are few in the Bible. Leah and Rachel received the handmaids Zilpah and Bilhah as direct dowry from Laban to each daughter as she married (Gen 29:24, 29). The story of Calebs' daughter Achsah encompasses the practice of giving a bride-price, dowry, and possibly a groom's gift all within six to seven verses (Josh 15:13-19). The bride-price paid by Othniel to Caleb was not monetary exchange, but fulfilling military success, the capture of Debir. In most cases the dowry provided, by a father for the bride on entering into a marriage contract, took the form of mobile possessions¹⁰⁶, such as silver, gold, or

¹⁰³ Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law.", pp14.

¹⁰⁴ Raymond Westbrook, *Property and the Family in Biblical Law*, book, Journal for the Study of the Old Testament. Supplement Series; 113 (Sheffield: JSOT Pr., 1991), pp142.

¹⁰⁵ Carol Meyers, *Discovering Eve: Ancient Israelite Women in Context*. (Oxford University Press, 1991), pp186.

¹⁰⁶ Joseph Fleishman, "(יהו' טו 16-19, שופ' א 12-15)", in "הרקע המשפטי להיענות כלב לתביעתה של בתו עכסה (יהו' טו 16-19, שופ' א 12-15)", in עיוני מקרא ופרשנות, vol. 9, 2009, 281–98, pp282.

other valuable commodities¹⁰⁷. The narrative of Achsah is significant because it describes a dowry or wedding gift of immobile possessions, a field in the Negev¹⁰⁸, similar to the dowry is mentioned for Pharaoh's daughter upon her betrothal to Solomon is found in 1 Kgs 9: 16. While there are different interpretations as to whether the field given to Achsah was a land dowry or a gift¹⁰⁹, the text adds the extra request of Achsah from her father Caleb for an additional gift. Her blatant independent appeal for water wells to irrigate the arid desert land, indicates that the field was given with a distinct purpose. Szpek¹¹⁰, Fleishman¹¹¹ and Shemesh¹¹² indeed view the previous endowment as a proper dowry, followed by Caleb awarding her the requested gift of water wells. Fleishman notes that this exemplifies the legal right that men had to award their daughters both moveable property and immovable land and assets such as water sources, as dowry or gifts. Whenever property was granted to women for the purpose of future transfer to her progeny, at the expense of the brothers' future inheritance¹¹³. In the case of Achsah, providing a land dowry was not threatening to the family land because her progeny would also be of the close paternal clan considering that Othniel was either her uncle, Caleb's brother, or her first cousin, the son of Caleb's brother¹¹⁴. Other examples of dowry found in the Old Testament is the city of Gezer given to Solomon's wife the Egyptian princess (Kings 9:16) and the inheritance Job bequeathed to his daughters (Job 42:15).

While there are no biblical laws directly addressing women receiving dowries and or land gifts, just as there are no biblical laws covering many key family matters such as marriage, divorce and burial, there was common or traditional oral law. According to Westbrook¹¹⁵ the term for "dowry" rarely occurs in the Bible due to its very common prevalence as part of the marriage institution and mentioned only under

¹⁰⁷ Westbrook, *Property and the Family in Biblical Law*.pp 148-142.

¹⁰⁸ Yael Shemesh, "עכסה - מאובייקט לסובייקט : סיפור על אישה חכמה, שדה ומים (שופטים א 10-15)", in עיוני מקרא ,ed. עמוס פריש, vol. 10 (Ramat Gan: Bar Ilan University Press, 2011), 23-48, pp29.

¹⁰⁹ Shemesh, *ibid*.

¹¹⁰ Heidi M Szpek, "Achsah'S Story: A Metaphor for Societal Transition," *Andrews University Seminary Studies* 40, no. 2 (2002): 245-56.

¹¹¹ Fleishman, "הרקע המשפטי להיענות כלב לתביעתה של בתו עכסה (יהו' טו 16-19, שופ' א 12-15)."

¹¹² Shemesh, "עכסה - מאובייקט לסובייקט : סיפור על אישה חכמה, שדה ומים (שופטים א 10-15)."

¹¹³ Fleishman, "הרקע המשפטי להיענות כלב לתביעתה של בתו עכסה (יהו' טו 16-19, שופ' א 12-15)."

¹¹⁴ Shemesh, "עכסה - מאובייקט לסובייקט : סיפור על אישה חכמה, שדה ומים (שופטים א 10-15)."

¹¹⁵ Westbrook, "The Dowry."

unusual circumstances. I agree with Greengus¹¹⁶ and Fleishman¹¹⁷ that it is reasonable to posit that the Judaic laws addressing property gifts and dowries, included much later in the Mishna were previously passed down as oral law of ancient Israel which shared similarities with the prevalent common law in the ANE.

The Role of Women's Property in the Israelite Marriage

According to Bible sources, every Israelite family was allocated a plot of land, traditionally held to have begun in the time of Moses and Joshua (Nm. 26:52–54, 33:54; Jos. 13–22), which was to remain in the family's possession within the Tribe. This family property, the *goral* 'lot' or 'plot', and the *Nahala* 'inheritance', became the basis of the economic system in Israel. Legal stipulations, such as the Law of the Levirate and the institution of the *gô'el*, who as the next of kin was required to buy the land abandoned by his relative preventing the alienation of family property (Lev 25:25). The transference of property in ancient Israel was mainly through inheritance passed on to sons¹¹⁸, and to daughters in the absence of male heirs (Numbers 27:1–11). The Bible clearly records that women held land and property ownership rights, through inheritance, dowries for marriage, or gifts offered by fathers or husbands¹¹⁹ (Gen 24:59–61, Judg 1:12–15, 1 Kings 9:16, 2 Kings 8:3, Numbers 27:1–11 and 36:2–12, Josh 15:16–19).

These rights were important for the economic welfare of the individual woman. The inheritance of farming or grazing land by women, in the absence of male heirs, maintained the sustenance supply within the direct paternal bloodline. All ancestral property secured that source of income remained in the family, but all the more contributed to the intergenerational welfare by maintaining the lineage fidelity of the paternal family wealth as a stabilizing factor of the clans' and the national economy. Upon marriage bringing in land of her own (inherited or dowry or gift) was very advantageous to the bride and to the husbands' household. A bride's land right and dowries became part of the husbands' house¹²⁰, which provided financial security to

¹¹⁶ Samuel Greengus, "Filling Gaps: Laws Found in Babylonia and in the Mishna But Absent in the Hebrew Bible," *Maarav* 7, no. 149–171 (1991).

¹¹⁷ Fleishman Joseph, "'Their Father Gave Them Estates [Nahalah] Together with Their Brothers' (Job 42:15b): What Did Job Grant His Daughters? / 'מה נתן איוב לבנותיו' (איוב מב, טוב): 'ויתן להם נחלה בתוך אחיהם' (איוב מב, טוב): מה נתן איוב לבנותיו?'" *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* / המזרח הקדום / 17 שנתון לחקר המקרא והמזרח הקדום (2007): 89.

¹¹⁸ Raymond Westbrook, *Property and the Family in Biblical Law*, book, Journal for the Study of the Old Testament. Supplement Series; 113 (Sheffield: JSOT Pr., 1991), pp142.

¹¹⁹ Don C. Benjamin, "The Land Rights of Women in Deuteronomy," *Biblical Theology Bulletin: Journal of Bible and Culture* 47, no. 2 (2017): 67–79.

¹²⁰ Westbrook, "The Dowry."

the family and to the wife, should she required it¹²¹. Her land was placed in his custody, as usufruct for use to generate food, commodities and wealth as long as they were married. Her land was returned to her in the case of divorce or the husbands' death and inherited by their common offspring¹²². We know from other cultures in ANE that investments made by both sides, were negotiated and were significant economic venues for the distribution of property during any period of ancient Israel¹²³. Naomi Steinberg¹²⁴ and Don Benjamin¹²⁵ are of the opinion that the bride's economic contribution to the new household determined her rank. The idea that dowry value linked to rank is supported by rabbinic commentaries of Job 42:15¹²⁶. Job, who was a wealthy man, provided his daughters with a generous gift of land and moveable property gifts long before his demise. Fleishman sees this gift as the dowry to support the daughters' affluent status and rank¹²⁷. In Steinberg's view, a woman who brings property to the marriage, particularly in the form of dowry transferred to her by her family at the time of marriage, has rights in the marriage which make it more difficult to dissolve, thus guaranteeing her male offspring inheritance rights to their father's estate and which entitle her to be labeled a primary wife¹²⁸. Additionally, she notes that marriage in ancient Israel was an economic arrangement set up for the propagation of patrilineal descendants. Vertical inheritance between the generations of patrilineal men is the biblical default preference, with second preference to daughters in the absence of male progeny. This protected ancestral paternal family assets. The favored marriage pattern was between spouses descended from the same patrilineage.

¹²¹ Bernard S Jackson, "The 'institutions' of Marriage and Divorce in the Hebrew Bible," *Journal of Semitic Studies*, 2011.

¹²² Ben-Zion Schereschewsky and Menachem Elon, "Dowry," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, March 15, 2007)<https://link.gale.com/apps/>

¹²³ Lemos, *Marriage Gifts and Social Change in Ancient Palestine : 1200 BCE to 200 CE*.

¹²⁴ Naomi Steinberg, *Kinship and Gender in Genesis, Biblical Research*, vol. 39, 1994.:46-56.

¹²⁵ Don C Benjamin, "The Land Rights of Women in Deuteronomy," *Biblical Theology Bulletin* 47, no. 2 (2017): 67–79.

¹²⁶ Shadal and Joseph Ibn Caspi, Job 42:15 Mikraot Gedolot of AlHatorah.com

¹²⁷ Fleishman Joseph, 'Their Father Gave Them Estates [Naḥalah] Together with Their Brothers' (Job 42:15b): What Did Job Grant His Daughters? / ' מה נתן איוב ' (איוב מב, טוב): שנתון לחקר המקרא והמזרח / *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* / ז' (2007): 89 הקדום

¹²⁸ Naomi Steinberg, "Romancing the Widow: The Economic Distinctions between The 'almānā, the 'iṣṣā- 'almānā, and the 'ešet-Hammēt," in *God's Word for Our World*, ed. J.Harold Ellens et al., vol. 1 (New York: T&T Clark, 2004), 327–46, pp326.

Property brought into the marriage by both sides guaranteed the woman protection from easy dissolution of the marriage, particularly if she bore a male heir to her husband¹²⁹. The woman's land rights brought into the marriage provided economic improvement of the household earnings and guaranteed future inheritance for their common heirs¹³⁰. If a marriage was terminated by divorce (without major cause) her heritable property was returned, avoiding her falling into destitution, increasing her chances of marrying again and maintaining the bloodline inheritance¹³¹.

According to the Bible narrative women's ancestral land tenure rights were granted, just prior to settling the land of Israel (Numbers 27:1-8). This immediately caused legal doubts to arise regarding the maintenance of ancestral land within the clans which were further clarified (Numbers 36:1-4). Women's' land and property rights prior to settling the land were only theoretical to be implemented in the future and not yet applicable. The application of women's property rights, an entirely new concept to Israelites who had no land yet, needed protection.

Protection of Women's Property Rights

The circumstances in ancient Israel, when a women's assets became of key importance were when entering a marriage, when serving as a wife and mother of common heirs, when exiting a marriage by divorce or loss of spouse, and upon release from manumission. These are examples of life situations, described in the selected texts, when ancestral land tenure and other personal wealth may have come under risk. Unfortunately, there is a dearth of scholarly discussion on the purpose of these laws and how they affect women's land and property rights and inheritance as integral elements of the comprehensive land allotment and continuity inheritance system.

In this investigation, I propose to characterize five Deuteronomic laws that belong to a novel collection of regulatory amendments that were new or modified compared to previous ordinances. These laws have a possible common goal of protecting property and inheritance rights of women under risk. This was highly significant as it safeguarded the integrity of continued family inheritance of their ancestral lands, which under a varied circumstances, may have been jeopardized. In support of this idea, these laws which describe unsafe situations, are related textually

¹²⁹ Naomi Steinberg, pp336.

¹³⁰ Benjamin, CBA 2016, "CBA – Annual Meeting University of Santa Clara," in *The Land Rights of Women in Deuteronomy and the Near East* (Santa Clara, Ca, 2016).

¹³¹ Ben-Zion Schereschewsky and Menachem Elon, "Dowry," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, March 15, 2007).

to the long term inheritance of the land of Israel according to the associated scripture (table 1). The hypothetical purpose of these laws is discussed by analyzing the potential detrimental ramifications to the woman's property and future family inheritance if these laws were not implemented. My claim is that the selected laws may have protected the legal tenure of the woman's landholdings, ancestral inheritance and the women's personal property, under unwarranted conditions. If uncertainties would arise, the lineage fidelity of ancestral property holding could come under risk. These laws, in favor of the women at risk, could protect their property rights thus preventing poverty and destitution of the individual. In a broader scope, laws protecting women's property, would provide a significant stabilizing and fortifying feature to the ancestral inheritance system, for future families by preventing impairment to the economy of the polity.

Review of Scholarship and Discussion of a Newly Defined Group of Deuteronomic Amendments Which Improve and Protect Women's Status and Property Rights (Chapters 2-6)

Chapter 2. The Prohibition of Not Coveting Another's Wife (Deut 5:17)

דב' ה: יז	שמ' כ: יג
וְלֹא תִחְמַד אִשְׁתֵּי רֵעֶךָ	לֹא תִחְמַד בֵּית רֵעֶךָ
וְלֹא תִתְאָוֶה בֵּית רֵעֶךָ שָׂדֵהוּ	לֹא-תִחְמַד אִשְׁתֵּי רֵעֶךָ
וְעַבְדוֹ וְאִמָּתוֹ שׂוֹרוֹ וְחֲמֹרוֹ וְכָל אֲשֶׁר לְרֵעֶךָ	וְעַבְדוֹ וְאִמָּתוֹ וְשׂוֹרוֹ וְחֲמֹרוֹ וְכָל אֲשֶׁר לְרֵעֶךָ

2a. Improved Women's Status in the Deuteronomic Decalogue Compared to the Exodus Version (Ex 20: 13)

A classic example of improved women's status in Deuteronomy is found in the tenth commandment of the Decalogue. The Decalogue appears twice in the Pentateuch with textual and contextual differences between the two versions. According to the biblical narrative, the Exodus version 20:2-13 was delivered at the Sinai Theophany to the generation of Hebrew slaves who recently fled from the bondage of Egypt. The Deuteronomic version 5:6-17 is declared to have been taught by Moses 40 years later, to their children, the younger nomad generation, just prior to entering the promised land (Deut 1: 1-6) and to establishing their own homeland. The Exodus version (Ex 20:13)¹³², of the tenth commandment, groups the wife with other objects of desire with no prioritization, using a single verb "חמד". The Decalogue in Deuteronomy demonstrates a clear socioeconomic divergence in the last commandment of "do not covet" which initially isolates the wife. The "house", "field" and all other belongings are second, reflecting a basic change in hierarchal order prior to settlement of the new land.

This commandment is divided into two separate sections using distinct objects and verbs. The initial section, places the wife first using the verb "חמד" and the next part relates to all property, utilizing the verb "אוה". Additionally, the woman listed as

¹³² " Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's " KJV online <https://www.biblestudytools.com/kjv/exodus/20.html>

the first in the list of the man's household possessions in Exodus, has gained her own status in Deuteronomy. She is replaced in the list of the man's property with the "his field" as a new and primary asset of the household listed first before all other chattel.

Focusing on the verbs used in Deuteronomy, one can clearly perceive significant modifications of the Exodus version (Ex 20:13), which prioritizes "his house" as the prime asset and groups his wife with other objects of desire, employing a single verb, "חמד" for all of his possessions. In Deuteronomy (Deut 5:17), the commandment, subdivided into two individual sections. The first part emphasizes the wife, upgrading her rank, as she has been placed first and separated from all the other property. The verb employed is "חמד", identical to that used in in the Exodus version. This is followed by the next section which relates to the man's field and all his chattel, utilizing a different verb "אוה". Similar ancient texts using a single verb "covet" can be seen in both ancient Egyptian writings and in an ancient near eastern texts that consider coveting as a sin¹³³. A similar prohibition was found as a condition in a mercantile agreement between Assyrians and Anatolians c.18th century BCE. "You shall not covet a fine house, a fine slave, a fine slave woman, a fine field, or a fine orchard belonging to any citizen of Assur". The objects of desire, in this commercial text, are very similar to the second directive in Deuteronomy regarding his chattel with no mention of wives¹³⁴. In the Exodus version, the wife is part of and belongs to the household owned by her husband. The parallel text in Deut 5:17 places her first, using the verb "חמד" and separate from the house, and all other goods and property using the verb "wh". Hagith Sivan¹³⁵ and Jeffrey Tigay¹³⁶ view the use of different

¹³³ The Egyptian *Book of the Dead*, Ch. 125 (B3): "O Nosey, who comes forth from Hermopolis, I have not been covetous," — per J. A. Wilson, in *Ancient Near Eastern Texts Relating to the Old Testament*, ed. J. B. Pritchard (Princeton, 1970, 3rd ed.), p. 35a, The Assyrian *Hymn to the Sun-God*, ii.31-2: "Spread out is thy wide net (to catch the man) who has coveted the wife of his comrade" —as per F. J. Stephens, in *A NET*, p. 388b.

¹³⁴ Veysel Donbaz, "An Old Assyrian Treaty From Kültepe," *Journal of Cuneiform Studies* 57 (2005), .This Assyrian treaty, presents only the unilateral conditions imposed on Anatolia by Assyrians. The treaty from Kültepe tablet Kt 00/k6, see lines 62-66. This tablet from Anatolia is contemporary with the archives of the kings of Leilan c. 1755-1728 BC, Jesper Eidem, "Old Assyrian Trade in Northern Syria the Evidence From Tell Leilan," in *Marchands, Diplomates et Empereurs: Etudes Sur La Civilization Mesopotamienne Offertes a Paul Garelli*, ed. Dominique Charpin and Francis Joannes, Recherche (Paris, 1991), 185–208.

¹³⁵ Hagith Sivan, *Between Woman, Man and God: A New Interpretation of the Ten Commandments*, *Journal for the Study of the Old Testament: Series* (London: T&T Clark, 2004)/1, pp. 208., In Sivan's words, the Deuteronomic version "elevates women as the most desirable objects of coveting. It also implies that covert coveting of other men's wives is more pervasive and more complex than the rest of the listed inventory."

¹³⁶ Jeffrey H Tigay, *Devarim : 'im Mayo u-Ferush, Miḵra Le-Yiśra'el* (Jerusalem: Y.L. Magnes, The Hebrew University, 2016), pp245-249.

verbs, in Deuteronomy, for his wife in contrast all other possessions as indicating stepwise levels in coveting, with the wife being at the highest level. The woman in the Deuteronomic version has been advanced to her own elevated status¹³⁷, while distinct from "his field" and prior to all other chattel as a new and primary asset of the agricultural household in the land of Israel. The question now arises as to why was the commandment modified? Did any significant change occur that mandated a regulatory amendment?

Many scholars, Christian commentators¹³⁸ and rabbinic exegetes¹³⁹ discuss the disparities between these biblical versions. The difference between the two sections in the Deuteronomic version is so significant that it is considered to comprise two separate commandments by the Roman Catholic and Lutheran interpretive tradition¹⁴⁰. M. Weinfeld¹⁴¹ and D. Markl¹⁴² regard the changes as part of the Deuteronomist reform of improving women's status in general. A higher repute for women's value is evident, as she has been separated from all the other property with a distinct commandment, gaining her own individual higher status¹⁴³. These modifications reflect a significant alteration in the values foremost of the wife who has been upgraded to her own individual status and secondly "his field" now precedes all other assets¹⁴⁴. Support for Deuteronomy's higher concern for women, as discussed

¹³⁷ Michael . Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law," *Journal for the Study of the Old Testament* 31, no. 3 (2007): 295–310. Anthony Phillips, *Ancient Israel's Criminal Law: A New Approach to the Decalogue* (Oxford, UK: Blackwell, 1972).

¹³⁸ Raymond F. Collins, *Ten Commandments*, *Anchor Bible Dictionary*, ed. David Noel Freedman, online V6 (New York: Doubleday, 1992). <https://www.pdfdrive.com/anchor-bible-dictionary-6-volumes-e161868813>.

¹³⁹ Deut 5:17 Ibn Ezra, Gersonaides, Nachmanides, Chizkuni, Rabbi Samson Raphael Hirsch. <https://mg.alhatorah.org> מקראות גדולות

¹⁴⁰ Peter J Gentry, "The Covenant at Sinai," *The Southern Baptist Journal of Theology* 12, no. 3 (2008): 38–63. As in Deuteronomy, the Roman Catholic and Lutheran interpretive traditions, separated the command against coveting into two. The tenth commandment distinguishes wife from property "you shall not covet your neighbor's wife" and "you shall not covet your neighbor's house.", pp51.

¹⁴¹ עשרת הדברות - ייחודם ומקומם במסורת ישראל : חיוב פורמאלי בסיסי בדת ישראל: במסורת עשרת , משה ויינפלד¹⁴¹ ב. סגל, (תל אביב: הקבוץ המאוחד, 1986) הקדמה, ועמ' 97. הדברות במהלך הזמנים

¹⁴² Dominik Markl, *The Ten Words Revealed and Revised*, 2013, pp22. " In the last Commandment in Deut. 5.21 the order of 'wife' and 'house' is switched, and 'coveting' (חמד) the neighbor's wife is distinguished from 'desiring' (איה) any other property of the neighbour. These changes seem to raise the dignity of the wife from being just part of the neighbor's property to a significant individual to be 'coveted' rather than 'desired' like anything else".

¹⁴³ Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law.", Anthony Phillips, "The Decalogue-Ancient Israel's Criminal Law," *JJS* 34 (1983), 1-20, pp6.

¹⁴⁴ Daniel Block, "'You Shall Not Covet Your Neighbor's Wife': A Study in Deuteronomistic Domestic Ideology," *Journal of the Evangelical Theological Society* 53, no. 3 (2010): pp462.

above and particularly wives, not only lies with making a separate injunction against coveting wives in the Tenth Commandment but also with the special attention to women's rights in several other statutes and ordinances¹⁴⁵. Some traditional rabbinic commentators that deal with differences in the two versions as having any significance, see desire as a stepwise emotional process with wanton for a woman being greater than the desire for another's property¹⁴⁶. Mordechai Sabato¹⁴⁷, Jeffrey Tigay¹⁴⁸ and the modern commentator R' SR Hirsch¹⁴⁹ see these as moral commandments where thought and planning to seize another's possession is prohibited with the wife being first and of higher value.

To ascertain a better understanding of the reason for and the importance of these modifications, I will first review the classic understanding of the meaning of the verbs "אוה" and "המד" and the explanations proposed for their separate stances. An alternative understanding of desire in Deuteronomy will be introduced which is not necessarily sexual in nature. Desire can also be understood to be directed at the wife's economic value. This appreciation may provide a possible *raison d'être* for the change in the woman's status and a new significance for this commandment.

2b. The meaning of the verbs "המד" and "אוה"

The parallel texts of the tenth commandment use two distinct Hebrew roots to denote 'coveting' or 'desire,' "המד" and "אוה" and therefore it seems to be of central importance to clarify the meaning of these words. The intended meaning of these verbs has been controversial among scholars and commentators. The BDB lexicon defines this verb as a "desire, take pleasure in"¹⁵⁰. The verb "המד" is defined in the

¹⁴⁵ Pressler, *The View of Women Found in the Deuteronomistic Family Laws*.

¹⁴⁶ Deut 5:17, Ibn Ezra, https://mg.alhatorah.org/Dual/Ibn_Ezra/Devarim/5.15#m6e3n ,

Chizkuni <https://mg.alhatorah.org/Dual/Chizkuni/Devarim/5.15#m6e3n7>

Nachmanides, <https://mg.alhatorah.org/Dual/Ramban/Devarim/5.15#m6e3n7>

Gersonides, <https://mg.alhatorah.org/Dual/Ralbag/Devarim/5.15#m6e3n7>

¹⁴⁷ פרשת ואתחנן - מה בין דיברות ראשונות לדיברות www.etzion.org.il/vbm סבתו ישיבת הר עציון אחרונות.

Mordechai Sabato, "Differences between the First and Second Appearances of the Ten Commandments" (Jerusalem: [tps://etzion.org.il/en/tanakh/torah/sefer-devarim/parashat-vaetchanan/differences-between-first-and-second-appearances-ten](https://etzion.org.il/en/tanakh/torah/sefer-devarim/parashat-vaetchanan/differences-between-first-and-second-appearances-ten), 2017).

¹⁴⁸ Jeffrey H Tigay, *Devarim : 'im Mavo u-Ferush, Mikra Le-Yisra'el* (Tel Aviv: 'Am 'oved ;Hotsa'at sefarim 'a. sh. Y.L. Magnes, ha-Universitah ha-'Ivrit, 2016), pp247-249.

¹⁴⁹ RSR Hirsch, https://mg.alhatorah.org/Parshan/R._S.R._Hirsch/Devarim/5.

¹⁵⁰ Brown Francis, Driver R, and Briggs Charles, "Hebrew and English Lexicon of the Old Testament," in *Hebrew and English Lexicon of the Old Testament* (Houghton Mifflin Company, 1907), pp818. <https://www.pdfdrive.com/the-enchanced-brown-driver-briggs-hebrew-and-english-lexicon-with-an-appendix-containing-the-biblical-aramaic-e157103416.html>. "המד" *desire, take pleasure in vb : desire-*

ABD dictionary by R.F. Collins is described in the item "wanting or desiring"¹⁵¹. Schunck K.D. and P. R Callaway, partially derived the item "wanting or desiring" of the ABD dictionary from TWOT¹⁵² and they interpret that *המד* refers only to desire, which is interchangeable with "אהה"¹⁵³. HALOT interprets "המד" as desire, take pleasure or desire passionately¹⁵⁴. According to the New International Dictionary of Old Testament Theology & Exegesis the word *המד* presents two meanings; 1-desire, wish, long for, demand, request and reach, attain, acquire ; 2-find pleasure, liking,

a. in bad sense of inordinate, ungoverned, selfish desire, Ex 20:17, Dt 5:18, Ex 34:24, Dt 7:25, Jos 7:21, Mic 2:2, Pr 12:12, or lustful desire Pr 6:25. **b.** *take pleasure in*, of idolatrous tendency Is 1:29, Is 44:9 *their delightful things* (things in which they delight), Pr 1:22 how long do *scorners delight in scorning*.

¹⁵¹ Collins, *Anchor Bible Dictionary*, pp9354, Covet, Covetousness, *refers to item 'Wanting and Desiring'*, discussed below.

¹⁵² J. Barton PAYNE, "המד," in *Theological Wordbook of the Old Testament*, ed. Editor R. Laird Harris (Chicago: Moody *mahmād*, and *mahmōd* (Press, 1980), item 673. *המד* (*l;āmad*) **desire, delight in**. Cf. Ugaritic *l;md* "be pleasant," but also covet, lust after ; the positive contexts [eleven of twenty one] prefer the less ambiguous delight in"). "Negatively, however, the Tenth Commandment prescribes, "Thou shalt not *hāmad*, covet" (Ex 20: 17), referring to an "inordinate, ungoverned, selfish desire" (BDB, p. 326). Israel was not to "desire" (Deut 7:25, "covet") the gold adoring idols, to lust after prostitutes (Prov 6:25), or to covet fields (Mic 2:2; cf. Ex 34:24). Achan's sin at Jericho was that he desired the spoil (*l;āmad* Josh 7:21). When Aramean officers described whatever was *mahmad* "pleasant," in their eyes (I Kgs 20:6) they sought the most desirable treasures of Samaria as plunder."

¹⁵³ Schunck K.D. and Phillip R Callaway, "Item 'Wanting and Desiring' in *The Anchor Bible Dictionary Online*, ed. David Noel Freedman (New York: Doubleday, 1992), 9315–16. The expression "**desire**" or "**inordinate longing**" is reflected in the OT primarily by the roots *wh* and *hmd*. The root *wh* appears as a verb in the *Pi-el*, *Hitp.ael*, and *Nip.al* (30x) and as a noun in the forms *awwā*, *ta-āwā*, and *ma-āway m*. The root *hmd* appears as a verb in the *Qal*, *Pi-el*, *Nip.al* (21x) and as a noun in the forms *hemed*, *hemdā*, *hāmudōt*, *hemdūn*, *mahmād*, and *mahmōd* (TWOT 1: 145–48; 2: 1020–32; THAT 1: 74–76, 579–81). The words *wh* and *hmd* are synonymous and often appear in parallelism (Gen 3:6) or interchangeably in the same context (Ex 20:17 and Deut 5:21; Prov 6:25 and Ps 45:12; Ps 68:17 and Ps 132:13–14). Sexual desire for the wife of one's neighbor (Ex 20:17; Deut 5:21; Prov 6:25) as well as his property (Ex 20:17; Mic 2:2) is prohibited.

¹⁵⁴ Ludwig Koehler et al., *Hebrew and Aramaic Lexicon of the Old Testament HALOT*, <https://dictionaries.brillonline.com/halot> (2020) *המד*. *Hmd*, Philistine. to **desire**, Can. El Amarna 138:126. hamudu pt. pass. gloss to iapu = יָפָה; OS Arabic. hamida to praise, n.m. Muḥammad. Verbal stem (VS) QAL. 1 to **desire** (brings damage upon the thing or person desired), Musil Arabia 3:314) and to try to obtain (Old Halot V1:333, Stamm Theologische Rundschau), Ex 20:17a.b 34:24 Deut 5:21; Mic 22:2, Ps 68:17, Prov 1:22 6:25, 2. to **take pleasure** in Is 1:29 5:32 (הִמְדָה); 3. הִמְדָה a) **darling** (הִמְדָה) Is 4:49; b) **treasure** Jb 20:20, Is 5:32. הִמְדָה; Ps 39:12 rd. הִמְדָה: VS nif: pt. הִמְדָה, הִמְדָה; **desirable** (Genenius Kautzsch 116e) Gn 29: 36 Pr 21:20, pl. Ps 19:11. VS, pi: pf. הִמְדָה: to **desire passionately** (Bauer Lexicon 290d) (Genenius Kautzsch, 120d).

The word is very similar in Ugaritic and according to the new Ugaritic dictionary (2014) the verb "hmd" in Ugaritic means desire or strong desire and the adjective precious. /**h-m-d**/ vb: "to desire" (Hb., Ph. *hmd*, "to desire"). With desired (them) ardently, 1.12, I 38n **mḥmd** adj. m. "desired, desirable, precious" or "precious object; **Forms**: sg. *mḥmd*. Desired, desirable, precious: *šryn mḥmd arzh* TN desired for its cedars, 1.4 VI 19, 21 "the hills bring you the most precious gold". Gregorio del Olmo Lete and Joaquin Sanmartin, *A Dictionary of the Ugaritic Language in the Alphabetic Tradition*, 3rd ed. (Leiden, The Netherlands.: Brill, 2014), pp573.

preference¹⁵⁵. This dictionary relates to the different meanings according to the context of the verb. *Hmd* can represent desirability of an object or desire aimed at obtaining the object. Examples given when the action of coveting is preceded by premeditation to possess are in Mic 2:1-2 and Prov 6:25. This interpretation is very similar to that of the medieval rabbinic grammarian exegete Ibn Ezra provides two meanings for *חמד*. The first is to rob, to extort, to take someone's property by force and compulsion as in Ex. 34:24, the second is to desire in the heart without any action¹⁵⁶. The Encyclopedia Judaica in the article of "covetousness" ties coveting to greed and envy¹⁵⁷. Based on the above, it appears that the overriding lexical interpretations of the verb "*חמד*" in the Pentateuch is a form of intense desire with possible premeditation for acquisition.

The version in Deuteronomy (5:17) further expanded the term for coveting found in Exodus 20:13¹⁵⁸. The first segment of the Deuteronomic commandment separates desiring another's wife using the verb "*חמד*", with the wife taking clear and distinct priority over all of the husbands tangible possessions including his source of income "his field". The second part relates to coveting all other property using another verb "*ארה*" meaning "to desire, to lust". A key question to appreciating the intent of these Deuteronomic modifications is whether the use of different verbs is merely a stylistic variation or a change in meaning? Scholars and commentators have attempted to understand what exactly is portended by these two distinct verbs. The differences between these verbs have been described as levels of emotion such as desire or lust, distinct thoughts of or a plans to acquire the coveted property and/or the actual action

¹⁵⁵ David Talley, "חמד," in *New International Dictionary of Old Testament Theology & Exegesis*, ed. Willem A VanGemeren (Grand Rapids: Zondervan Pub. House, 1997), 167–69, 2773. Article 2773. It also mentioned that "hmd" in Ugaritic is wish or to crave for, demand or require.

¹⁵⁶ Deut 5:17 Ibn Ezra. https://mg.alhatorah.org/Dual/Ibn_Ezra/Devarim/5.15#m7e0n7

¹⁵⁷ Steven Schwarzschild, "Covetousness," in *Encyclopedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, March 14, 2007). Item COVETOUSNESS. This is condemned and prohibited in the Decalogue (Ex. 20:14; Deut. 5:18), and throughout the Bible, particularly in the Book of Proverbs (e.g., 3:31, 14:30, etc.). Since envy may be defined as a state of mind which wishes to change existing relations, there is an inherent relationship between the condemnation of covetousness and the maintenance of established social and economic conditions. **Greed** is regarded as the root of all social injustice (see *Micah* 2:1 ff.; Hab. 2:9, etc.). The talmudic rabbis, Avot 4:2, states that **desire causes covetousness**, which leads to robbery and tyranny (see also *ibid.*, 2:11, 28; Mekh. to Ex. 20:14; BM 107). **Envy** is never sated, but is rather self-aggravating (Prov. 27:20; Eccles. 5:9; Eccles. R. 1:34; Ibn Ezra's commentary on Ex. 20:14, etc.), which explains the ethical warning that covetousness leads to the self-destruction of the one prey to it (Prov. 28:22; Sanh. 106; Sot. 9a). The cure for limitless greed lies in contentment and humbleness (Avot 4:1): "Who is rich? He who delights in his share"

¹⁵⁸ Ibn Ezra 5:17 https://mg.alhatorah.org/Dual/Ibn_Ezra/Devarim/5.15#m7e3n7.

of seizing. As mentioned above, the ABD understands the words "ארה" and "חמד" as synonymous. Halot translates "ארה" to mean "crave for" or "wish for"¹⁵⁹. Similarly, the BDB Lexicon¹⁶⁰, associates the verb ארה with desire, longing for, or lust. The New International Dictionary of Old Testament Theology & Exegesis presents the word "ארה" associated with beautiful or desirable, and the verb denotes to want, crave, long, desire, lust or crave¹⁶¹. The basic notion is "desire" either for the good (Ps 132:13) or the bad (Prov 21:10) or a sense of lust (Deut 5:21). This source distinguishes the two verbs from one another as being an objective desire "חמד" as in the perception of beauty stimulated from without, vs a subjective fundamental desire "ארה" originating within the person according to his wants and inclinations. However, within context these verbs are interchangeable. Similarly, Matlock¹⁶² sees these verbs as very similar but suggests that "חמד" (and related nouns) refers to a desire stimulated by the sight of beauty (Gen 2:9, Prov 6:25), whereas "ארה" (and related nouns) denoted a desire rising from an inner need like that for food and drink (Num 11:4; Amos 5:8; Prov 21:25-26), but both verbs represent desire.

It is interesting that commentator Rashi actually describes "ארה" as the same as "חמד" while giving examples of the desire of visual things of beauty¹⁶³. In his commentary on the Decalogue in Exodus, U. Cassuto addresses thoughts stating that "The meaning, apparently, is not only that the longing may lead to criminal action, which should necessarily be prohibited as a preventive measure, but that the yearning itself constitutes a trespass, in thought if not in deed"¹⁶⁴. While Childs addresses

¹⁵⁹ Francis, R, and Briggs Charles, "Hebrew and English Lexicon of the Old Testament." ארה . **Pi: pf.** ארה ארה , ארה ארה , impf. תארה : to **wish to desire**; except Ps 132:13, 119:30 and Pr 31:4 the sbj. is always נפש Dt 12:20, 14:26, 1S 2:16 , 20:4, 2S 3:21, 1K 11:37, Is 26:9 Mi 7:1 Jb 23:13 Pr 21:10. **hitp:** תארה , **מארים מתארים** . - תארה , impf. תארה , תארו (Bomberg וְתָאוּ , Gesenius (GK) §75bb), pt. **מארים מתארים** . - 1 to **crave for** with acc. Nu 11:34 Dt 5:21 Qoh 6:2, with ל Nu 34:10 Pr 23:3-6, 24:1; intrans. to **perceive a longing** -2S 23:15 / 1C 11:17, ארה ארה to be greedy Pr 13:4, with תארה Nu 11:4, Ps 106:14 Pr 21:26. -2 to **wish for** (a day) Jr 17:16, Nu 34:10. *מארים .
* <https://dictionaries.brillonline.com/search#dictionary=halothebrew&id=ALEPH.210>
ארה , **_desire, longing**, נפש הקנש Dt 12:15. הָ' לְכַל־אֵץ 1S 23:20 (with לְ + inf.) Jr 224; —Hos 10:10 rd. בָּאתִי <https://dictionaries.brillonline.com/search#dictionary=halothebrew&id=ALEPH.211> .

¹⁶⁰ Francis Brown, Driver S.R., and Charles Briggs, *The Enhanced Brown -Driver -Briggs Hebrew and ENGLISH Lexicon*, online edi (<http://www.ericlevy.com/revel/bdb/bdb/main.htm>, 2000).

¹⁶¹ William C Williams, "ארה," in *New International Dictionary of Old Testament Theology & Exegesis*. ed. Willem A VanGemeren, (Zondervan Pub. House, 1997). Williams also interprets that the verb in piel is always associated with "nefesh" denote a desire springing from the depths of ones being (Deut 12:20, 14:26, 1 Sam 2:16, 2 Sam 3:21, 1 Kings 11:37, Job 23:13, Prov 21:10, Isa 26:9, Mic 7:1)

¹⁶² Michael . Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law,"

¹⁶³ Deut 5:17 Rashi, <https://mg.alhatorah.org/Dual/Rashi/Devarim/5.15#m7e2n7> "desirable to behold"

¹⁶⁴ Umberto Cassuto, *A Commentary On The Book Of Exodus*, 1997th Ed. (Jerusalem: Magnes Press, 1967), <https://www.magnespress.co.il/book/5610/read>, Pp166.

action resulting from thought concluding that impending actions come readily after the subjective desire¹⁶⁵. A similar idea was previously proposed by Philo as one of the Stoic passions¹⁶⁶. Other scholars including B. Jackson¹⁶⁷, W.L. Moran¹⁶⁸, J. P. Hyatt¹⁶⁹, R.I. Vasholtz¹⁷⁰ and D. Baker¹⁷¹ have argued that coveting does not necessarily include a corresponding action. Baker notes that the two words are close in meaning and their use overlaps. The root "אוה" occurs several times in parallel with "חמד". "The woman saw that the tree was good for food and that it was a delight (תאוה) to the eyes and the tree was desirable "נחמד" to make one wise, so she took of its fruit and ate; and she also gave some to her husband, who was with her, and he ate. (Gen 3:6)". Likewise Proverbs 6:25 and Psalm 45:11 use the two words interchangeably, as do Psalms 68:16 and 132:13-14. Yet, "חמד" has been understood by both ancient and modern interpreters to have a broader meaning to involve thought in planning some action.

There is a propensity to correspond the tenth commandment to the other nine in respect to requiring some form of action. Wright sees the probable reason for this interpretation of "חמד" was to keep the tenth commandment in conformity with the

¹⁶⁵ Brevard Childs, *The Book of Exodus* (Louisville, KY: Westminster Press, 1974) . "The term 'covet' in v.17 seems to have an original connotation of action and not simply intention (Prov. 6:27)" , pp396.. . . the emotion of desiring included the act of taking possession " (Ex 34:24 Ps 68:17), pp426. Philo *De Decalogo*, xxvii.142.

¹⁶⁶ In. Hans Svebakken, describes. Philo's argument of how tyrannical desire operates, "presumes a direct stepwise progression from desire to passion which bears full responsibility for the corruption stopping at nothing in pursuit of the beloved object" . "Philo of Alexandria's Exposition on the Tenth Commandment," ed. Brown Judaic Studies and Society of Biblical Literature, *Studia Philonica Monographs*, 6; (Atlanta : Society of Biblical Literature, 2012) pp176.

¹⁶⁷ Bernard S Jackson, "Liability for Mere Intention in Early Jewish Law," *Hebrew Union College Annual*, 1971, pp199. Jackson states "there is no "certain necessity" that the desire should culminate in action"(Prov. 1:22, Isa. 53:2).

¹⁶⁸ William L Moran, "*The Conclusion Of The Decalogue (Ex 20,17 = Dt 5,21)*," *The Catholic Biblical Quarterly* 29, no. 4 (1967), pp543. He states that "It is difficult to reconcile this alleged plus of external action with the use of the verb in Is 1,29, and virtually impossible to do so in Prv 6,25". He further states "The mere fact that a verb like *hāmad* occasionally clearly implies some act of seizure or the like, is not to be understood in the sense that such an act belongs to its proper denotation, pp548.

¹⁶⁹ J.P. Hyatt, *Commentary on Exodus* (London: Oliphants, 1971), pp216. He concludes that all the passages adduced to prove that the verb HMD involves taking that which is coveted such as Dt. 7:25; Jos. 7:21; and Mic. 2:2 prove rather the opposite, and each of these contains the word for 'covet' that involves successive and not parallel activities.

<https://archive.org/details/exodus00hyat/page/214/mode/2up?q=covet>

¹⁷⁰ R Ivan Vasholz, "Short Studies, You Shall Not Covet Your Neighbor's Wife," *Westminster Theological Journal* 49 (1987): 397–403. He proposes that *hmd* does not necessarily include a corresponding action although it may sometimes mean that elsewhere in Scripture as in Ex 24:34.

¹⁷¹ David L. Baker, "Last but Not Least: The Tenth Commandment," *Horizons in Biblical Theology* 27, no.1 (2005) :3–24.

others as enforceable legislation¹⁷². A significant number of scholars have favored the opinion that the commandment refers not merely to desire or covetous thoughts but to action directed toward acquiring another person's property¹⁷³. The idea connecting coveting with the action of forceful acquisition can already be traced to the above mentioned old Assyrian laws regarding regulations imposed by Assyria on the merchants of Anatolia. Donbaz, in his translation of this tablet, demonstrates that coveting Assyrian property was prohibited with an additional prohibition of forceful acquisition. Conditions imposed on Anatolia are included in lines 62-66 ; "You shall not covet a fine house, a fine slave, a fine slave woman, a fine field, or a fine orchard belonging to any citizen of Assur, and you will not take (any of these) by force and hand them over to your own subjects/servants"¹⁷⁴. I would like to point out that outright seizing by force was already prohibited in the Decalogue under "do not steal" and certainly seizing a wife under "do not commit adultery" as claimed by Jackson¹⁷⁵. Yet, ancient Hebrew tradition does see some connection between the two, such as plans to oppress the vulnerable in order to "legally" usurp their belongings, as will be discussed below.

Johannes Herrmann¹⁷⁶, almost 100 years ago, proposed that "חמד" the verb, like the other commandments of the Decalogue's second table, require concrete action, meaning an actual appropriation. He argued that "you shall not covet" is comprehensive; it forbids the impulse of the heart and all the actions that flow out of

¹⁷² Christopher J. H. Wright, *Deuteronomy, New International Biblical Commentary*, ed. New International Biblical Commentary, 1st ed. (Peabody, MA: Hendrickson Publishers, 1996), pp. 88-89.

¹⁷³ Gordon McConville, *Deuteronomy, Apollos Old Testament Commentaries*. (Leicester: Apollos Press, 2002), Cyril S. Rodd, *Glimpses of a Strange Land: Studies in Old Testament Ethics* (Clark, T&T, 2001). Don C. Benjamin, *The Social World of Deuteronomy: A New Feminist Commentary*, ed. ProQuest Ebook Central, ProQuest E (Eugene, Or: Cascade Books, Wipf and Stock Publishers, 2015), pp76, Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law."

¹⁷⁴ Donbaz, "Old Assyrian Trade in Northern Syria. The Evidence from Tell Leilan." This treaty was found in the tablet Kt 00/k 6, excavated at Kultepe and translated by the author. These tablets date to the eighteenth century BC and record the dealings with other Mesopotamian states and how the city administration worked. Treaty conditions on lines 62-66 "You shall not covet a fine house, a fine slave, a fine slave woman, a fine field, or a fine orchard belonging to any citizen of Assur, and you will not take (any of these) by force and hand them over to your own subjects/servants"

62. a-na É^{bi₄-tim} SIG₅ ur-dim SIG₅

63. am-tim SIG₅ 'AŠA₅' SIG₅ ú ki-ri-im

64. SIG₅ ša DUMU A-šūr šu-um-šu e-ni-kà

65. lá ta-na-ší-ú-ma i-na e-mu-qi

66. lá te-še-ru-ni-ma a-na ur-dí-kà lá ta-du-nu-ni

¹⁷⁵ Jackson, "Liability for Mere Intention in Early Jewish Law."

¹⁷⁶ Johannes Herrmann, Das zehnte Gebot, in Sellin-Festchrift, Leipzig 1927, Johann Jakob Stamm and Maurice Edward Andrew, English translation with additions by M. E. Andrew, *The Ten Commandments in Recent Research*, 2nd ed., revised and enlarged (London: SCM Press, 1967), 101-103.

that impulse and inevitably culminate in the taking of what belongs to your neighbour . It is worthy of note that this understanding of the issue is found already in the Tannaitic literature of the Mekhilta. The connection of "חמד" to eventual seizing actually appears in the 2 Talmudic Mekhiltas (both quoted in commentaries of the 13th century CE)¹⁷⁷. Hermann uses the same examples of scripture noted in the Mekhilta and notes that this verb is often followed in the Old Testament by verbs which mean "to seize", "to rob" (Deut.7:25 and Josh. 7,21) and Micah 2,2 where the prophet condemns the greed of the affluent stating "They covet fields and seize them, and houses and take them away." The understanding that the transgression of "חמד" requires some plan or action, could provide a reasonable basis for separating the terms "חמד" and "ארה" in Deuteronomy. This was proposed in both the teachings of Talmudic Rabbis Akiva in the Mekhilta of Rabbi Ishmael and in the Mekhilta of Rabbi Simeon Bar Yochai where coveting "חמד" is defined as an action item to obtain possession as opposed to "ארה" which is merely desire. The Mekhilta of Rabbi Ishmael argued on the basis of Deuteronomy 7:25 that the prohibition of "Do not covet" "חמד" is differentiated from "ארה" because it encompasses more than mere desire, and even more than verbal expression of the desire, but rather entails acting on that desire and taking possession¹⁷⁸. The Mekhilta of Rabbi Simeon Bar Yochai (Rashby) regards these two transgression as distinct steps in a process of seizing. The verb "ארה" is noted to relate to possessions that one is generally allowed purchase but will cause another individual's loss¹⁷⁹.

¹⁷⁷ The Talmudic *Mekhilta de-Rabbi Shimon bar Yochai* is a Halachic Midrash on Exodus from the school of Rabbi Akiva, attributed to Shimon bar Yochai and first appears in the writings of medieval authors. No Midrash of this name is mentioned in Talmudic literature. This Mekhilta differentiates between desiring another's possession's ("wh") and planning to obtain the object "hmd". The author or redactor of Mekhilta of Rabbi Ishmael cannot be definitely ascertained but considered by the Maimonides to be Ishmael ben Elisha, Rabbi Akiva's contemporary, and further amplified by his students. This Mekhilta is more stringent portraying "hmd" as a completed action of taking possession the object. The verb "hmd" not only refers to covetousness, but includes taking action.

¹⁷⁸ Exodus, (Ex 20: 17)

https://mg.alhatorah.org/Dual/Mekhilta_DeRabbi_Yishmael_Shemos/Shemos/20.11#m7e3n7. The Mekhilta of Rabbi Ishmael, understands that there is no transgression of the commandment "You shall not covet" until one actually performs an act as is further clarified in Deut 7:25 "You shall not covet the silver or the gold that is on them, or take it for yourself, lest you be snared in it; for it is an abomination to the Lord your God".

¹⁷⁹ The Mekhilta of Rabbi Simeon Bar Yochai perceives these verbs as steps in a process from (Mic2:2). "They covet fields, and seize them; and houses, and take them away; and they oppress a man and his house, even a man and his heritage. The desire will cause a man to covet and coveting will drive a man seize. https://mg.alhatorah.org/Dual/Mekhilta_DeRashbi_Shemos/Shemos/20.11#m7e3n7

Rabbinic sources of the middle ages were divided in their appreciation of the meaning of two separate verbs used in Deuteronomy ¹⁸⁰. Maimonides, in line with the ideas put forward in both Mekhiltas, maintains that there are indeed two distinct prohibitions in Deuteronomy. The verb "אוה" refers only to the desire, while "המד" refers to one who covets an object and ultimately obtains it¹⁸¹. The most common meaning of the verb "אוה", both in the piel and Hitpa'el forms, is desire, long for, crave, often referring to food or drink (Num 11:4, 34 Deut 12:20; 23:3, 6; Mic 7:1). Other objects of desire include evil (Prov 21:10; cf. Ps. 10:3; Prov. 24:1) and beauty (Ps 45:11). Here this verb, appears in the Hitpa'el form, indicating a possible reflective action, as understood by the grammarian Rabbi David Kimchi of the middle ages ¹⁸². He notes this form means "desire of the heart". He also defines grammatically this verb is in the Hitpa'el form, possibly from of the root stem "תוה" and referring to marking a border of land to be captured by the Israelites, (Num 34:10, Num 34:7-8).

The BDB lexicon based on Gesenius provides marking a border as another optional meaning of the root אוה, providing the base for the noun אורח ¹⁸³. Although it could be very interesting and relevant to marking "his field", I have not found any

¹⁸⁰ Deut 5:17 ; Rashi does not differentiate between the verbs. He denotes "אוה" as "desirable to behold", rendered in the Targum (Genesis 2:9) "desirable to the eyes". Ibn Ezra² proposes two meanings for "המד"; 1-To rob or extort, someone's property by force and compulsion (Ex. 34:24). 2- to desire in the heart without acting like "אוה". Nachmanides differentiates between the two according to the Mekhilta in that relates to things that can be purchased and Gersonides relates to desire with no action involved. <https://mg.alhatorah.org/Parshan/Devarim 5>

¹⁸¹ Maimonides, in his Book of Commandments; Negative commandments 266 separates, "You shall not covet" - prohibiting the acquisition of what is someone else's; and You shall not desire prohibiting even only desire it in thought. In line with the Mekhilta (Mekhilta d'Rabbi Yishmael Ex 20:14:2) which defines two distinct liabilities of desiring in itself, and coveting in itself." He also reiterates that coveting will lead to seizing by force as is stated in (Micah 2:2) "and they will covet fields and steal them. "The transgression of "אוה" involves overwhelming thought and desire. The transgression of "you shall not covet, "המד" involves the attempt to acquire the possession by the use of force or pressure, and obtaining possession against the wishes or under duress of his fellow. Seizing or robbing will inevitably occur if his comrade refuses or cannot accommodate the desire for the possession. <https://www.sefaria.org.il/Sefer HaMitzvot>.

¹⁸² *Ancient Lexicons RaDak, Book of Roots*, <https://mg.alhatorah.org/Tanakh/Devarim/5.13#m7e0n7>. Num 34 :7."from the great sea you shall mark out תַּתְּאֵר for you Mount Hor".(8) "From Mount Hor you shall mark out תַּתְּאֵר to the entrance of Hamath"; Num 34 (10) "You shall mark out הַתְּאֵרְתֶּם your east border from Hazar Enan to Shepham"

¹⁸³ Wilhelm Gesenius, *Gesenius' Hebrew and Chaldee Lexicon to the Old Testament Scriptures*, *Gesenius' Hebrew and Chaldee Lexicon to the Old Testament Scriptures*, 9338 2019, <https://doi.org/10.31826/9781463231187>. Brown, S.R., And Briggs, *The Enhanced Brown -Driver - Briggs Hebrew And English Lexicon*. "אוה" may have other meanings besides desire such as I. תו as on the forehead item 8420, Ez 9:4 , 6 ; TWOT 2496a, GK 9338 n.m. mark ; forehead as a sign exemption from judgment תו Job 31:35 • II. תו item 8378, 8379, TWOT 2496b, 40d GK 9294, 9295 n.f. boundary (as described by a mark); תו Gen 49:26. II (תו) TWOT 2496, 2497 GK 9344, 9345 vb. denom. make or set a mark and Num 34:7-8, 10.

scholarly source that discusses the verb תִּתְּצֵנָה in the ten commandments with reference to marking the borders of another's property.

There is, however, another Deuteronomic law that specifically prohibits encroaching on another's property that begins with "Thou shalt not remove thy neighbour's landmark" (Deut 19:14.) that uses the same word רֵעֶיךָ. The Rabbinic commentator Rashi understands the meaning to be that one moves the mark that shows the division of the between two adjoining fields¹⁸⁴. If וְלֹא תִתְּצֵנָה included the action of marking a new border then the other law would be redundant, supporting the idea that the verb "אוה" here represents desire alone with no action required.

We can summarize that both scholars and commentators have spent great thought and energy exploring the significance of the shifts in the last command. These assessments mainly revolve around the meaning of the word "המד", "to covet," and "אוה", "to desire," and whether the former forbids envious desire for what belongs to another person or prohibits taking specific actions to satiate those desires. The meaning of the two distinct verbs used for desire, as discussed above, do shed some light on understanding that the woman's status was advanced in Deuteronomy. I agree with Daniel Block who sees the substitution of one verb with another as far less significant than the transposition of "house" and "wife"¹⁸⁵. He notes the differentiation between coveting the neighbor's real property (the house) from coveting the human beings who make up the economic unit, the household. This is very similar to the idea proposed in the Mekhilta of Rashby that relates 'אוה' to items that can be purchased. In Deuteronomy "your neighbor's house" and "your neighbor's wife, is transposed and a separate prohibition created protecting the neighbor's relationship with his wife. Isolating the neighbor's wife from the house and giving her priority over all household property highlights the special nature of the relationship between a man and his wife. According to Block the distinction is reinforced by reserving the verb 'המד' for the illicit lust of a man toward another man's wife and replacing it with 'אוה' for the desire a man may have for another's household possessions or property. Block

¹⁸⁴ "Thou shalt not remove thy neighbour's landmark, which they of old time have set in thine inheritance, which thou shalt inherit in the land that the LORD thy G-d giveth thee to possess it." Deut 19:14, translation KJV online <https://www.kingjamesbibleonline.org/Deut-19-14/>. Rashi states: *thou shalt not remove [thy fellow-man's] landmark* – תסיג is of the same meaning as (Isa 42:17) "they are turned back (בסגו אחור)", moving the mark that shows the division of the land (i.e. the division between two adjoining fields) backwards into the field of his neighbour in order to enlarge his own. English Translation <https://mg.alhatorah.org/Tanakh/Devarim/19.11#m7e3n7>

¹⁸⁵ Block, "You Shall Not Covet Your Neighbor's Wife": A Study in Deuteronomic Domestic Ideology." pp460.

sees this change as an amendment to enhance women's rank and status and to secure the rights of one's neighbor to a healthy and secure marital relationship¹⁸⁶. This goal is achieved by elevating wives above the status of household property. According to the Mordechai Sabato the severity of coveting someone else's wife is immeasurably greater than the severity of coveting property. Seized property may be returned, however, coveting another's wife damages the soul connection between the husband and the woman with whom he shares his life, and harms the family unit beyond repair. He views that the difference between coveting a wife and desiring a house or field is almost like the difference between kidnapping people and stealing money¹⁸⁷.

In summary it appears that the underlying key difference in the two versions is that in Exodus the Israelite is prohibited from coveting what is not his and belongs to someone else. It is broad and all inclusive. Deuteronomy expands this by separating two types of desire for possessing that which is not his. The first is to covet another's wife, a person who is prohibited from him for marriage and she cannot be purchased nor can she be returned. Her value is beyond any price and her worth of the highest rank. Coveting could lead to uncontrolled desire and finally possessing her which would carry the liability of capital punishment. The other type of desire or craving is for another's possessions that can be procured by purchase or obtained in transactions which includes all his property and material belongings.

2c. The Wife's Economic Value as the Object of Desire

The wife may head the list because she is beautiful and coveted for that reason (Prov 6:25). However, several scholars view the object of desire as the woman's economic value. The tenth commandment according to David Baker has particular relevance to economics, and the wife's elevated status is more likely due to her key economic importance in the home. Proverbs 31:10-31 emphasizes the major role the wife played in the Israelite family economy¹⁸⁸. Ranier Kessler raised an interesting

¹⁸⁶ Block states "It seems best to interpret this as a deliberate effort to ensure the elevated status of the wife in a family unit and to foreclose any temptation to use the Exodus version of the command to justify men's treatment of their wives as if they were mere property, along with the rest of the household possessions". Additionally, he notes that Coveting one's neighbor's wife is a particularly heinous moral and social malady, and the general good of the community can only be preserved by "fencing off the home.", *ibid* pp 463.

¹⁸⁷ Sabato, "Differences between the First and Second Appearances of the Ten Commandments."

¹⁸⁸ Baker, "Last but Not Least: The Tenth Commandment", pp3. He states "This fundamental commandment locates the source of all sinful forms of economic growth where they truly originate—the greed of individual human hearts", pp21.

idea claiming that the last commandment is a direct continuation of the previous commandments which protect people's property and economic stability. He states that the transgression of coveting is not directed at physical desire of the wife, but rather at performing an economic scheme to obtain her for her value. Since adultery and robbery were already forbidden in previous commandments, he claims that this commandment cannot be redundant and therefore it pertains to acquiring another's wife for her material value by employing contemptible means. He was the first to assert that this commandment introduces the desire for a woman before all other assets and then advances to all his neighbors other belongings, demonstrating that the purpose of this prohibition is to address economic morality and stability¹⁸⁹. Don Benjamin also understands, "To covet" as taking steps to seize the economic resources of another person which include foremost his wife¹⁹⁰.

The verb "חמד", as mentioned above, obviously does not necessitate a sexual emotion as this commandment in Exodus includes the prohibition of coveting his neighbor's house, male servant, ox, donkey, and all that he has. These do not constitute objects of sexual desire but rather objects of value. The use of this verb in Exodus was aimed at desiring any of his possessions of worth, including the wife who was a part of his meager nomadic household. Additionally, there are many examples of "חמד" as a verb for coveting objects of value (Ex 34:24, Deut 7:25, Josh 7:21, Isa 1:29, 34:9, 53:2, Ps 19:11, 39:12, 68,17). The New International Dictionary of Old Testament Theology & Exegesis (NIDOTTE) denotes that the nominatives of "hmd" all relate to outward appearance or to value. These include vineyard (Isa 27:2, Amos 5:11) and fields (Isa 32:12), silver (Hos 9:6), a wife (Ezek 24:16), treasures (Joel 3:5, 4:5), valuable (1 Kings 20:6), (Isa 64:11), (Lam 1:7,10,11), land (Ps 106:24, Jer 3:19, Zech 7:14), field Jer12:10, house (Ezek26:12), articles of value (2 Chron 32:27, 36:10, Ezra 8:27, Dan 11:43). Of particular relevance is the coveting the land (Ex34:24, Mic 2:2)¹⁹¹. The word חמדה is also interpreted by Halot to be of precious value and the word חמודות to mean precious things, treasure¹⁹².

¹⁸⁹ Rainer Kessler, "Debt and the Decalogue: The Tenth Commandment.," *Vetus Testamentum* 65, no. 1 (2015): 53–61,).

¹⁹⁰ Don C. Benjamin, "The Land Rights of Women in Deuteronomy," *Biblical Theology Bulletin: Journal of Bible and Culture* 47, no. 2 (2017): 67–79.

¹⁹¹ Talley, David, *New International Dictionary of Old Testament Theology and Exegesis*, book, ed. William VanGemeren (Grand Rapids: Zondervan, Article 2773, 1997).

¹⁹² Francis, R, and Briggs Charles, "Hebrew and English Lexicon of the Old Testament." J Aramaic חמודות* desire: precious things, treasure Gen 27:15 Job 20:20, Ezra 8:27 2C 20:25. Hg 27:2.

A prime example of women gaining economic value would be when she married and brought into the marriage bridal dowry. As previously pointed out this custom was a very common practice in most of the ANE. It is documented to be particularly significant in areas residing in close proximity to ancient Israel, supporting the notion that ancient Israel participated in this custom¹⁹³ which later appeared in Talmudic law of the Jewish ancient oral tradition. In Talmudic times dowry or "nedunya" is spoken of as a long-established custom. The Mishnah (Ket 6 5) discusses the validity of a bride's wish to sell her field, indicating to me that this type of bridal property was not extremely uncommon¹⁹⁴. The Rabbis of the Talmud ordained that a man must give some of his property to his daughter when about to be married. The minimum amount was fifty zuzim (Ket 67a); but every parent was obliged to give a respectable dowry in proportion to his means¹⁹⁵. If indeed that was the ancient Israelite oral tradition, then the daughter of a rich man would certainly be a woman of high property value.

Both Michael Matlock¹⁹⁶ and Ivan Vasholtz¹⁹⁷ reasonably propose that dowry assets and other gifts or wealth brought into the marriage could easily be objects of desire. Matlock notes that since the husband exercised control over his wife's dowry while married, the Tenth Commandment considers the value of the wife as a dowry asset, along with the other neighbor's assets such as his house and servants. Vasholtz also views "Thou shalt not covet your neighbor's wife," as the wife's worth, such as her dowry, or other property that she brings with her to the marriage. He also sees the "wife" listed with the neighbor's assets, his house or anything that belongs to your neighbor. Control of the wife's dowry, future or current inheritance and land use rights

¹⁹³ This school of thought is based on the fact that this tradition was very common in all ANE cultures being practiced at Ras Shamra, Babylon, Assyria, ancient Sumer, Egypt, and Nuzi. G. R. Driver and J. C. Miles, *The Babylonian Laws* (London/ New York: Oxford University, 1960 reprint of 1955 edition) vol. 2; G. R. Driver and J. C. Miles, *The Assyrian Laws* (London/ New York: Oxford University 1975, P. W. Pestman, *Marriage and Matrimonial Property in Ancient Egypt* (Leiden: E. J. Brill, 1961); "Dowry and Bride-price in Nuzi" in *Nuzi and the Hurrians* (Winona Lake: Eisenbrauns, 1981) 161-82. H. J. Boecker, *Law and Administration of Justice in the Old Testament and Ancient East* (Minneapolis: Augsburg Press, 1980), pp 102.

¹⁹⁴ Mishna Ktubot 6:7 With regard to one who transfers money by means of a third party for his daughter to purchase a field after she marries, the adult daughter is allowed to assert control over the money. Just as she would have authority to control the sale of a field, she may control the money assigned for her. https://www.sefaria.org.il/Mishnah_Ketubot.6.7?lang=he&with=all&lang2=he

¹⁹⁵ Ketubot 67 a. Terms of the unspecified dowry, are that the father must not give his daughter less than fifty dinars <https://www.sefaria.org.il/Ketubot.67a.10?lang=en&with=all&lang2=en>

¹⁹⁶ Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law."

¹⁹⁷ Vasholz, "Short Studies, You Shall Not Covet Your Neighbor's Wife."

in marriage marks this commandment not superfluous, and is not a reiteration of the seventh commandment, "Thou shalt not commit adultery." It is thus reasonable that a woman possessing wealth, inherited¹⁹⁸ or gift acquired, would have a high economic value which could certainly be coveted.

2d. Improvements in Women's Status and the Revision of This Commandment

I would like to propose that a significant change in the socioeconomic status of some women occurred that may have required more comprehensive regulation¹⁹⁹. According to the bible narrative, the laws that established the division of the land of Israel and the legality of women's land inheritance and ownership were delivered just prior to entering the promised land and establishing a new national economic system (Num 26:2, 27:8-11, 36:2). This agricultural land based platform was to stand in stark contrast to that employed by households which consisted of itinerant families in the wilderness. The generation of the Exodus had recently escaped the bondage of Egypt, having no organized income nor tenure of any territory or land. The new generation, their grown progeny, were to receive land that was to be divided among tribes by lottery and subdivided into family plots (Num 25:55-56, 33:54, 34:13, 36:2). Ancestral land was inherited to direct progeny, first to sons and in the absence of sons, to daughters who became eligible heiresses of ancestral land, ensuring a direct blood line transfer of the property (Num 27:8-11). Once included as legitimate land owners and heirs, which placed women under equal jurisdiction with men as title holders, their economic rank and social status of was significantly elevated. As mentioned previously several scholars are of the opinion that this commandment relates to the economic value that the wife brought into the marriage.

There are two issues of economic significance that may have affected an improved rank and enhanced value of women. Firstly, the amended biblical law of

¹⁹⁸ The Bible records establishing women's ancestral land inheritance rights as an integral part of the land allocation system (Numbers 27:1-8, Num 26:2, 36:2). The new agricultural land based economy was to stand in stark contrast to that employed by households which consisted of itinerant families in the wilderness, having no organized income nor tenure of any territory or land. Land was to be divided among tribes by lottery and subdivision into family plots (Num 25:55-56, 33:54, 34:13, 36:2). Ancestral land was inherited by direct progeny, first to sons and in the absence of sons, to daughters, who became eligible heiresses of ancestral land, ensuring a direct blood line transfer of the land (Num 27:8-11).

¹⁹⁹ Don C Benjamin, "The Land Rights of Women in Deuteronomy", Matlock, "Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law." R Ivan Vasholz, "Short Studies, You Shall Not Covet Your Neighbor's Wife" 49 (1987): 397-403.

conditional inclusion of women from families with no sons, as legitimate land owners and heirs (Num 26, 27). This law which enabled lineage fidelity of family land tenure, and provided economic security for the forthcoming paternal generations was incorporated as an integral part of the land possession/inheritance system. These economic developments were reason enough to isolate women from all other of the husband's assets. Wives who were owners or future owners of heritable valuable property, were clearly in a different class than the husband's other assets. The second economic change was in the woman's affluence which could be bestowed some after settling the land. The richer fathers of brides would have better opportunities to acquire more material means, to improve negotiating the choice of groom and marital conditions. It was very common in ANE that daughters brought dowry wealth into the marriage the new home was usually set up within the groom's family estate²⁰⁰. Provision of valuable and covetable dowries could also include land gifts (Josh 15: 13-19, Judg. 1.12-15). Marriage strategy was economic, planned by both families and included the intent that the bride's assets were to be passed on permanently to the husband's estate, as inheritance to their common sons²⁰¹. The wife may be desirable to others due to her assets, such as dowry²⁰², valuable gifts from her father, or land and property brought into the marriage²⁰³. In the later Mishnaic society the wife possess valuable property rights, both tangible and intangible set forth in the marriage settlement or customary law. According to the Mishnah Ket 6: 1b property obtained by the wife by inheritance comes from her family and is treated by the sages like other property brought in to the marriage such as dowry. The wife retains ownership but the husband manages it and collects the profits. The wife's ownership of property was central to her status, but the husband's entitlement to control provided income and prosperity to the household²⁰⁴.

²⁰⁰ Though dowry practice is not sanctioned in the Pentateuch, the custom was very prevalent in the area. Particularly significant are those regions which were in close proximity to ancient Israel and which therefore would tend to support the suggestion that ancient Israel participated in this custom as well. Dowry was practiced at Ras Shamra, Babylon, Assyria, ancient Sumer and Egypt. The Nuzi tablets refer to the recouping of a dowry by one Kelim-ninu, if she is divorced, and both the Aramaic deeds from Elephantine and the Apocrypha (2 Mac 1:14; cf. Tob 7:14; 8:21) demonstrate dowry practice in the Jewish populace.

²⁰¹ Westbrook, *Property and the Family in Biblical Law*.

²⁰² Westbrook Raymond, "A History Of Ancient Near Eastern Law," In *Handbook Of Oriental Studies*; , Ed. Raymond F. Westbrook, 1st Ed. (Leiden: Brill, N.D.), Pp61.

²⁰³ Raymond F. Westbrook, "A History Of Ancient Near Eastern Law," in *Handbook Of Oriental Studies*; , ed. Raymond F. Westbrook, 1st ed. (Leiden: Brill, n.d.), pp61.

²⁰⁴ Judith Romney Wegne, *The Status of Women in the Mishnah* (New York: Oxford University Press, 1988).

It seems reasonable that when the possibility of owning land, or valuables from inheritance or dowry, and the legal incorporation of women into the land division /inheritance scheme occurred, it enhanced the value of women²⁰⁵. One can appreciate that perhaps the woman's status was not changed by the commandment but rather that her considerably improved status may have warranted a revision reflecting this change. Some of the women's economic rank would be so dramatically improved in the promised land, that segregation from and elevation above all of the husband's assets provided relevant adjustments. The words "do not covet" can perhaps now take on a new meaning, as transgression of this inhibition could be extremely detrimental and dangerous not only to the woman herself and to her family but also to integrity of the familial inheritance of her ancestral property for future generations. Under this precarious condition, a man coveting a married woman who owned property, could seriously jeopardize the woman's economic security and property could be threatened. It appears that the commandment of "do not covet" may have protected married women from the dangers of breaking up her marriage for another man.

2e. The Commandment Provides Protection of the Married Woman, Her Assets and Property

I would like to propose that this Deuteronomic law, which affected a clear upgrading in the socioeconomic status of women, may be considered a regulatory amendment which expands and adapts the law. The ownership of any property by women, may have required supplementing regulatory amendments to protect the applicability of the law. This new phrase clarifies the prohibition of "do not covet" to improve the applicability of this law²⁰⁶. The ownership of any property by women,

²⁰⁵ Following the land allotment, women could legitimately own their own ancestral land (Josh 17:4, Josh 15: 13-19, Judg. 1.12-15. According to the oral law of the Mishnah Git 5:6, which based its ruling on the premise of legal land ownership by women, the husband possesses the right to usufruct his wife's property but never acquires title to the property itself. The property returns to her control in widowhood or divorce.

²⁰⁶ Laws often do not include all the details needed to explain complete application of the law. Regulatory amendments support the application of laws by expanding or adapting the law to include new conditions that are the best interest of the polity. Regulatory amendments in the USA and Canada are the adoption of any change after the date hereof of any applicable law, rule or regulation (including any applicable law, rule or regulation) for improving the applicability. A Regulatory Amendment means an amendment of the National Laws by duly enacted legislation or a ruling or waiver by the government agency that increases or grants permission to exceed conditions of the law for the good of the polity. *Putting the law to work* ; <https://www.epa.gov/laws-regulations/basics-regulatory-process#putting>. <https://www.lawcentralalberta.ca/en/statutes-and-regulations>, https://www.lawinsider.com/search?definition:Regulatory+Change&_index.

may have required supplementing regulatory amendments to protect the applicability of the law. This commandment which boldly isolates and give precedence to the woman, over all other possessions is proposed herein to be the first of a unique group of regulatory amendments, having a unified novel purpose of protecting women's property rights and safeguarding the lineage fidelity of ancestral property which was the economic platform of ancient Israel. I would like to offer an alternative understanding of this commandment. While coveting another's wife could easily result in tampering with the inheritance of the divinely granted family landholdings, there is a privation of scholarship on the economic protection of women and their inheritance afforded by this prohibition. One can now perceive another way of comprehending the intent of this commandment in requiring men to have not only emotional but also economic restraint. Taking over someone's wife is stealing the husbands' most precious asset, her heart and her wealth, potentially altering the inheritance of her family property for generations to come. This commandment could safeguard personal and intergenerational inheritance for any of her assets that were acquired or brought into the marriage. In support of this idea is that this commandment, similar to the other ordinances in this new group of laws, is associated with the land of Israel. The reward for keeping the Ten Commandments is long term national inheritance of the land, by the people of Israel²⁰⁷.

In ancient Israel²⁰⁸, as in most of ANE²⁰⁹, marriages ratified social and economic covenants between two households. The new economy of the nascent people of Israel was to be based on agrarian land tenure and its lineage fidelity, with permanent family inheritance passed on to direct blood line progeny. In absence of sons, daughter became legal heirs. When negotiating a marriage, the bride's ancestral derived property, be it from inheritance, dowry or gifts was planned to be permanently merged with her husband's assets through inheritance to mutual heirs²¹⁰. This was part and parcel of the land possession system of all of Israel. Indeed, the men of the tribe

²⁰⁷ See table 1.

²⁰⁸ Don C Benjamin, "The Land Rights of Women in Deuteronomy", Paul. Mart-Jan, "The Land in the Book of Deuteronomy," in *The Earth and the Land: Studies about the Value of the Land of Israel in the Old Testament*, ed. Hendri Koorevaar and Paul. Mart-Jan (New York: P. Lang, 2018), 97–118.

²⁰⁹ Tracy Maria Lemos, *Marriage Gifts and Social Change in Ancient Palestine : 1200 BCE to 200 CE*, ed. Ebsco Host, eBook, htt (Cambridge: Cambridge University Press, 2010).

²¹⁰ The frequency of only female heirs is about 1 in every 100 families as mentioned above, Karavani et al., "Is There a Familial Tendency for Same Sex Offspring? A Lesson Learned from a Large Non-Selected Israeli Population."

of Menashe appealed the ruling that women could inherit land due to concerns that the land parcels would be transferred to another tribe through marriage out of the clan (Num 36:3). To ensure the perpetuity of the land appropriation, this issue was resolved by requiring women who acquire the "*Nahala*" permanent land allotment to marry within the tribe.

The story of Naboth's vineyard, several generations after the conquest, clearly demonstrates that guarding ancestral land "*Nahala*" within the family was of cardinal importance in ancient Israel. "And Naboth said to Ahab, The Lord forbid it me, that I should give the inheritance of my fathers unto thee" (Kings 1 21:3)²¹¹. The prophet Micah specifically speaks about coveting another's ancestral fields and seizing them (Mic 2:2) or "And they covet fields, and take *them* by violence; and houses, and take *them* away: so they oppress a man and his house, even a man and his heritage." He also reprimands those who re-appropriated the original Nahala (Mic 2:5) "Therefore you will have no one who divides the land by lot in the assembly of G-d". In flagrant disregard for validity of the divinely allotted ancestral lands. The prophet employs four verbs: covet, seize, take away, defraud/oppress, which all refer to the one act of illegal acquisition of the fields and houses of vulnerable landholders. The verb defraud or oppress draws attention to the abuse of power, freedom from legal restraints and manipulation of the justice system. These all result in the corruption of the ancestral land allotment system. Women's property was also included as an integral unit of this system.

M. Sabato differentiates between a wife and all of a man's other assets, correctly noting the reversibility of appropriating a neighbor's property against his will. Material goods can be returned but seizing another's wife is an irreversible process. While outright adultery is excluded as it has its own commandment and warrants capital punishment, he discusses the harrowing emotional detriment that the womanizer causes and claims that the family unit can never be restored²¹². Irreversible damage can be caused to her economic status as well. Coveting someone else's wife for her wealth will expose her property to economic risk. Her assets could come under jeopardy, potentially making her vulnerable and eventually causing irreversible damage.

²¹¹ KJV online, <https://www.kingjamesbibleonline.org/1-Kings-21-3/>

²¹² Sabato, "Differences between the First and Second Appearances of the Ten Commandments."

A willful appeal to leave her husband for another coveting man would result in a divorce and her property and wealth could certainly come under jeopardy of permanent loss. If she owned land and assets which empowered her status and provided an economic platform planned for her future generations, it could be lost forever as she can never return to her first husband (Deut 24:1-4). Similar to the commandment in Exodus, the first part of the tenth commandment in Deuteronomy obviously protects the wife from emotional injury and abuse. Therefore, it appears that Deuteronomy, safeguards her, her children and future generations from potential economic calamity.

The tenth commandment includes protecting assets of both the husband and the wife. It secures that the homestead can derive a living from the land, preserve the couples freedom and social status, and maintain possession of both the husband's and the wife's inheritance. Coveting another's wife or coveting the property to which she has title, challenges the right of the household to its land and to the inheritance rights. The integrity of inheritance rights is a cardinal issue in settling the land of Israel. The isolation of the wife from all other possessions in this commandment warns against coveting another's wife, because the result could be catastrophic for the woman and her future generations and contribute to weakening the economy of the polity. The prophet Micah warns that he who re-appropriates ancestral land will be excluded from the congregation of G-d ²¹³. A wife's inheritance, dowry or any other property belonging to her can be considered a prime asset not to be tampered with as it establishes orderly family inheritance and economic stability. Coveting and taking over another's wife, causes instability, irreversible emotional and economic damage to both the woman and her family.

In summary the change in this commandment in Deuteronomy demonstrates a higher repute for women's value, as she has been detached from all the other property with a discrete commandment which acknowledges her own individual elevated status. The change separates the wife with a strict warning against desiring to take her from her husband. I propose that this modification, as several other regulatory amendments discussed below, was necessary to protect the woman's rights to her property, whether owned as a current or future inheritance or obtained as a gift.

²¹³Mic 2:5 "Therefore you will have no one who divides the land by lot in the assembly of Hashem"

Additionally, coveting the value or property of another's wife could result in significant negative impact on the national economy by disrupting the framework of property distribution. This particular amendment, provided protection of the wife from vulnerability and irreversible emotional and economic and damage to her and to her children's inheritance caused by a covetous man.

Chapter 3. Egalitarian Slave Release Rights for Women (Deut 15:12-15)

(יב) פִּי־יָמֶכֶר לָהּ אֶחֱיָהּ הָעֶבְרִי אוֹ הָעֶבְרִיָּה וְעַבְדָּהּ שֵׁשׁ שָׁנִים וּבַשְּׁנֵה הַשְּׁבִיעִת תִּשְׁלַחַנּוּ חֶפְשִׁי מֵעֲמֹד: (יג) וְכִי־תִשְׁלַחַנּוּ חֶפְשִׁי מֵעֲמֹד לֹא תִשְׁלַחַנּוּ רִיקָם: (יד) הַעֲנִיק תַּעֲנִיק לּוֹ מִצֶּאֱנָהּ וּמִגִּרְנָהּ וּמִקִּבְדָּהּ אֲשֶׁר בְּרַכָּה ד' אֱלֹהֶיהָ תִתֶּן־לוֹ.

3a. Hebrew Slaves in the Pentateuch

Male and female slaves in the Bible are defined differently having gender specific laws and legal status. An Israelite male could become indentured by order of the court (due to criminal deeds such as theft) or by voluntarily submission into bondage due to debt or poverty²¹⁴. Some scholars view that the male slave law in Ex 21.2-6 involved the sale of people due to insolvency²¹⁵. This law is very similar to a law found in LH 117, which prevented debt-slaves, of both genders, who were the dependents of defaulting debtors, from becoming the permanent property of creditors²¹⁶. Females were not legally independent but rather under the sponsorship of their fathers or husbands. A father could sell his daughter into slavery (Ex. 21:7), as minor termed '*amah*', for servitude and eventual marriage into the buyers household (Ex. 21:7–11). There is also a scholarly agreement regarding the female slave law that it involved the sale of young girls into concubinage or marriage²¹⁷ often from a family

²¹⁴ Haim Hermann Cohn, "Slavery," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, March 14, 2007).

²¹⁵ Moshe Greenberg, "More Reflections on Biblical Criminal Law," in *Studies in Bible II (Scripta Hierosolymitana, XXXI)*, ed. Sara Japhet, (Jerusalem: Magnes, 1986, Ebook, Varda Books), 1–17.p. 5; R Westbrook, *Studies in Biblical and Cuneiform Law*, Cahiers de La Revue Biblique (J. Gabalda, 1988), pp. 125-26, Gregory C Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, Ebook 2009, Journal for the Study of the Old Testament. Supplement Series (Sheffield: Sheffield Academic Press, 1993), pp 256.

²¹⁶ Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, pp200.

²¹⁷ Hilary Lipka, "Women, Children, Slaves, and Foreigners," in *The Oxford Handbook of Biblical Law*, ed. Pamela Barmash (New York: Oxford University Press, 2019), 65–77, <https://doi.org/10.1093/oxfordhb/9780199392667.013.7.pp67>. The phrase כִּי יִמְכַר אִישׁ אֶת בְּתוּלָתוֹ

without means, unable to provide livelihood or a dowry for this daughter²¹⁸. The ownership and release of Hebrew slaves are mentioned three times in the Pentateuch (Ex 21:2-11, Lev 25:39-48 and Deut 15:12-18). The literary structure of Ex 21:2-6, 7-11, is such that the law of the male debt-slave in verses 2-6 is juxtaposed with the law of the female in verses 7-11 with both laws defined by different marital, procreation and release rights. While the marriage of a male debt-slave does not affect his release after six years, the female could be released at several points if her lord or husband did not fulfil his part of the marriage contract. The motive for releasing the slave in the Jubilee year is presented in Leviticus, as the opportunity for the slave to return to his family and to reacquire his holding of ancestral land (Lev 25:41-48). In Deuteronomy 15:12-18, slave liberation is the focus, with an explicitly egalitarian six-year limit. This new amendment includes both men and women to be freed after six years, and the manumission of both involved receiving an obligatory grant provided by the master to the freed slave to assist with immediate economic needs.

Scholars and commentators agree that the manumission law in Deut. 15:12-18 is based upon the manumission law in Ex 21:2-6, however, the former law includes stipulations not found in the latter and vice versa. The law in Deut. 15:12-18 specifies the release of female slaves, requiring the master to provide a mandatory grant of provisions to all slaves when they are released, both of which are absent from the law in Ex 21:2-6. On the other, Deut 15:12-18 is not concerned with the marital rights of the male debt-slave, as well as the reference to taking debt-slaves to God's sanctuary when they wish to become permanent servants. In the Deuteronomic law the women's release terms have been modified and considerably improved. These additions and omissions may suggest that the law in Deut. 15:12-18 is substantially different from that in Ex 21:2-6, particularly in the laws relating to female Hebrew servants. In comparing the slave laws of Exodus 21 and Deuteronomy 15 Jeffrey Tigay suggests that they deal with different cases. Whereas Exodus deals with "a minor sold

understood as referring to a minor girl, i.e., an unbetrothed daughter, cf. Pressler, "Wives and Daughters," pp155, Judith von Bresinsky, "When a Man Sells His Daughter as an אמה : The אמה העבריה as m. Qiddushin's Role Model for Becoming a Wife," in *Sources and Interpretation in Ancient Judaism* (Leiden: Brill | d, 2018), 316–347.

²¹⁸ Pamela Barmash, "The Daughter Sold into Slavery and Marriage," in *Sexuality And Law In The Torah*, ed. Bruce Lipka, Hilary and Wells, 1st ed. (London: T&T Clark, 2020), 48–76. She also notes that the family's problem may have been its general debts, rather than lack of funds at the time specific point causing sons and daughters to be forced into slavery, as in the situation recounted in Neh. 5:1-5. She states "a daughter's value resided in her use in sexual intimacy and the bearing of progeny more than her labor".

conditionally by her father for the purpose of marriage, he states that "Deuteronomy refers "only to a girl or woman who becomes indentured because of insolvency or debt with no intention of marriage." In the first case, there would be no release after six years, whereas in the second case there would be²¹⁹. This interpretation is in stark contrast to the classic rabbinic understanding from the time of the Talmud that there is only type of female servant was the handmaiden 'amah²²⁰.

According to rabbinic sources²²¹, the manumission grant (Deut. 15:15) was of theological nature and was commanded to remind the master of the bondage in Egypt and exodus to freedom, when the Israelites were given property of their Egyptian masters. The gift was unique to Jewish law as opposed to other ancient legal systems²²², and was rooted in the special attitude toward a Hebrew slave, whose position was compared to that of a worker hired for a fixed term²²³ (Deut 15:18). Although Hebrew slaves were considered as property (Lev 22:11, etc.) they were in essence time limited rented servants and not permanently owned²²⁴.

To understand the differences between the laws involving Hebrew slavery in general, and reason behind the significant positive modifications regarding women slaves in Deuteronomy, I will summarize what Israelite female bondage involves and what manumission entails by providing a short overview of distinct types of Israelite slaves in the Bible. I have attempted to utilize these biblical slaves laws to view new aspects that have not been previously raised in understanding Israelite freedom as they directly relate to the improvement granted to women slaves in Deuteronomy. Finally, I address the importance in improving the woman's personal status for her wellbeing and that of her future generations, by safeguarding the opportunity to own assets and to reclaim ancestral land under risk of loss.

²¹⁹ Jeffrey Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society of America, (1996), pp. 148-149.

²²⁰ Bavli Kiddushin, 14

²²¹ Sif. Deut. 120; Rashi and Rashbam, R Ibn Ezra <https://mg.alhatorah.org/> Mikraot Gedolot

²²² Moshe Weinfeld, "Origin of the Humanism in Deuteronomy," *Journal of Biblical Literature* 80, no. 3 (1961): 241–47.

²²³ Menachem Elon, "Ha'anakah," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, March 14, 2007)..

²²⁴ Haim Hermann Cohn, "Slavery," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, March 14, 2007).

3b. Female Hebrew Slaves in Biblical Law and Novel Deuteronomic Modifications Regarding Their Manumission

The subject of women slaves has enthused scholarship on issues such as the status of these women within the household and how biblical laws attempts to find a balance between the rights of women as people and their status as property. Of particular interest are restrictions against reselling slaves in general and women in particular, the treatment of slave wives and the guidelines and laws regarding their emancipation²²⁵. Biblical scholars contrast the slavery laws of Exodus 21:7-11 and Deuteronomy Deut 15; 12-15, as salient inconsistencies emerge²²⁶. According to Ex 21:7-8, the regulations concerning the manumission of indentured slaves had spoken only of male slaves (Ex 21:2-11) and freedom of female slaves was not noted. The corresponding instructions in Deuteronomy 15 expressly stipulate that slave release applies to both male and female slaves. The egalitarian liberation terms of male and female Hebrew slaves, having the same time limit to manumission and severance pay provides a novel economic improvement for women codified in Deuteronomy²²⁷. This law is unique to Israel²²⁸ and is also a marked example of the Deuteronomic enlightened and humanistic attitude to women compared to previous enactments²²⁹. To elucidate more accurately what has changed, in this law I review scholarship and commentary views of what the biblical terminologies used for female Israelite slaves represents.

3b1. The Definitions of Israelite Female Servants

The female Israelite servant described in Ex 21:7-11 is the "*amah*" sold by her father, for purposes of concubinage or marriage into the purchaser's family. Another term "Hebrew female slave" appears in the manumission law of slavery in Deuteronomy 15; 12-15 and seems to be distinct from the "*amah*", yet this is matter

²²⁵ Hilary Lipka, "Women, Children, Slaves, and Foreigners," in *The Oxford Handbook of Biblical Law*, ed. Pamela Barmash (New York: Oxford University Press, 2019), pp 65-77, Rashi , Ex 21:7, <https://mg.alhatorah.org/Mikraot Gedolot> .

²²⁶ Milgrom, *Leviticus 23-27, 2251-2253*; C. Pressler, *The View of Women Found in the Deuteronomic Family Laws* (Berlin: De Gruyter, 1993), 2 n. 9 (for awareness of gender issues); M. Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972), 282-283 (for viewing Deuteronomy as more socially concerned than Exodus).

²²⁷ Rainer Kessler, "Die Sklavin Als Ehefrau: Zur Stellung Der "Ē M Ē H von RAINER KESSLER," *Vetus Testamentum* 52 (2002): 503-12.

²²⁸ Weinfeld, "Origin of the Humanism in Deuteronomy."

²²⁹ Weinfeld, *Deuteronomy and the Deuteronomic School*.

of scholarly debate²³⁰. There is however, a clear consensus, among scholars and commentators, that in Exodus the purchaser's intended purpose was to acquire a minor female for sexual and reproductive purposes²³¹. This type of support for a young daughter as a part of prenuptial marriage arrangement was a not uncommon in ANE²³². Pamela Barmash views the sale of a daughter in ancient Israel as potential window of opportunity for a better life for a young female coming from a poor family, unable to provide a dowry for this daughter²³³. The case of a daughter sold into slavery can be seen as an unexceptional unfortunate event and the daughter sold into slavery is in a less favorable position and is more vulnerable to mistreatment²³⁴.

While slaves of both genders involve a monetary transaction, the verb used in Ex 21:2 relates to the act of master purchasing the male Hebrew slave, whereas with the female slave, the subject is the father of the minor girl, who sells his daughter as an נָכַר . This marks the lack of her independence and the right to make decisions on her own, due to her father's selling his minor daughter²³⁵. Additionally, in Exodus no release was mentioned after six years is as it was for men who were sold into debt-slavery and the text states that she shall not be released as slaves are released. The Septuagint follows this interpretation, reading in Ex. 21:7 that οὐκ ἀπελεύσεται ὅσπερ ἀποτρέχουσιν αἱ δοῦλαι, “the daughter sold into slavery will not be released as the other female slaves.” Indicating that more than one type of female slave were existent. The statutes on a slave killed or injured apply to both עֶבֶד and אִמָּה, males and females (Ex 21:20-21, 26-27). Carolyn Pressler sees the literary coherence of the Book of the Covenant, supports the notion that the daughter sold into slavery was the only case of

²³⁰ Tigay, *Deuteronomy*.

²³¹ Lipka, “Women, Children, Slaves, and Foreigners.” pp67. The phrase כִּי יִמְכַר אִישׁ אֶת בָּתוֹ is understood as referring to a minor girl, i.e., an unbetrothed daughter, cf. Pressler, “Wives and Daughters,” pp155, Judith von Bresinsky, “When a Man Sells His Daughter as an אִמָּה : The אִמָּה הַעֲבֵרִיָּה as m. Qiddushin's Role Model for Becoming a Wife,” in *Sources and Interpretation in Ancient Judaism* (Leiden: Brill | d, 2018), 316–347.

²³² Raymond Westbrook, “The Female Slave,” in *Gender and Law in the Hebrew Bible and the Ancient Near East*, ed. Don C. Matthews, Victor H. and Benjamin, Bernard M. Levinson, and Frymer-Kenskya Tikva (Sheffield: Sheffield Academic, 1999), 214–38.

²³³ Barmash, “The Daughter Sold into Slavery and Marriage.” She also notes that the family's problem may have been its general debts, rather than lack of funds at the time specific point causing sons and daughters to be forced into slavery, as in the situation recounted in Neh. 5:1-5. She states "a daughter's value resided in her use in sexual intimacy and the bearing of progeny more than her labor".

²³⁴ Roland Boer, *The Sacred Economy of Ancient Israel* (Westminster John Knox Press, 2015), pp53-109.

²³⁵ Bresinsky, “When a Man Sells His Daughter as an אִמָּה : The אִמָּה הַעֲבֵרִיָּה as m. Qiddushin's Role Model for Becoming a Wife”, pp323.

slavery that applies to females, with no any other option for Israelite female slaves envisioned²³⁶. Pamela Barmash proposed that the emancipation after six years was intended for all slaves except the case of the daughter sold into slavery which was the exceptional case²³⁷. Actually, the release of an "*amah*" intended to be married into the family may have negated the purpose of that sale²³⁸.

The indenture of an "*amah*" was conditional and under specific contract, which freed her of slave status upon becoming a bride (21:7-11). If the terms of the contract were not achieved, and a marriage within the family not consummated as stipulated, she was not merchandise to be sold (21:8), she was to be liberated. Just as the emancipation of male servants is delineated earlier in the chapter (21:2-4), so are the release terms for the "*amah*" (21:11). The scripture stipulates the terms of indenture and the intended family marriage to the "*amah*". If she was designated to marry a son, she is to be granted equal bridal rights as free daughter (21:9). This is understood as an attempt to guarantee to a girl who is sold as a wife those rights that were normally afforded to daughters who were married in the customary manner²³⁹. If the purchaser is the groom and marries another wife he shall not diminish her rights as a wife. If these terms are violated she may go free (Ex 21:11). Rashi based on scripture and Talmudic law clearly defines a number of possible conditions under which "*amah*" was released, several of these can occur before the six years defined for the male bondservant²⁴⁰. In Exodus, the female servant "*amah*" is liberated without any payment, just as no payment is indicated in this chapter to the male slave released after 6 years (Ex 21:2). The male slave discharge in Exodus also included emancipating his wife if she accompanied him into bondage (Ex 21:3). It thus appears directly from the text that the "*amah*" may not have been the only type of servitude for women. However, since a slave's wife is an adjunct of her husband, her release is not independent and will not be further discussed. Phillips views the female slaves in Exodus and Deuteronomy as the same and suggests that the practice was

²³⁶ Carolyn Pressler, "Wives and Daughters, Bond and Free: Views of Women in the Slave Laws of Exodus 21.2-11.," in *Gender and Law in the Hebrew Bible and the Ancient Near East*, ed. Victor A Matthews, Levinson Bernard, and Frymer-Kensky Tikva (Sheffield, England: Sheffield Academic Press, 1999), 142–72, pp166-7.

²³⁷ Barmash, "The Daughter Sold into Slavery and Marriage", pp53.

²³⁸ Gregory C Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, Ebook 2009, Journal for the Study of the Old Testament. Supplement Series (Sheffield: Sheffield Academic Press, 1993).

²³⁹ Chirichigno, pp261..

²⁴⁰ According to Rashi Ex 21:7 the "*amah*" is released under any of several conditions that include showing signs of puberty, or six years or the Jubilee year, whichever occurs first.

abandoned in Deut15:12-18, where both male and female slaves are released in the seventh year²⁴¹. Carolyn Pressler raises an interesting question of whether the manumission law in Ex 21:2-6 applies only to male slaves or is the gender nonspecific to include women slaves who are not in the category of "amah" stated in verses 7-11. She notes that in Ex 21:2 the word "Hebrew slave" appearing in the case of singular masculine if used generically and could include a bondswomen (Jer 34:10, Lev 25:39). She concludes that there were indeed different types of manumission for women. One with intent of marriage involving menial household labor expected and no debt being paid by the slave's labor. The other, described in Deuteronomy, is a slave laborer paying off a commercial debt²⁴².

A term comparable to the Biblical "amah" used for secondary-wives, "amtu" or "amtum," can be found in Old Assyrian documents referring to a low ranking, even pejorative name for a 'slave girl' who was dependent on her husband for her livelihood similar to household slaves. She had almost no marital rights, the personal relationship with the husband resembled a master-slave relationship and she was not eligible for release²⁴³. There are Nuzi contracts which are similar to the Biblical law in Exodus that refer to the sale of daughters as slave-wives²⁴⁴. However the laws regarding the Hebrew "amah" are much more supportive of the woman rights. According to Chirichigno, Ex 21.7-11 deals with a specific type of marriage contract, as opposed to a sale contract for household labor similar to that of extant Nuzi contracts, a tablet of daughter-ship and daughter-in-law-ship "tuppi martuti u kallatuti". He notes that these contracts allowed a man who adopted a girl to marry her himself or to grant her in marriage to one of his sons or slaves, or to another man outside the purchaser's household. The girl has no inheritance rights and remained under the jurisdiction of her adopter or designated husband²⁴⁵. In ancient Assyria as well, the secondary wife purchased for labor had limited legal rights. These conditions are quite different from the Biblical law in Ex 21:7-11, which imparts several

²⁴¹ Anthony Phillips, "The Laws of Slavery: Exodus 21.2–11," *Journal for the Study of the Old Testament* 9, no. 30 (1984): 51–66, pp56.

²⁴² Pressler Carolyn, "Gender and Law in the Hebrew Bible and the Ancient Near East," in *JSOT*, ed. Victor H. Atthews, Bernard M. Levinson, and Tikva. Frymer-Kensky, vol. suppl 262 (Sheffield: Sheffield Academic, 1998).

²⁴³ Adam Grant Anderson, "The Old Assyrian Social Network: An Analysis of the Texts from Kültepe-Kanesh (1950-1750 B.C.E.)" (Harvard University, 2017), pp160, M T Larsen, *Ancient Kanesh: A Merchant Colony in Bronze Age Anatolia* (Cambridge University Press, 2015), pp250.

²⁴⁴ B . Meisler, "Tablets from Kirkuk," *Tarbiz* 3 (1932): 184–97.

²⁴⁵ Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, pp246.

humanitarian rights not present in the laws of other ANE cultures. The girl is not adopted, nor is she property to be passed from one husband to another, nor is she a permanently hired concubine/laborer. The Israelite "*amah*" is a bona-fide wife with the same marriage rights as a freewoman. According to Jackson, the sale of dependents such a female chattel-slaves and daughters, who performed non-sexual labor, was quite common in ANE, but not in Ancient Israel²⁴⁶. The question of whether the female Hebrew slave is a debt-slave has been addressed by many scholars.

Driver, attempts to harmonize the laws in Ex 21:2-6, 7-11 and Deut. 15:12-18. He states " No doubt the true explanation for the variation is that the Deuteronomic law springs from a more advanced stage of society than the law of Exodus.; it thus regulates usage for an age in which the power of a father over his daughter was no longer so absolute as it had been in more primitive times, and places the two sexes on a position of equality"²⁴⁷. The law in Deut 15:12-18 is new in that it stipulates an obligatory time limit to manumission of female Hebrew slaves, as well as requiring the owners to provide their slaves both male and female with provisions when they are released. Both of these regulations are not indicated previously in the Hebrew law in Ex 21:2-6. However, Deut. 15:12-18 omits the discussion concerning the marital rights of the male debt-slave, as well as the reference to taking debt-slaves to G-d's sanctuary when they wish to become permanent servants. These changes have led some scholars to suggest that the law in Deuteronomy is focused on male and women debt-slaves²⁴⁸. Both von Rad²⁴⁹ and Mayes²⁵⁰ note that during the Monarchic period women could inherit property (2 Kings 8:3). On the basis of this passage, Mayes suggests that women held an independent position of responsibility before the law, which included the risk of being reduced through debt to slavery. However, it appears to me that both Driver and Mayes assume incorrectly that the woman mentioned in Deut.15:12 was a

²⁴⁶ Bernard S. Jackson, "Some Literary Features of the Mishpatim," ed. Peter Lang (Frankfurt: Augustin and Sckunk, 1986), pp235.

²⁴⁷ Samuel Rolles Driver, *A Critical and Exegetical Commentary on Deuteronomy* (Edinburgh: T.&T. Clark, 1896), pp182-183. He states " No doubt the true explanation for the variation is that the law of Dt. springs from a more advanced stage of society than the law of Exodus.; it thus regulates usage for an age in which the power of a father over his daughter was no longer so absolute as it had been in more primitive times, and places the two sexes on a position of equality".

²⁴⁸ Christopher J.H. Wright, "What Happened Every Seven Years," *The Evangelical Quarterly* 56, no. 4 (1984): 193–98.

²⁴⁹ G von Rad, *Studies in Deuteronomy*, Studies in Biblical Theology (SCM Press, 1953), pp107.

²⁵⁰ A D H Mayes and R E Clements, *Deuteronomy: Based on the Revised Standard Version*, New Century Bible Commentary : Based on the Revised Standard Version (Oliphants, 1981), pp251.

woman of independent means, which may or may not have been the case. Chirichigno views Deut.15:12, like Ex 21:2, as both addressing the release of a Hebrew debt-slave who is a dependent of a debtor who could not repay a foreclosed loan²⁵¹.

While the above mentioned scholars agree that Deut.15:12-18 deals with the humane manumission release of Israelite debt-slaves, the exact characterization of the 'Hebrew woman slave', remains elusive. One should note that in 15:12 the bondswoman is defined as the Hebrew female slave "עבריה" and within in the same law she is later named "your amah" in 15:17. Indeed, the Rabbinical commentators, based on the traditional talmudic understanding, and Maimonides reject the idea of women debt-slaves and view the Hebrew female slave mentioned in Deuteronomy as synonymous to the "*amah*" sold by her father²⁵². Rashi harmonizes what appears to be different categories of female slaves into one type only, by clearly defining distinct release scenarios and time points for the female "*amah*", in contrast to those of the male slave. He also states that the six year time limitation for release and the obligatory manumission grant are Deuteronomic legal novelties.

3b2. Female Slave Rights and Release Terms are Improved in Deuteronomy

The explicit manumission terms of female slaves are delineated in Ex 21:7-11 and Deut.15:12-18. Ex 21:7 states "And if a man sells his daughter to be a maidservant, she shall not go out as the menservants do."²⁵³ This statement elucidates two main issues. Parallel to male servant depicted in verses 2-6, the female servant is described as a- sold by her father and b- her manumission terms are distinct from those of the male servants. The law in Ex 21:1 states "These are the judgments which thou shalt set before them." relating to a list of basic human rights, starting with marriage, procreation and family rights for slaves. In Ancient Israel, the laws regulating these rights in general were different for males and females, subsequently the slave right laws are gender specific.

A male servant is released after six years. If he enters bondage with a wife she is released with him. However, if during his servitude the master supplied him with a wife, she and any family acquired during the bondage period remained property of the master upon his release. As a free man he could continue original family life, with his

²⁵¹ Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, pp286.

²⁵² Rashi, R' Ibn Ezra, Rashbam, Maimonides The Book of Kinyan, slave laws Ch. 1: law 4, and Ch. 4: law 3, Malbim, R' SR Hirsch, R' DZ Hoffman.

²⁵³ <https://www.kingjamesbibleonline.org/Exodus-21-7/>

wife, and/or marry other women. The female servant, a young unmarried dependent on her father, was bound by a completely different set of marriage laws. In the case of the "*amah*", sold for marriage purposes, had several possible exit points from her bondage, depending on the situation (verses 8-11). Thus we see in Exodus that the conditions for slave release associated with marital and procreation rights were gender specific.

The release of Hebrew slaves is also mentioned in Lev 25: 39-41. Weinfeld²⁵⁴ and Wright²⁵⁵ point out that Leviticus 25 is greatly concerned with the commercial and financial implications of the Sabbatical and Jubilee years. If the land was sold due to solvency and its owner became a slave, the land must return to its ancestral owners during the Jubilee year, enabling the land to return family inheritance. The reason for the release of slaves described was the opportunity for the Hebrew slave to return to his ancestral land²⁵⁶, as the platform of the national economy. The concept in Leviticus securing the lineage fidelity of land inheritance is not gender related issue and theoretically could include women if there were no male heirs.

The Deuteronomic law introduces two modifications having humanistic and egalitarian perspective to improve women's status. Deut. 15:12-18 deals with the time limit until manumission regardless of gender (v. 12-14), and a new stipulation regarding the release conditions of men and women slaves which includes providing them with provisions to begin their new life (verses 13-15). The rationale underlying the emancipation of all slaves is stated: "Bear in mind that you were slaves in the land of Egypt and the Lord your God redeemed you" (15:15). Several scholars thus conclude that the release conditions in Deuteronomy were designed to prevent the individual from falling into solvency and avert poverty²⁵⁷ and pertains to slaves of several kinds²⁵⁸. As mentioned above, scholars' view the explicit inclusion of females

²⁵⁴ Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford, UK: Clarendon Press, 1972), pp223.

²⁵⁵ Wright, "What Happened Every Seven Years.", Christopher J. H. Wright, *Deuteronomy*, ed. New International Biblical Commentary (Hendrickson Publishers, 1996), pp133.

²⁵⁶ KJV Leviticus 25:28. "But if he be not able to restore it to him, then that which is sold shall remain in the hand of him that hath bought it until the year of Jubilee: and in the Jubilee he shall go out, and he shall return unto his possession."

<https://www.biblegateway.com/passage/?search=Leviticus+25&version=KJV>

²⁵⁷ Marion L.S. Carson, "Slavery In The Old Testament," in *Setting the Captives Free* (Wipf and Stock Publishers, 2015)/

²⁵⁸ Westbrook, Raymond. "The Female Slave." In *Gender and Law in the Hebrew Bible and the Ancient Near East*, ed. Victor H., Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky, 214-238. Journal for the Study of the Old Testament Supplement Series 262. Sheffield: Sheffield Academic Press, 1998.

in slave release laws and the provision that women do not leave empty handed, indicate that the law in Deuteronomy may have considered women as independent hired laborers, similar to men. J. Berman perceives the mandatory gifts granted to all released slaves as both theological and social with clear economic implications²⁵⁹. The theological reasoning of the law was to enable the slave to reinstate himself and rebuild his life, and for the master to remember the bondage of Egypt and the Lord's redemption (Deut 15:13). Philips sees female slave release as a legal breakthrough with responsibility granted for the first time to adult Israelite women²⁶⁰.

It is noteworthy that Ex 21:2 uses the expression 'he shall go out as a free man without payment', where the subject is the slave. Deut. 15:12 uses the expression 'you shall set him free from you', where the subject is the master. Weinfeld notes correctly, that it appears that the verb "he shall go out" in Ex 21:2, 5 indicates the right of the slave to go free while the verb "set him free" is used in Deut 15.12 emphasizes the obligation or duty of the master to release all Hebrew slaves²⁶¹. It appears to me that the Exodus version relates mostly to the procreation rights of both genders and indicates that the slaves has the right to leave at the end of term "יֵצֵא לְחֵפְשׁוֹ הַנָּה" (21:2) as does the female under certain conditions: "וַיִּצְאָהּ הַנָּה אִין כְּסָף" (21:11). The Deuteronomic term "free" "חֵפְשׁוֹ", used twice in tandem assigns absolute responsibility of the master to guarantee the slaves freedom.

. וּבְשָׂנֵה הַשְּׂבִיעֵת תֵּשְׁלַחְתָּנוּ חֵפְשׁוֹ מֵעִמָּךְ . (21:12)

. וְכִי־תֵשְׁלַחְתָּנוּ חֵפְשׁוֹ מֵעִמָּךְ לֹא תֵשְׁלַחְנוּ רִיקָה . (21:13)

As mentioned previously, these terms are indeed addressed by Rashi as novel. Other than these two passages regarding Hebrew slaves, the word חֵפְשׁוֹ is not found elsewhere in the Pentateuch. It is employed a number of times in Jer 34:9, 10, 11, 14, and 16, also address the manumission of slaves Jeremiah may have been referring to Deut15:1, 12-18, a his idea is supported by the list of provisions to be supplied by the master to the slave upon release.

Bernard S Jackson, "The 'institutions' of Marriage and Divorce in the Hebrew Bible," *Journal of Semitic Studies*, 2011.

²⁵⁹ Joshua Berman, *Created Equal : How the Bible Broke with Ancient Political Thought* (Oxford, UK: Oxford University Press, 2008).

²⁶⁰ Anthony Phillips, "The Laws of Slavery: Exodus 21.2–11," *Journal for the Study of the Old Testament* 9, no. 30 (1984): 51–66.

²⁶¹ Weinfeld, *Deuteronomy and the Deuteronomic School*, pp283.

In her paper "Procreation, Production, and Protection: Male-Female Balance in Early Israel"²⁶², Carol Meyers introduced an interesting concept that contributes to a cohesive understanding of these laws and how Deuteronomy truly improved and protected women's property rights. She claims that the survival and prosperity of any group is dependent upon three major activities: procreation, production (subsistence), and protection²⁶³. A closer look at the slave laws will reveal that the Pentateuch addresses these three elements, protecting basic human rights of the slave and empowering the emancipated slave of either gender to rejoin the free community in an economically stable position. The rights of procreation in Exodus 21 addresses both men and women but differently. The male slave leaves with the wife that entered bondage with him and her children, as they belong to the slave. However he is required to leave behind any women or children she bears that was supplied by the master, as she belongs to the master. The "amah" is freed from bondage through matrimony, with the status of a free woman to procreate and raise a family. If the marriage term of her bondage is defaulted, she is emancipated as a free woman from masters home. The law in Leviticus certainly addresses production. The emphasis of this law is that the freed slave returns to own his ancestral land. The law in Deuteronomy safeguards freedom of all slaves in an egalitarian manner, expanding the protection of both men and specifically women from destitution and reinforcing their return to stable economic restoration.

In summary, Deuteronomy overtly improved female slave rights and release terms. The law is addressed to the master who is obligated to the release time limit and the manumission terms. In the Book of the Covenant, Ex 21:7–11, she was either to be redeemed or married to her master or master's son because releasing her without family resources would leave her vulnerable. In Deut 15:12–18, the female slave was to be released in the same way as the male slave because the process of release has been altered: The manumitted slave was to receive resources from the master, and therefore, the female slave was not released in a more vulnerable state than a male slave²⁶⁴. For the unmarried freed bondwoman women this law bolsters her

²⁶² Carol Meyers, "Procreation, Production, and Protection: Male-Female Balance in Early Israel," *Journal of the American Academy of Religion* 51, no. 4 (1983): 569–93.

²⁶³ Meyers, pp572.

²⁶⁴ Pamela Barmash, "Biblical and Ancient Near Eastern Law," *Religion Compass* 12, no. 5–6 (2018): 1–9, pp6.

ability to return with a reasonable economic standing to the safe protection within her family and to establish her own future.

3c. The Egalitarian Release Terms of Female Hebrew Slaves Safeguarded Their Ancestral Land and Property Rights

There is there is a wealth of scholarship on the humanistic and economic improvement of the individual female Hebrew slave provided by this law. However, an unidentified broader view of this law may be perceived. We have seen a scholarly consensus that Deuteronomy adds a new requirement for Hebrew female slaves to be released after a maximum of six years. If she was not incorporated into the master's family through marriage, she was freed to go, just as the male slave, to rebuild her life and raise a family. Her procreation right is clearly addressed in Exodus but no time limit was stated nor the manumission package. If the slave had come from a family having no male heirs, which comprise about 1% of all families²⁶⁵, then this law protected her basic human rights to be freed and protected her from destitution. I would like to put forward that this egalitarian manumission law, is one of a unique group of regulatory amendments, proposed herein, having a unified novel purpose of protecting women's property rights and the integrity of their family inheritance. This idea offers a broader understanding of the intergenerational importance of this Deuteronomic amendment. This law protects her as in individual and if relevant protects her heirs thus safeguarding the lineage fidelity of the ancestral land appropriation system on which the economy of the polity was based.

To support this notion, I will review certain circumstances that relate to this scenario. The enslavement of a girl or women was usually due her family's inadequate economic resources, which created this precarious situation²⁶⁶. Families with no sons to help their fathers were at risk of becoming poor, and insolvency of any homestead or estate would lead to sale of the daughters into servitude and perhaps the sale of patrilineal land. This particular law of slave manumission rights which delineates an equal time limitation of servitude of men and women and the same severance pay, is a distinct example of the enlightened and humanistic attitude

²⁶⁵ Karavani et al., "Is There a Familial Tendency for Same Sex Offspring? A Lesson Learned from a Large Non-Selected Israeli Population."

²⁶⁶ Pamela Barmash, "The Daughter Sold into Slavery and Marriage," in *Sexuality And Law In The Torah*, ed. Bruce Lipka, Hilary and Wells, 1st ed. (London: T&T Clark, 2020), 48–76, pp59.

to women²⁶⁷. The manumission law is unique to Israel, not found thus far in any ANE legal material²⁶⁸. I wish to claim the law in Deut 15:12-18, which protects women's land and property rights, appears to be a new developmental extension of the law in Ex 21:2-11. Several parallel elements can be noted such as; the usage of words such as, רצע, עברי, חפשי, the six-year term of service; manumission in the seventh year; economic support of the freed slave and the slave's option to remain in bondage forever following a ritual of assuming lifetime bondage. The clustering of these parallel components seems to support the concept that Deut 15:12-18 represents a revision of the law in Ex 21:2-11.

Based on that premise, I ask has the law improved their status or did something change in their status, between the time of Exodus and Deuteronomy that warranted adjusting the law? Why did women slaves enjoy an explicitly defined maximum time limit of bondage equal to that of male slaves and why were they now included in the slave receipt of the slave release endowment package? A central theme in the book of Deuteronomy is clearly the Israelite inheritance the land of Israel, provided by God (Deut 4.21, 38; 12.9; 15.4; 19.10; 20.16; 21.23; 24.4; 25.19; 26.1). To "inherit the land" לרישתה is mentioned in Deuteronomy 71 times. Deuteronomy, according to the Bible narrative was delivered just prior to entering the Promised Land, when the status of women's property and land inheritance had changed. In the absence of male heirs to inherit a fathers' property, women were included as legal non-male members of the national land appropriation and inheritance system (Num26:33, 26:53)²⁶⁹. Thus the economic rank and social status of women was considerably improved as legitimate land owners and heirs under equal jurisdiction with men as title holders (Num 27:8-11). Additionally, this ruling would serve to protect the families' economic rank, as land was the most vital economical asset in ancient Israel. The legal incorporation of women into the land division /inheritance scheme placed eligible women on equal standing with men as property owners. Following this ruling

²⁶⁷ Rainer Kessler, "Die Sklavin Als Ehefrau: Zur Stellung Der "E M E H von RAINER KESSLER," *Vetus Testamentum* 52 (2002): 503–12.

²⁶⁸ Weinfeld, "Origin of the Humanism in Deuteronomy."

²⁶⁹ The daughters of Zelophehad, having no brothers, obtained the right to possess their paternal land allocation (Num 27:1-7). The daughters were next in line to inherit paternal property (Num27:8-11). Here the woman's improved legal standing regarding heritable property ownership in families having no male heirs, was clearly stated. This ruling, which was entirely novel and unique to Israel, was of prime importance being defined as a statute and ordinance חוקת משפט which applied to all of Israel (Numbers 27: 11). It conditionally facilitated legal acquisition of valuable land or property by women, which would become future ancestral land, a "Nahala" belonging to their paternal lineage.

inheriting ancestral land and property and its re-acquisition in the Jubilee year by women was possible.

While questions have been raised regarding the legality of land ownership by women beyond the first generation of settlers, several bible narratives clearly validate that women did actually own property such as land from inheritance, dowry or gifts (Gen 29:24, 29, 31:14–16, Num 27: 7-8, Josh 15:20, (1 Kings 9:1, 2 Kings 8:3, Job 42:15). Yet, enactment of their legal right to own ancestral land and property, and maintain their economic status and the family's inheritance, may have been jeopardized under precarious conditions. Carolyn Pressler understands that laws may have been required to guard women due to their vulnerability under risky circumstances²⁷⁰. This idea is also supported by Pamela Barmash who notes that the subservient standing of women, in comparison to men, required laws to protect them as part of the general protection plan for the socio-economic marginalized which included widows, orphans, and the resident alien²⁷¹

As was mentioned previously, Leviticus directs the economic reestablishment of the slave, dictating that he returns to his family and regains his lands and holdings to rebuild his economic and family life (Lev. 25:28, 25:39-46). A key purpose of the Jubilee year was to restore the family ownership of land and to restrict the debilitating effects of insolvency and poverty to approximately one generation. Chrichigno views this Biblical law of the Jubilee year as preventing the permanent alienation of land (Bodenrecht)²⁷². I agree with his claim that the humanitarian provisions were stipulated in order to provide the released debt-slaves' families with provisions that assisted poor farmers to begin their livelihood. Deuteronomy expands this option to protect these rights of the freed female slaves, further ensuring that women could return to economic restitution and stability.

It is accepted that in Deuteronomy a key directive was the economic stabilization of vulnerable individuals and families, yet little has been discussed by scholars on the financial reestablishment released women slaves. Upon emancipation from servitude, the Israelite woman just as the man, became a free person who could reclaim her land or own family assets and be entitled to marry and create a family. With the status of a

²⁷⁰ Pressler, *The View of Women Found in the Deuteronomic Family Laws*. pp6.

²⁷¹ Pamela Barmash, "Biblical and Ancient Near Eastern Law," *Religion Compass* 12, no. 5–6 (2018).

²⁷² Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (JSOTSup 141, 2009), pp279.

free woman, the emancipated slave would also be entitled to reclaim paternal land if relevant. If a daughter from a poor family without sons was sold by her father for the purpose of marriage as an "*amah*" her economic status was secured as a legal wife, and her sons would be the heirs of both parents. If the purchaser did not want to include her as a wife in the family, and she matured to puberty, or the Jubilee year occurred, or six years passed since the purchase, she could now as a free woman return to her father's estate. The six year limitation would also apply to a female debt-slave, purchased as hired help. The female slave was granted freedom to live, to marry, and to establish her own family. Provisions were granted to initiate a livelihood and, if relevant, she could inherit or reclaim the ancestral assets. If the ancestral land was sold by her poor father, and she were free, she could pay to redeem or retrieve it in the Jubilee year, thus maintaining the lineage fidelity of inherited property to be passed on to her progeny. The release during the Jubilee year, of a female Hebrew slave, of any kind whose father had died during her servitude and she has no brothers, would immediately enable retrieval her ancestral land, preventing her destitution and providing an economic base for generations.

Without this law, if a woman with no brothers were sold into bondage as an "*amah*" of a master who broke his contract of family marriage, or if she were a debt-slave and not freed after a maximum term of six years, as stipulated in Deuteronomy, her heritable patrilineal ancestral land would be at risk. This land would never return to the family and the lineage fidelity of its inheritance would be lost and the family economic base destroyed. Such families, with no land, would fall into destitution causing destabilization and damage of the economic fortitude of the polity. I propose that this law is one of set of Deuteronomic regulatory amendments identified in this paper that protects women's status and their land and property rights. The connection of all slaves to their ancestral land is clearly stated in Lev 25.

In summary, this law is a distinct example of the Deuteronomic enlightened and humanistic attitude to women is the egalitarian slave release rights for women, having the same time limit of manumission and severance pay²⁷³, which is a unique law of Israel²⁷⁴. The economic release status of bondswomen was equal to that of bondsmen in agreement with the scholarly consensus that the release conditions of all slaves

²⁷³ Rainer Kessler, "Die Sklavin Als Ehefrau: Zur Stellung Der "E M E H von Rainer Kessler," *Vetus Testamentum* 52 (2002): 503–12.

²⁷⁴ Weinfeld, "Origin of the Humanism in Deuteronomy."

were designed to prevent insolvency and poverty of the released slave²⁷⁵. Leviticus directs the economic reestablishment of the slave, dictating that upon release, he returns to his family and regain his lands and holdings (Lev. 25:28, 25:39-46) to rebuild his economic and family life. Deuteronomy expands this option to female slaves, further ensuring that the people, regardless of gender, could return to economic restitution and stability. One can now understand the necessity for this amendment and perceive a broader comprehension of the intent of this law regarding the financial reestablishment of released female slaves and their future families. Without this ruling the women slaves, would never be free to reclaim their own lives. Although eligible, they would not be able to reacquire and reestablish the lineage fidelity of their ancestral land and property to support future patrilineal generations.

Chapter 4. The Prohibition of Restoration of Marriage (Deut 24:1-4)

(א) כִּי־יִקַּח אִישׁ אִשָּׁה וּבָעִלָּהּ וְהָיָה אִם־לֹא תִמְצָא־תָנוּ בְּעֵינָיו כִּי־מִצָּא בָּהּ עֲרוּנַת דְּבָר וְכָתַב לָהּ סֵפֶר כְּרִיתָת וְנָתַן בְּיָדָהּ וּשְׁלָחָהּ מִבֵּיתוֹ: (ב) וַיִּצְאָה מִבֵּיתוֹ וְהִלְכָה וְהִיְתָה לְאִישׁ־אַחֵר: (ג) וּשְׂנֵאָהּ הָאִישׁ הָאֲחֵרוֹן וְכָתַב לָהּ סֵפֶר כְּרִיתָת וְנָתַן בְּיָדָהּ וּשְׁלָחָהּ מִבֵּיתוֹ אִם כִּי יָמוּת הָאִישׁ הָאֲחֵרוֹן אֲשֶׁר־לָקַחָהּ לֹא לְאִשָּׁה: (ד) לֹא־יִוָּכַל בַּעֲלָהּ הָרִאשׁוֹן אֲשֶׁר־שְׁלָחָהּ לָשׁוּב לְקַחְתָּהּ לְהִיזֹת לָוּ לְאִשָּׁה אַחֵרִי אֲשֶׁר הִשְׁמָאָה כִּי־תוֹעֵבָה הִוא לִפְנֵי ד' וְלֹא תַחֲטִיֵּא אֶת־הָאָרֶץ אֲשֶׁר ד' אֱלֹקֶיךָ נָתַן לָךְ נַחֲלָה:

4a. The Economic and Social Platform of Marriage for Women in Biblical Times

Survival of most women in the ancient world required the support of a male patron who was usually their father (or if orphaned, their brother) and after marriage their husband (or if widowed, the husbands family). Marriage in antiquity is typically seen by scholars as a legal contract between two parental households which secured the woman's support and protection throughout life and the husband's progeny to be born, which would provide a workforce and heirs to the estate²⁷⁶. The bride's father had concerns for the wellbeing and economic state of his daughter and the groom's

²⁷⁵ Marion L.S. Carson, "Slavery In The Old Testament," in *Setting the Captives Free*, 2019, Norman K. Gottwald, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel, 1250-1050 B.C.E.* (Maryknoll, N.Y: Orbis Books, 1979), Glass, "Land, Slave Labor and Law: Engaging Ancient Israel's Economy."

²⁷⁶ Carol Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law.," *Studia Antiqua* 3, no. 1 (2003), pp6.

family, whom the bride traditionally joined, had concerns about the heritage and legacy of their future generations. Depending on their social and or economic status, Israelite brides could own property through gifts, dowries or inheritance as recorded in the bible (Gen.24:59–61, Judg. 1:12-15, 1Kings.9:16, 2 Kings 8:3, Num 27:1–11 and 36:2–12, Josh 15:16–19), which became part of the husband’s household for use and profit²⁷⁷. This provided financial security to the wife, should she required it in the future²⁷⁸. Several scholars noted key importance of these economic deals in ANE cultures particularly in the local Syria-Palestine cultures during biblical times. According to Tracey Lemos, the investment made by both the household of the groom, the bride price or 'mohar' and the dowry and gifts provided by the household of the bride, were extensive economic institutions for the distribution of property during any period of ancient Israel²⁷⁹. Don Benjamin²⁸⁰ and Naomi Steinberg²⁸¹ are of the opinion that the bride's economic contribution to the new household determined her rank. This idea is supported by rabbinic commentaries of Job 42:15 ²⁸². Ibn Caspi notes that Job gave land inheritance to his beautiful girls among their brothers in order to ensure their marriage with desirable men of high rank and elevated in Torah and wisdom. Sforno understands that their inheritance gifts were to facilitate marriages to royalty and S.D. Luzzato adds that the rich daughters were desirable for marriage to upper rank people.

Additionally, Steinberg adds that property brought into the new household by both sides guaranteed the woman protection from easy dissolution of the marriage, particularly if she bore a male heir to her husband²⁸³.

The woman's land rights provided economic improvement of the household earnings and guaranteed future inheritance for their common heirs²⁸⁴. If a marriage was terminated by divorce (without major cause) her heritable property was returned. This

²⁷⁷ Westbrook, “The Dowry.”(1991).

²⁷⁸ Bernard S. Jackson, “The ‘institutions’ of Marriage and Divorce in the Hebrew Bible,” *Journal of Semitic Studies* 56, no. 2 (2011): 221–51.

²⁷⁹ Lemos, *Marriage Gifts and Social Change in Ancient Palestine : 1200 BCE to 200 CE*.

²⁸⁰ Don C Benjamin, “The Land Rights of Women in Deuteronomy,” *Biblical Theology Bulletin* 47, no. 2 (2017): 67–79.

²⁸¹ Naomi Steinberg, *Kinship and Gender in Genesis, Biblical Research*, vol. 39, 1994.:46-56.

²⁸² Ibn Caspi,

https://mg.alhatorah.org/Dual/R._Yosef_ibn_Kaspi_Second_Commentary/Iyyov/42.12#m7e2n7,

S. D. Luzzato, <https://mg.alhatorah.org/Dual/Shadal/Iyyov/42.16#m7e2n7>

Sforno, <https://mg.alhatorah.org/Dual/Sforno/Iyyov/42.14#m6e3n7>

²⁸³ Steinberg, “Kinship and Gender in Genesis.”pp49.

²⁸⁴ Benjamin_CBA_2016, “CBA – Annual Meeting University of Santa Clara.”

reduced the threat of poverty, increased her chances of marrying again²⁸⁵ and maintained the bloodline inheritance of property gifted to her. Based on many sources referenced in her book "Women in Hebrew and Ancient Near Eastern Law", it is the opinion of Carol Bradley that the ancient Near Eastern laws appear to be concerned with financial arrangements of marriage and divorce which are not readily apparent in the biblical codes²⁸⁶. This clearly does not establish proof that they were not practiced in the ancient Israelite society, or that Hebrew women were more vulnerable than women of the surrounding societies. The particular law code to be discussed in this chapter (Deut 24:1-4), bears witness that there was an option of divorce after marriage. The law discusses a mandatory provision for divorce being a certificate, while no documented texts regarding the use of marriage contracts are found in the bible.²⁸⁷ According to Leo Perdue, laws governing divorce in ancient Israel were designed primarily to protect the economic interests of both the households that had arranged the marriage as well as the rights of the divorced couple themselves. He also states that the wife's interests and rights, along with those of her household, were also guarded. In the case of divorce, the Israelite woman was given a legal divorce document which allowed her to leave and return to her paternal household and to remarry. The husband's *mohar* or bride price and her family's bridal dowry could also provide her economic support²⁸⁸.

The Biblical ordinance discussed here relates to the prohibition of restoration of a dissolved marriage due to the husband finding his wife irreconcilably embarrassing or faulty. Deut 24:1-4 is a peculiar law prohibiting a man who divorced his wife from remarrying her, if subsequent to her divorce she has married another man. The ban from remarrying an ex-wife if she had married another, emphasized the woman's right to proof of divorce and her right to remarry and protection from any further sexual or other allegations by the first husband. The second marriage puts the wife beyond the reach of her first husband, ensuring the stability and continuation of

²⁸⁵ Ben-Zion Schereschewsky and Menachem Elon, "Dowry," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, March 15, 2007),

²⁸⁶ Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law."

²⁸⁷ The earliest Jewish record of marriage contracts, which also provided guarantees for the woman's economic security, were found in the Elephantine papyri which document a marriage contract in the Egyptian Hebrew society of Elephantine 5th century BCE. *Bleiberg, Edward (2002). Jewish Life in Ancient Egypt: A Family Archive from the Nile Valley. Brooklyn, NY: Brooklyn Museum of Art.*

²⁸⁸ Leo G. Perdue, "The Household, Old Testament Theology, and Contemporary Hermeneutics," book, in *Families in Ancient Israel*, ed. Leo G. Perdue, Family, Religion, and Culture (Louisville: Westminster John Knox Pr., 1997), pp181.

the second marriage²⁸⁹. I will review the scholarship and traditional understanding of this new Deuteronomic law and would like to propose that it may belong to one of several amendments designed to protect women's status. This law may also represent one of a group of Deuteronomic laws, defined herein, that safeguard the woman's personal property under precarious conditions in which legal uncertainties could arise. This law also provides protection of any acquired property or legally tenured landholdings, and ancestral family inheritance if she was an eligible heiress.

4b. Understanding the Complex Text of This Ordinance (Deut 24:1-4)

This compound ordinance has an unusually complex structure. The protasis states ten preconditions. 1- If a man takes a woman for matrimony **and** 2- consummates the marriage **and** 3- she does not find grace in his eyes because he had found something of embarrassment **and** 4- he writes her a divorce certificate **and** 5- places it in her hand **and** 6- sends her away from his home **and** 7- she left his house **and** 8- she went away **and** 9- she married another **and** 10- the second marriage dissolved due to divorce or death of the second husband. This is followed by an apodosis or actual legislation stating that under these conditions, the first husband is prohibited from ever remarrying her. The rationale for this taboo is found in the motive clause that is complex and enigmatic, "after which she was desecrated" "it is an abomination before the Lord" and "you shall not cause the land that the Lord had bequeathed you to sin (or err)".

The first section of this law deals with an unacceptable elusive cause of shame to the husband which resulted in a legal divorce. The legality of the divorce involved providing the wife with a divorce document followed by several obligatory events. The next section delineates long and complex criteria regarding the woman's second marriage and its termination. This is followed by a clear stark prohibition decreed to the first husband from ever remarrying her, with an enigmatic purpose for the law declared. This conditionally formulated case law has three elements; the grounds and procedure for divorce (v. 1), the remarriage of the woman (v. 2), and the termination of marriage with the second husband by divorce or the death (v. 3). All of these conditions are followed by the apodosis or actual legislation forbidding the woman's former husband to take her back as his wife (v.4a). The protasis and

²⁸⁹ Reuven Yaron, "The Restoration of Marriage," *Journal of Jewish Studies* 17, no. 1 (1966): 1–11.

apodosis of Deut 24:1-4a, are followed by the motive clauses of v. 4b. It is comprised of a complex rationale for this restriction stating "after which the woman has been desecrated", because it is an "abomination" before the Lord, and "you should not cause the land to sin, that your Lord has given you as a "Nahala". In order to better understand the purpose of this legislation, each section calls for thought. I will address each of these segments; the divorce, the second marriage, the first husband's prohibition and the complex rationale for this restriction. Herein, I would like to propose an alternative view of the rationale as it relates to protecting the socio-economic status of the woman by safeguarding her honor as a person, and protecting her personal property and ancestral property, under risky conditions in which legal ambiguities could arise.

4b1. Deut 24:1 The grounds and procedure for divorce

The scripture describes a man who takes a wife and has marital relations with her. She then does not find favor in his eyes because he found something disgraceful. He writes her a divorce bill, and placed it in her hand, and sent her away from his home. The key to the divorce in Deut 24:1 is that the wife he took did not please him due to some vague humiliating issue that he uncovered after consummating the marriage with her. The scripture describes a subjective situation, the husband's dislike, displeasure, or lack of approval/affection for his wife. While something objectionable does not define the grounds for the first divorce, there is a wide consensus, among scholars and commentators, that the cause of divorce was the finding of something covertly shameful to him. The term "ערוֹת דְּבַר" has historically been understood as something shameful, varying from promiscuous behavior, bodily defects, ailments, or sexual shame²⁹⁰. The Septuagint translates the phrase σὺχνημὸν πρᾶγμα ("shameful thing"), suggesting a more active understanding of the phrase (i.e., the woman has *done* something shameful or indecent)²⁹¹. The KJV bible translates "ערוֹת דְּבַר" to be "uncleanliness" as derived from the Vulgate²⁹². The Tanaitic schools

²⁹⁰ Todd. Scacewater, "Divorce and Remarriage in Deuteronomy Y 24:1–4," *Journal for the Evangelical Study of the Old Testament* 1, no. 1 (2012): 63–79, pp68.

²⁹¹ Septuagint texts from Lancelot Charles Lee Brenton, *The Septuagint with Apocrypha: Greek and English* (Peabody, MA: Hendrickson, 2009 [1851]). The word ἀσχημὸν denotes something that is "not openly done, displayed, or discussed in reserved society because it is considered 'shameful, unpresentable, indecent, or unmentionable'".

²⁹² "When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give *it* in her hand, and send her out of his house." KJV online. The vulgate reads *et non invenerit*

of Hillel and Shammai took opposite positions on their interpretation of the phrase. Shammai's school offered a narrow interpretation denoting sexually promiscuity or indecent behavior. The Hillel school, along with Josephus and Rabbi Akiva, use the vagueness of this phrase to enable divorce for any personal reason, even burning his food²⁹³. Several modern commentators, including SR Driver, Jeffrey Tigay, Peter Craigie and Eugene Merrill associate the meaning of "ערוה" with promiscuous behavior but not adultery, which is a capital offense (Deut 22:22)²⁹⁴.

The word "ערוה" appears many times in the bible, usually in connection with the covered areas of the body. According to Boyd Seevers, the word Erva occurs 55 times in the OT, 32X in Leviticus, 9X Samuel 1X, Ezra 1X and Prophets 12X. Apart from Leviticus, where it represents intercourse, it is used for nakedness, or the closely related shame or related figurative meanings of shame. He states that the lexeme "erva" is used in the OT most often for dishonor, shame, and covenantal disobedience, as well as a comment intended to insult a character (Sam 1, 20:30)²⁹⁵. The cause that warranted divorce indeed appears as undefined shameful discovery by the husband, perhaps an unexposed secret that he could not tolerate. If we add these formidable ideas and commentaries together, the cause of the divorce remains an enigmatic issue. The situation is the husband's subjective aversion, displeasure, or lack of approval of his wife. The text clearly states that she does not find favor in "his" eyes as "he" found something disgraceful (Deut 24:1). Something objectionable does not define the grounds for the first divorce. At Sumer (3200–1800 BCE) and on Elephantine Island husbands divorced their wives for being out of the house without permission; for failing to care for the land and people of their households; for shaming their husbands by their behavior; by refusing to have sexual intercourse with their husbands; and for committing adultery²⁹⁶.

gratiam ante oculos ejus propter aliquam foeditatem" Biblia Sacra Vulgata, meaning foulness, filthiness, horridness, bad smelling (translated by from Charlton T. Lewis and Charles Short (1879) *A Latin Dictionary*, Oxford: Clarendon Press). The BHS has no comment.

²⁹³ Talmud Bavli, Gittin, 90:1.

²⁹⁴ Rapids, MI: Eerdmans, 1976), pp305, S. R. Driver, A Critical and Exegetical Commentary on Deuteronomy (3rd ed.; ICC; Edinburgh: T & T Clark, 1902), Jeffrey Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society of America, 1996) pp 221.

²⁹⁵ Boyd B Seevers, "ערוה," in *New International Dictionary of Old Testament Theology & Exegesis.*, ed. William VanGemeren, Grand Rapids: Zondervan Pub. House, 1997), 527–31, 6867.

²⁹⁶ Finkelstein J.J., "Sex Offenses in Sumerian Laws," *Journal of the American Oriental Society* 86, no. 4 (2011): 355–72., Samuel Greengus, "A Textbook Case of Adultery in Ancient Mesopotamia," *Hebrew Union College Annual*, 1970, Markham J Geller, "Elephantine Papyri and Hosea 2,3," *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period*, 1977.

The elusive nature of what the husband discovered, after having sexual relations with his wife, points to personal issue of covert ignominy. The cause for divorce appears to be something subjectively too shameful for the husband to accept. This point will prove to be important as we unravel the long lasting positive aspects of this ruling.

The certificate of divorce was written by the husband and provided the woman's freedom and right to be married again. The document was proof that she was not guilty of adultery or other illicit sexual intercourse, and not liable to punishment for such sexual activity. It also provided a humanitarian form of protection for a divorced woman from her former husband, who could otherwise accuse her of adultery with her second husband, which was a capital offense²⁹⁷. The second requirement of the divorce proceedings was to place the document in her hand (Deut 24:1). She must actually receive notice of the divorce directly in order for it to be effective. Although the bill of divorce was given with or against her will, it did protect her from abuse or false charges by her at a later time²⁹⁸. The third step involves the husband who actively sent her out of his house, using the third person Pi'el stem. According to the *Gesenius Hebrew Grammar*, the idea of Piel, reflects busying *oneself* with the action indicated by the stem²⁹⁹. Sending the wife away is intended as the final step of the divorce process. Divorce was not taken lightly, with the responsibility for this divorce placed on the husband who initiated this action.

4b2. The second marriage and its termination (Deut 24:2-3)

Following the husband's casting away his wife with a legal bill of divorce, she was not taboo and free to marry. Indeed, the next precondition specified in the protasis of this law is that she marries another man and subsequently her second marriage dissolves due to divorce from or death of the second husband. Raymond Westbrook recognized that the grounds for the second divorce are not the same as those for the first divorce. The second husband is said to detest her, a term not

²⁹⁷ Todd. Scacewater, "Divorce and Remarriage in Deuteronomy 24:1-4," *Journal for the Evangelical Study of the Old Testament* 1 (2012): 63–79.

²⁹⁸ Parallels of divorce documents can be found in the *Code of Hammurabi* and later in the Jewish Mishnah (base on oral Jewish tradition) recording that the certificates of divorce could also contain mention of the financial settlement, unless the woman was guilty of misconduct, in which case no financial compensation was awarded her. Raymond Westbrook, "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4," *Scripta Hierosolymitana* 31, no. 387–405 (1986). pp393-398, D.W. Amram, *The Jewish Law of Divorce*, reprinted from (New York: BiblioBazaar, 2009).

²⁹⁹ Wilhelm Gesenius, *Gesenius' Hebrew Grammar*, *Dover Books on Language*, 2nd ed. (Mineola, NY: Dover publications, 2006), online, <https://gesenius.org/>, <http://www.tyndalearchive.com/TABS/Gesenius/index.htm>.

employed as grounds for the first divorce pointing to different causes that led to divorce³⁰⁰. Alternatively, she may have lost her second husband by his death. The cause or the way her second marriage ended is presented as not directly relevant to the prohibition, with pertinence only to the fact that her marriage has terminated and she is now once again no longer married.

4b3. The Prohibition and Its Rational (Deut 24:4)

The legislation itself is brief and to the point. The woman's former husband, who divorced her because he uncovered something was personally offensive, is now prohibited from ever taking her back in matrimony, "after which she has been desecrated" (Deut 24:4a). The reason that the husband cannot remarry his ex-wife if she married another man can only be inferred from that "she had been desecrated". This Biblical law which emphatically prohibits the reunion of the first husband with his divorced wife following a marriage to a second husband, clearly called for the first husband's accountability, treating divorce as a severe action since he can never marry her again. Kaiser correctly notes, that this is the only regulative statement in this passage³⁰¹. While there are many theories as to why, he can no longer be her spouse, there is consensus that the rational of why is because "she had been desecrated", thus implicating sacral issues. However, uncertainty remains of a - who desecrated her? and b- why and to who is she "impure"?. To further search for a deeper understanding I review the varied viewpoints regarding the rational of this law as viewed by scholars and commentators. It is notable that almost none relate to the root cause of the prohibition as stated to be protecting the purity of the land. Indeed, Scacewater notes that scholars have failed to make a distinction between the rationale behind the law and its purpose³⁰² and this will be discussed below.

Philo perceived that the reason the husband cannot remarry his former wife is because the woman must have committed adultery, for which the man divorced her. If subsequently he remarries her, then he becomes party to her adultery³⁰³. This view is similar to Christian commentators also consider the woman's second marriage

³⁰⁰ Westbrook, "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4."

³⁰¹ Walter C JR Kaiser, *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983), pp200.

³⁰² Scacewater, "Divorce and Remarriage in Deuteronomy 24:1-4. ", pp64.

³⁰³ Philo, *Special Laws*, 3:30-31.

tantamount to adultery³⁰⁴, while Jewish sources do not consider a second marriage as such in any way³⁰⁵. S. R. Driver and Peter Craigie propose that the aim is to deter the man from divorcing easily for minor matters³⁰⁶. Anthony Garrett claims that this legislation is aimed at protecting the first husband by preserving his spiritual and sexual purity³⁰⁷. The overriding understanding of the rationale by Christian commentators, is that the divorce was illegal, and therefore her adulterous desecration was performed by the second husband. Reuven Yaron, on the other hand, views this injunction as protecting the legally recognized second marriage, making this law unique to Israel, without parallel in other ANE cultures³⁰⁸.

The structure of the Hebrew text could implicate either husband as the one who "desecrated" her. Whether the debasing was caused by having sexual relations with her or by sending her away is a matter of debate. The subject of the sentence is the first husband followed by an explanatory phrase using a verb *Hothpa'al* passive perfect³⁰⁹, "after which she had been desecrated". Rabbi David Kimchi, a 12th century Hebrew grammarian understands the first husband to be responsible for her desecration and his separation from her. This is indeed in line with the Talmud *Yevamot* 11, which discusses that the husband is prohibited from marrying her even if she was only engaged to another and did not yet have sexual relations with him as yet. This is also the opinion of Rabbi Isaac Avrabanel³¹⁰. Therefore her impurity is not because of any sexual act she or her betrothed did. Her "impurity" in the passive tense was only for him personally and she must thus be avoided by him (*Sottah* 9),

³⁰⁴ C.F Keil and F. Delitzsch, *The Pentateuch* (Edinburgh: T&T Clark, 1885), Anthony J M Garrett, "A New Understanding of the Divorce and Remarriage Legislation in Deuteronomy 24:1-4," *Jewish Bible Quarterly*, 2011.

³⁰⁵ It is worth mentioning that although a second marriage is not considered adultery in Jewish law, there is some biblical issues of sacral nature associated with divorce, as evident in the prohibition of priests from marrying divorced women (Lev 21:7). Once a woman has been divorced her status changed, rendering her ineligible for joining a priestly family in matrimony:

³⁰⁶ Driver SR., *A Critical and Exegetical Commentary on Deuteronomy*, T&T Clark, Edinburgh, 1896. "the husband would have opportunity for reconsideration, and the intervention of a public magistrate would prevent proceedings being instituted upon wanton or frivolous grounds." XX4:4 pp.272. Online, Garrett, "A New Understanding of the Divorce and Remarriage Legislation in Deuteronomy 24:1-4."

³⁰⁷ Anthony J M Garrett, "A New Understanding of the Divorce and Remarriage Legislation in Deuteronomy 24:1-4," *Jewish Bible Quarterly*, 2011.

³⁰⁸ Reuven Yaron, "The Restoration of Marriage," *Journal of Jewish Studies* 17, no. 1 (1966): 1–11.

³⁰⁹ Francis, R, and Briggs Charles, "Hebrew and English Lexicon of the Old Testament." online <https://hebrewcollege.edu/wp-content/uploads/2018/10/BDB.pdf>

Dt 24:4 *Hothp*. Pf. אַחֲרֵי אֲשֶׁר הִטְמְאָהּ *after that she has been defiled* (sexually); taken from Gesenius. The passive form *Hothpa'al* is found only in the few following examples: To be defiled, Dt 24:4; infinitive, Lev 13:55, 56; it is made fat, Is 34:6.

³¹⁰ Abarbanel Deut 24.1, <https://mg.alhatorah.org/Dual/Abarbanel/Devarim/24.1#m7e2n7>

bans on debasing and destroying human beings. Both daughters and wives were dependent on their male patron. The Leviticus law protected daughters from forced sex commerce and this Deuteronomic law protected the wives against the abomination of sex trade.

This crystal clear restriction is preceded by a vague background, a complex list of conditions, and is followed by an enigmatic purpose of averting the ominous outcome of causing the divinely appropriated Nahala land to sin. Transgression of the prohibition is labelled as an abomination linked to affecting sin to the land. The last verse of this law, Deut 24:4 associates the law with protecting the inherited ancestral land. Scacewater, raised a fundamental academic issue that scholars have neglected the purpose behind this ruling: the harm caused to the inherited land³¹⁷.

The verb, תהטיא, is presented in the Hiphil future tense³¹⁸, second person, representing a causative action of the husband driving the land to sin. This can also mean to cause the land to err or miss the goal³¹⁹, just as a stone can miss its mark (Jud 20:16). Such an interpretation was given to by Menachem ben Yaakov Ibn Sarouk in his biblical Hebrew dictionary from the 10th century CE³²⁰. Nahmanides, as mentioned above, addressed this the reason for this prohibition is so that people should not exchange their wives with one another because the husband could write her a bill of divorce at night, and in the morning she will return to him. He views this as the essence of "*and thou shalt not cause the Land to sin*" which is a cause of great sins³²¹. He adds that *Sifrei, KiTheitzei* recognizes that "And thou shalt not cause the Land to sin" is intended to admonish the court concerning this issue."

³¹⁷ Scacewater, "Divorce and Remarriage in DeuteronomyY 24:1–4."pp67.

³¹⁸ According to the Academy of the Hebrew Language, the verb is לְהַקְטִיא "אתה תהטיא" is second person future of the verbal stem Hiphil, indicating that the it is the husband who will cause sin to the land. Alhatorah.org translation based on The Holy Scriptures: A New Translation (Philadelphia, 1917) and the World English Bible.

³¹⁹ To err; 1 K 14:16 + 17 t., הִקְטִיא (Kt error for הִחַטָּא) 2 K 13:6; sf. הִקְטִיאַם 2 K 17:21; pl. הִקְטִיאוּ 1 K 16:13 Ne 13:26; Impf. יִקְטִיא Ju 20:16 2 K 21:11; תִּקְטִיא Dt 24:4; וַתִּקְטֵא 1 K 16:2; 21:22; pl. יִקְטִיאוּ Ex 23:33; Inf. הִקְטִיא Ec 5:5 1 K 16:19 Je 32:35 (Qr), הִקְטִיא Je 32:35 (Kt error); Pt. pl. cstr. מִקְטִיאִי Is 29:21. To miss the mark; Ju 20:16. Alhatorah.com Concordance. <https://mg.alhatorah.org/Dictionary/2398>.

³²⁰ Menahem ben Saruq's dictionary, The *Mahberet*, was the first complete lexical treatment of the Biblical vocabulary composed in Hebrew in which the view then prevailing, that systemized unilateral and bilateral roots. Edited by Filipowski (London, 1854)

<https://www.hebrewbooks.org/36818>.

³²¹ Nahmanides Commentary Deut 24:4, <https://mg.alhatorah.org/Dual/Ramban/Devarim/24.4#m7e2n7>

4c. Safeguarding the woman from social abuse and protection of her economic status and property rights

This injunction is focused on preventing a renewed relationship with a first husband who found something so embarrassing or intolerable in his wife that he chased her away. Daniel Block aligns with the notion that the husband degraded his wife, by forcing her to be declared unclean, then divorced her. He sees the concern of this law is to protect the wife from severe humiliation and abuse by men, and therefore he may not ever reclaim her after such³²². The idea that this prohibition may have safeguarded the ill-fated woman from becoming a kind of sex object, passed back and forth between unreliable was proposed by Jewish and Christian commentators³²³. An interesting approach to protecting the woman and her second husband from social abuse was proposed by Yaron. He perceives this law as shielding the legal second marriage, taking effective steps to ensure its stability and continuation³²⁴. The first husband cannot regret his divorce and then attempt to disrupt the second marriage. Once his ex-wife has married another man she has become off limits to him; as expressed by "הַטְּמֵאָה" , her defilement (verse 4). Her return to the first husband is effectively prevented by declaring it a "תועבה", an abomination before the Lord. This approach to describe the law as a shield from social abuse, however, fails to explain why this rule applies even after the death of the second husband (Deut. 24:3). Jack Lundbom as well sees this law as protecting the second marriage by preventing intrigue between the first and second husband³²⁵. This idea as well does not explain the prohibition after the demise of the second husband.

I would like to add to the scholarly discussion on the potential detrimental ramifications of disrupting the wife's economic standing, which includes her possible ownership ancestral land and personal property rights and which extends to future generations. Very prominent scholars have focused on the protection of woman's

³²² Block, "'You Shall Not Covet Your Neighbor's Wife': A Study in Deuteronomistic Domestic Ideology."

³²³ Christopher J. H. Wright, *Deuteronomy, New International Biblical Commentary*, ed. New International Biblical Commentary, 1st ed. (Peabody, MA: Hendrickson Publishers, 1996), pp255-256, Nahmanides Commentary Deut 24:4, <https://mg.alhatorah.org/Dual/Ramban/Devarim/24.4#m7e2n7>

³²⁴ Yaron, "The Restoration of Marriage."

³²⁵ Jack R Lundbom, "Introduction," in *Deuteronomy: A Commentary* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2013) pp84.

economic status³²⁶ but few include her property rights³²⁷. As mentioned in the preceding chapters, guarding the woman's land and property rights under indeterminate conditions was crucial as family assets and land was the most basic economic resource and the income platform for the forthcoming generations³²⁸. Westbrook argues that this law is focused on economics, rather than with the 'sanctity' of marriage. He sees this law as preventing self-serving men from disposing of and then repossessing wives to make a financial gain. He points out that in modern law this is called estoppel, "a rule whereby a person who has profited by asserting a particular set of facts cannot profit a second time by conceding that the facts were otherwise."³²⁹ Lundbom provides a theoretical scenario in which the first husband could gain an unjust financial gain by a remarriage with her if the woman received from her second husband a divorce settlement or an inheritance³³⁰. Bruce Wells also sees this law as prohibiting socio-economic abuse by the first husband by preventing unethical economic gains from her second marriage. He expands this to include dowry as a reversed bride price, a common practice in ANE, or divorce money if relevant³³¹.

Westbrook³³² also contends that the purpose of forbidding this marriage is the not only the potential economic advantage the first husband will gain but also the detriment caused to the woman is certainly plausible. He suggests that the husband provided a culturally acceptable claim as to why his wife is unsatisfactory. He may have grounds to return his bride price paid to the woman's father as part of the wedding contract, and he may even be able to keep the woman's dowry received from her family, depending on the nature of the cause. In biblical times a divorced woman would usually require a man to support her, and thus she remarries to avoid poverty. According to Westbrook, if her second marriage dissolved by divorce without

³²⁶ Driver S.R. *A Critical and Exegetical Commentary On Deuteronomy*, T&T Clark, Edinburgh, 1896. . "the husband would have opportunity for reconsideration, and the intervention of a public magistrate would prevent proceedings being instituted upon wanton or frivolous grounds." XX4:4 pp.272.

Anthony J M Garrett, "A New Understanding of the Divorce and Remarriage Legislation in Deuteronomy 24:1-4," *Jewish Bible Quarterly*, 2011.

Jeffrey Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: JPS, 1996), pp222.

³²⁷ Scaewater, "Divorce and Remarriage in Deuteronomy 24:1-4." pp67.

³²⁸ Zipporah G. Glass, "Land, Slave Labor and Law: Engaging Ancient Israel's Economy," *Journal for the Study of the Old Testament* 25, no. 91 (2000): 27-39.

³²⁹ Westbrook, "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4."

³³⁰ Lundbom, "Introduction." pp85.

³³¹ Bruce Wells, "The Hated Wife in Deuteronomic Law," *Vetus Testamentum* 60 (2010).

³³² Westbrook, "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4."

tangible grounds or by surmise of the husband (Deut 24:3), she retains her dowry, wins compensation or she receives an inheritance from her husband. In either scenario she becomes financially compensated and remarrying the first husband would grant him rights to all she had acquired. He would benefit twice, and she loses twice. Westbrook's solution aligns with Kaufman's analysis of the structure of Deuteronomic law in that Deuteronomy 24:1-4 falls within the section (23:20-24:7) that expands the eighth commandment, "You shall not steal" (5:19)³³³. Laney states that this view does not deal adequately with the key terms "abomination" and "sin on the land." Carol Bradley also perceives that the motive of restricting a man from remarrying his divorced wife was economic. She states if a man took his former wife again, he might have stood to profit twice financially. This type of financial gain was prevented by the law³³⁴. Don Benjamin also notes that remarrying this woman would enable the first husband to reacquire those rights that had already been licensed to him in the past. To this he could add the new property acquired by his ex-wife from her second marriage, leaving her at an economic disadvantage³³⁵.

I would like to propose that it is reasonable this marriage restriction may be associated with protecting the woman's property and rights that she had acquired over her eventful and tragic life. The scripture states that transgression of the prohibition endangers tenure of the land by Israel. This new Deuteronomic law, appears to be one of several regulatory amendments with a unified objective to ensure honorable protection of women's property, assets, land holding and inheritance under the precarious conditions. As mentioned above, Kaufman's analysis of the structure of Deuteronomic law in that Deuteronomy 24:1-4 falls within the section (23:20-24:7) of the prohibitions of stealing. Laney states that this view does not deal adequately with the key terms "abomination" and "sin on the land"³³⁶, while it actually appears to correspond well with an economic motive to prevent misappropriation and protect the wife's property. The scriptural motive stated of this law is to guard the inheritance of the land of Israel (V.4), supporting the notion that the law directly protects this inheritance for future generations. In the absence of this law, lineage fidelity of the

³³³ Stephen A Kaufman, "The Structure of the Deuteronomic Law," *MAARAV* 1, pp140.

³³⁴ Pratt Bradley, "Women in Hebrew and Ancient Near Eastern Law", pp11.

³³⁵ Don Benjamin, "Land Rights of Women in Deuteronomy and the Near East," in *Proceedings : Annual Meeting of the Catholic Biblical Association 2016* (Santa Clara, CA: University of Santa Clara, 2016).pp.11, "Instructions on Re-marriage (Deut 24:1-4) teach elite males not to acquire land rights more than once from the same woman.

³³⁶ J. Carl Laney, "Deuteronomy 24:1-4 and the Issue of Divorce," *Bibliotheca Sacra* 149 (1992): 3-15.

wife's ancestral land and personal property could have been at risk. The first husband who subjectively casted her away, might be forbidden from remarrying her to prevent misappropriation of the inherited land or property that she had acquired. By remarriage with his first wife, he could acquire heritable assets from her father twice, as well as property that she acquired from the second husband. He would thus benefit not twice as described by Westbrook, Pratt Bradley and Benjamin, but rather three times.

In summary, verses 1-3 describe preconditions for the implementation of the law regarding a specific divorce scenario while divorce in general was known to the audience. This law itself is about remarriage, not divorce. The cause is described in a vague phrase something offensive (ערוֹת כִּבְרָה "a naked thing,"). This did not include adultery, which warranted capital punishment (22:22). The "divorce document" was for the woman's protected the woman against false accusations of adultery proving that her previous marriage was terminated and she was legally eligible to remarry. The rationale for this law is not evident. The woman had been made "impure" (הִטְמֵאָה, v. 4) thus became off limits exclusively to her first husband.

The husbands' subjective opinion of shame may be the key to understanding the purpose of the ordinance. This prohibition has to do only with the first husband, reasons for the dissolution of her second husband are irrelevant. A clearly specified issue is that she had been "defiled" הִטְמֵאָה, the Hothp. Pf form³³⁷. While there is no consensus among scholars or Rabbis on whether the defiler was her first or second husband, it appears that the verb may provide a clue. It is preceded by אֶחָרִי אָשָׁר indicating a finite verb performed by the subject, her husband, as seen in other citings of this expression³³⁸. It therefore appears that if the first husband was the defiler and reduced her status from married to divorced for his own personal reasons, this defilement is repugnant "תועבה". The intent of this legislation applies new restrictions on the practice of divorce, preventing its abuse as a "legal" form of marital exploitation of different kinds. This law, in addition to protecting women from abuse and precluding divorce from becoming a legalized form of adultery, appears to have a significant but overlooked economic motive as well. As mentioned for the previous Deuteronomic laws discussed above, this injunction may provide an additional

³³⁷ Alhatorah.com Concordance.³³⁷ Hothp. Pf "after that she has been defiled" (sexually); Deut 24:4.

³³⁸ אֶחָרִי אָשָׁר is followed by a finite vb. Deut 24:4 Jos 7:8; 9:16; 23:1; 24:20 .

regulatory amendment which directly protects women's personal property and ancestral land. This law safeguards the wife's property from abuse, and if relevant the lineage fidelity of the paternal family land, fortifying the intergenerational economic platform for stability and growth.

Chapter 5. Inclusion of Mothers in the Law of the Wayward and Rebellious Son (Deut 21:18-21)

(יח) בִּיִּיהֵינָהּ לְאִישׁ בֶּן סוֹרֵר וּמוֹרֵה אִיגָנוּ שְׁמֵעַ בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וַיִּסְרוּ אֹתוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם:
(יט) וַתִּפְשׁוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל־זִקְנֵי עִירוֹ וְאֶל־שַׁעַר מִקְדָּמוֹ: (כ) וְאָמְרוּ אֶל־זִקְנֵי עִירוֹ בְּנֵנוּ
זֶה סוֹרֵר וּמוֹרֵה אִיגָנוּ שְׁמֵעַ בְּקוֹלנוּ זוֹלָל וְסָבָא: (כא) וְרִגְמָהוּ כָּל־אֲנָשֵׁי עִירוֹ בְּאֲבָנִים נִמְתָּ וּבַעֲרַת הָרָע
מִקְרָבָהּ וְכָל־יִשְׂרָאֵל יִשְׁמְעוּ וַיִּרְאוּ:

5a. An Egalitarian Law That Improved the Mother's Status

This law pertains to the punishment of a defiant son who dishonors his parents and denies their authority. His socially unacceptable and detrimental behavior of rejecting public authority, warrants the death penalty (21:18-21) at the request of both parents. The egalitarian inclusion of the mother in declaring her recalcitrant son to be executed for dishonoring his parents (Deut 5: 15 and 21.18– 21) is another example of improved women's status in Deuteronomy. The fifth commandment in the Decalogue dictates honoring both parents, equally, with the incentive mentioned in both the Ex 20:11 and Deut 5:15 versions as "living long days on the land "that the lord has given you". This law of the defiant son, unique to Israel, implements capital punishment of the criminal son, requires the testimony of both father and mother. It is described by Anselm Hagedorn as an innovative Deuteronomic improvement where women explicitly appear in a (public) court to testify and criminal acts against one's own parents are severely punished by the authorities³³⁹. He and Joseph Fleishman distinguish this as a public issue to maintain the community not only the family. The decision to rescind the right of inheritance of an heir by execution involves the community elders, both parents, and the community, highlighting the public issue of

³³⁹ Anselm C Hagedorn, "Guarding The Parents ' Honour Deuteronomy 21 . 18-21," *JSOT* 88 (2000): 101–21.

maintaining the community, not only the family. This idea seems very pertinent to the legal systems in place during pre and post land settlement as described in Exodus and Deuteronomy. An alternative explanation of the uniqueness of this law is offered by Victor Matthews which further clarifies that the requirement of both parents decision to eliminate their defiant son is because their heritable assets mandate a unified decision³⁴⁰.

A new perspective on this Deuteronomic law may be gained by noting how this law fits within the pattern established in the preceding laws, providing a contrast to the preceding law regarding inheritance. Jonathan Burnside noted that the literary presentation of a law is important in understanding the serious significance of the offence in biblical law³⁴¹. This is one of several laws in Deut chapter 21 that deal with inheritance of the land. The law of the rebellious son immediately follows the law of the inheritance rights of the first born son who was born to a hated wife (Deut 21:17). The inheritance law of the son of the hated wife, which guaranteed this son paternal estate inheritance rights of a firstborn, is beyond the framework of this thesis. This law was obligatory, with his father having no choice in the matter. The following law of the wayward son, provides that a disconnected and disrespectful son may be removed from the legacy of both his parents by their choice. Both parents must equally collaborate in handing over their son to the elders for a sentence of death. I would like to propose that this law relates to rescinding of inheritance rights to ancestral property of both parents in an egalitarian manner. Since the mother may also own heritable assets she was given the equal right to agree or disagree to executing her recalcitrant heir. Surprisingly, few scholars discuss the annulling of inheritance by both parents, which was certainly of public economic concern to the kin. The full role played by the mother in the judicial proceedings, which might seem unexpected, becomes much more understandable when we appreciate that she too may have owned heritable property and must therefore also participate in terminating her own

³⁴⁰ Victor H Matthews and Don C. Benjamin, *Social World of Ancient Israel, 1250–587 BCE* (Peabody, MA: Hendrickson, 1993), pp137.

³⁴¹ Jonathan Burnside, *The Signs of Sin Seriousness of Offence in Biblical Law*, ed. Ebook, [https://bo](https://books.google.com/books?id=bo) (Google Books Sheffield Academic Press, 2003), pp30. He states that emphasis on the final literary form of the text implies that source critical questions have less to contribute to the seriousness of the offense, and that the final editors appreciated how these punishments functions in their sociocultural context, which is likely to be more reliable than a hypothetical context reconstructed by a modern scholar.

heir³⁴². This law is one of a group of Deuteronomic laws proposed herein that include improvements in women's status and protect their property rights.

5b. The Defiant Son and Legal Proceedings in the Nearby Cultures of ANE and Egypt

Laws against recalcitrant sons and legal proceedings, were also existent in the nearby cultures of the Ancient Near East and Egypt and often involved the act of disinheriting. Respect for parents was often linked to respect for the gods in ANE cultures³⁴³ and reprimanding unruly sons, as seen in the *Code of Hammurabi* (CH 168, 169), was usually performed by the father only. If a son was guilty of a grave fault, the father could forgive him the first time, but if he committed the same fault again, the father could deprive him of all filial relationship³⁴⁴. A case similar to this is noted in CH 192. That law concerns an adopted son who formally repudiates his adoptive mother or father declaring, that they are not his parents. The penalty is the cutting out of the boy's tongue³⁴⁵. Driver and Miles noted that this statement had no legal power to break the relationship and the parent's authority was still binding whether the son acknowledged it or not. He was punished for his refutation³⁴⁶. The practice of disinheriting a defiant son was similar in Akkadian parallel law and in the *Code of Hammurabi*, which required only fathers to arraign their heirs³⁴⁷. A will from Ugarit written in Akkadian, Ras Shamra 8.145, speaks of a wife who is to inherit her deceased husband's estate and was requested to chase out and disinherit any disrespectful son. The punishment of a guilty verdict was removal from his status as son and heir³⁴⁸. As in CH 168 and 169, a parent could disinherit his heir only by

³⁴² An example of the story of the wise woman from Tekoah, who owned property and begged to save the life of her delinquent son the only remaining heir is seen in 2 Samuel 14:16.

³⁴³ Jeffrey H Tigay, *Deuteronomy*, 1996.

³⁴⁴ CH 168, 169, The Yale Law School Avalon project, *The Code of Hammurabi*, Translated by L. W. King. <https://avalon.law.yale.edu/ancient/hamframe.asp>

³⁴⁵ CH 192, The Yale Law School Avalon project, *The Code of Hammurabi*, Translated by L. W. King. <https://avalon.law.yale.edu/ancient/hamframe.asp>

³⁴⁶ G R (Godfrey Rolles) Driver and John C Miles, *The Babylonian Laws / Edited with Translation and Commentary by G.R. Driver and John C. Miles*, Ancient Codes and Laws of the Near East (Oxford: Clarendon Pr., 1952), pp401-405.

³⁴⁷ Joseph Fleishman, "Legal Innovation In Deuteronomy XXI 18-20," *Vetus Testamentum* 53, no. 3 (2003): 311–27, pp312. He notes the Akkadian document ana ittisu 3 IV, ll. 10-13, which states: "his status of heir he shall be uprooted", pp312. The root srr is close in meaning to the Akkadian verb sar^ˆru, that means "to deceive", "to be false", "thief", "criminal", "rebel"—He also refers to the AHw, Akkadische Handwörterbuch p. 1208; CAD S, p. 174. D. Marcus, "Juvenile Delinquency in the Bible and the Ancient Near East", *JANES* 13 (1981), pp 31-52.

³⁴⁸ Fleishman, pp318.

applying to a court³⁴⁹. This legal process may have similarities to the Israelite law of the defiant son in Deuteronomy in that his punishment required a court and his execution rescinded his status as an heir. However, unlike in Deuteronomy, mothers appear to be excluded from the litigation and the inheritance of their property disregarded.

Similar to ANE cultures, ancient Egyptian wisdom literature also had teachings that related to dealing with rebellious sons. In the Instructions of Ptahotep³⁵⁰ to his son. Article #12 stated that if a son was violent and every word he spoke was vile, then he should be beaten so that his speech would be fitting. Other than beating, there was no punishment for a son going astray³⁵¹. An even earlier scribe Kegemni instructed his son how to contend with problematic gluttons and drunkards, associating gluttons with greed and drunkards with discontent of the heart³⁵².

5c. The Rebellious Son in Israel

5c1. The Legal Process of Conviction and Punishment

The story of the conviction of a rebellious son, in Deuteronomy 21:18-21, appears to be forthright. It is framed in the casuistic style, and describes a hypothetical case beginning with "if", similar to other laws of this chapter. The law sets down the procedure to be followed when a son is "wayward and rebellious" "סורר ומורה" having no regard or respect for his parents tutelage. The parents, who failed to facilitate a correction of his behavior, are to take their wayward son to the elders of the city,

³⁴⁹ Joseph Fleishman, *Parent and Child in Ancient Near East and the Bible* (Jerusalem: Magnes Press, Hebrew University, 1998), pp155-63, 195-99, 235-43.

³⁵⁰ Ptahotep was a high vizier of the Pharaoh Djedkare Isesi (Tancheres), the eighth ruler of the Fifth Dynasty of Egypt in the late 25th century BC.

³⁵¹ He wrote The Maxims of Ptahotep, an early piece of Egyptian "wisdom literature" meant to instruct young men in appropriate behavior. The Wisdom of the East series, Northbrook Society, 1912. Proverb 12 "If he be heedless and trespass thy rules of conduct, and is violent; if every speech that cometh from his mouth be a vile word ; then beat him, that his talk may be fitting. Keep him from those that make light of that which is commanded, **for it is they that make him rebellious**. And they that are guided go not astray, but they **that lose their bearings cannot find a straight course**. "The Instruction of Ptahotep and the Instruction of Kegemni I: The Oldest Books In the World. Translated from the Egyptian by Battiscombe Gunnchapter..

https://www.forgottenbooks.com/en/download/TheInstructionofPtahHotepandtheInstructionofKegemniTheOldestBooksIntheWorld_10050014.pdf

³⁵² Jill Kamil, *Ancient Egyptians: Life in the Pyramid Age* (Cairo: The American University in Cairo Press, 1996), pp144 Kegemni an earlier scribe of Pharaoh Senefru wrote to his son: "When you eat with a glutton eat when his greed has passed. When you drink with a drunkard take heed when his heart is content" .

https://books.google.co.il/books?redir_esc=y&id=z15b2Z0HEJEC&q=ptahotep#v=onepage&q=ptahotep&f=false

accuse him of being defiant and rebellious with respect to themselves as parents, and portray him as being a "glutton and a drunkard." The son is then to be stoned to death by the people of the city so that evil will be eradicated from Israel. This law concerns the execution of a son who is resistant to the accepted social behavioral norms, he does not obey his father and his mother and does not respect their legacy.

There are several mandatory steps in the biblical law process which lead to the son's execution. He must disobey his parents and their ways and display a denial of parental authority and the legal obligations toward parents. Firstly, the son is defiant and rebellious, who does not obey the voice of his father or the voice of his mother, and although they physically discipline him, he does heed to their voice (Deut 21:18)³⁵³. Rebekah Welton differentiates between two stages of the crime that relate to the family and to the polity. At first, both parents state that their son has rebelled against followed by a claim that he has not "listened" to them even when they have disciplined him. The next stage involves the city elders that proclaim the death sentence and the community as a whole participate in the execution by stoning. Her view is that the son is deemed sufficiently harmful to the social body that the family and community unite to remove the danger³⁵⁴. The text of Deut 21:18–21 supports this stating that the stoning will purge the evil from the midst of the community. Similarly, S. Skidmore concludes that persistent defiance could not be tolerated within the family unit or within society and rebels are executed to achieve and maintain peace and order within the community. He was a detrimental member of society and became inexcusable defying the limits of Israel's self-definition³⁵⁵.

The accusation brought forward by the parents is a) the son is defiant (סורר) and rebellious (מורה); and b) he is a glutton (זולל) and a drunkard (סובא). He is an unreliable glutton and drunkard son that they cannot depend on to perpetuate the family and its legacy. His excessive eating and drinking are contrary to acceptable society norms, he is a dishonorable pariah to the society and to the family, with no productive future on the horizon. After both his parents attempted but failed to correct his ways, they brought litigation before the elders of their city stating that he was a

³⁵³ The method of flogging a disruptive individual was a common disciplinary act in Israel and in ANE and believed to be the best way to protect son from performing worse deeds, in an attempt to save him from death (Proverbs 23:12-14), Hagedorn, "Guarding The Parents' Honour Deuteronomy 21 . 18-21."

³⁵⁴ Rebekah Welton, *He Is a Glutton and a Drunkard': Deviant Consumption in the Hebrew Bible*, EBOOK http (Brill, 2020), pp233.

³⁵⁵ Simon Skidmore, "A Mimetic Reading of Deuteronomy 21:18-21," *The Haythrop Journal* LXI (2020): 913–23.

glutton and a drunkard implicating the son's rejection of all authority and the legitimate responsibility toward his parents. In Deuteronomy, the elders were involved in laws that are related to empowering the authorities to deal with death of individuals³⁵⁶ and they proclaim the verdict.

This law of the wayward son (Deut 21.18-21) is a truly dramatic text because it concerns an offence within the family that warrants complete agreement and cooperation of both his father and mother to submit their son to the authorities for a death penalty. While it is the elders, who represent the people, give the verdict of capital punishment, it is the people who performed the execution of this unruly heir preventing him from obtaining family inheritance and his portion of the land of Israel. While the punishment performed by the community is highly appropriate to the social element of this crime, it is both parents who initiated the litigation since the family unit and the future of the family legacy was at stake. The son is portrayed as an unproductive harmful and dangerous heir who will cause economic hardship and even poverty to the family and community. Proverbs 23:19-21 teaches that gluttony and drunkardness lead to poverty. His defiant behavior not only corrupted himself but would have had serious negative consequences for his family and their economic stability. I would like to propose that since this treacherous son is an heir to family property, not only his father must agree to his elimination as an heir but also his mother. She may own heritable assets or property, he is also her heir, and she must also reach the decision to terminate him. This would prevent the defiant son from ruining the economic and spiritual future of the family, and destroying their common and individual ancestral property of the land of Israel, which provides the platform for future generations.

5c2. Understanding the Severe Liability of The Rebellious Son in Ancient Israel and the Obligatory Equal Involvement of the Mother

To understand the harsh death sentence of the defiant son and the obligatory equal involvement of the mother together with the father, I would like to focus on the

³⁵⁶ These included; turning in a murderer for execution, Deut 19,12, the public responsibility for an unknown slain individual, Deut 21:2-6, the execution of an unruly son, Deut 19-20, dealing with accusation of a bride's non-virginity, which if proved true carries a death penalty (Deut 22;16-21, the levirate marriage, to ensure continuation of a married man who died without progeny. In addition to dealing with death, all of these laws these laws relate directly to the polity because they maintain or sever the future land and property inheritance of the individual within the members of kin.

gravity of this offense. The seriousness of any offense is defined by distinguishing what form of behavior is more morally unacceptable than another. According to Allot, such judgments are based on a set of values; which are an idea that serves as a ground for choosing between possibilities³⁵⁷. By setting penalties appropriate for committing an offense, the gravity of the crime is a hallmark for what society views as most threatening to its survival³⁵⁸. The main interconnected issues in ancient Israel were theology, security and economics. J. Burnside, in his book *The Signs of Sin: Seriousness of Offence in Biblical Law*, attempts to establish a wider social context for the Rebellious Son in Biblical times. He is of the opinion that the gravity of offences can change over time as society develops and that gravity of this offense reflects the values that were crucial to shielding the social and economic public order of the biblical society. Thus the seriousness of this offense reflects values that protected the core of biblical society at that time³⁵⁹. Following that idea, familial tenure of the land of Israel and its inheritance to committed generations to come, was at the core of survival for ancient Israel and was the reward for respecting both parents in both versions of the Decalogue (Ex 20:11, Deut 5:15). During later times of the Talmud, difficulty in dealing with this law led to rabbinic conclusions that this directive was never actually practiced in Israel, but served exclusively for educational purposes³⁶⁰. The modification of this law in Deuteronomy which upgraded the mother's legal status, by including her as a compulsory appellant for reasons that will be expanded below. Later Talmudic developments, support the notion that changing values regulated the evolutionary process of this seemingly punitive biblical law.

While the biblical law itself is extremely harsh, rebelling against parental tradition and authority, which were the building blocks of religious and social order, posed a dangerous threat to the family and to society. Removing this dangerous and delinquent individual from the family and society protected the safety of the

³⁵⁷ Allot P.J., *Eunomia* (Oxford University Press, 1990).

³⁵⁸ Jonathan Burnside, *The Signs of Sin Seriousness of Offence in Biblical Law*, ed. Ebook, https://books.google.co.il/books?id=zUXsW_WcKlcC&pg=PA1&source=kp_read_button&hl=en&redir_esc=y#v=onepage&q&f=true

³⁵⁹ Jonathan Burnside, pp9.

³⁶⁰ The law was limited to a 3 months defined period of adolescence (Sanhedrin 68) and was included only as a hypothetical legislation for educational purposes Sanhedrin 71, 1 and Tosefta Sanhedrin XI, 6 a. According to the Rabbis "A stubborn and rebellious son" there never was and there never will be such. Then why is it written? To teach, "Study and receive the reward", also Mishna, Sanhedrin 8, Talmud Bavli Sanhedrin 68b, 72a.

theological, social and economic public order in ancient Israel. To better appreciate the significance of this law, the grave familial and public liability and the severe action that encompassed equal litigation status of both the father and the mother, I will try to review the proposed meaning the words 'wayward' 'סורר' and 'rebellious' 'מורה'. These defiant behavioral traits and the Deuteronomic context in which this law was written will be utilized to further appreciate it's high significance and the requirement of both parents as litigators.

According to both the Hebrew Language lexicons, Gesenius and Halot, the verb סָרַר represents stubborn or rebellious behavior of Israel towards G-d ³⁶¹. This is further expanded by the BDB lexicon³⁶² understanding the root 'סור' and the verb to mean *turn aside* out of one's course or right path or from G-d or his commands, to *depart*, to *avoid* contact or to *revolt*. The root 'סרה' is understood to as defection or apostasy. Patterson of the TWOT understands the noun "Sära" to mean rebellion taken from either "sur" or "sara" in three contexts of spiritual rebellion. He notes that in Akkadian 'sararu' denotes "unstable," "obstinate," or "a liar/felon"³⁶³. This is similar to the understanding of Rashi and Ralbag who describe the son as felon³⁶⁴. The verb 'sara' portrays apostasy, Israel's total defiant rebellion against God (Isa 1:23; Jer 6:28). NIDOTTE also deals with the 2 words 'סור' (swr)³⁶⁵ and 'סרר' (srr)

³⁶¹ Wilhelm Gesenius, *Gesenius' Hebrew Grammar, Dover Books on Language*, 2nd ed. (Mineola, NY: Dover publications, 2006), Ludwig Koehler et al., *Hebrew and Aramaic Lexicon of the Old Testament HALOT*, [https://di \(https://dictionaries.brillonline.com/](https://di.dictionaries.brillonline.com/), 2020), Francis Brown, Driver S.R., and Charles Briggs, *The Enhanced Brown -Driver -Briggs Hebrew And English Lexicon*, online ed 2000) (Hos 4:16, 9:15, Isa 30:1, 65:2Ps 78:8, Jer 5:23, Is 1:23, Jer 6:28 68:7)

³⁶² Francis, R, and Briggs Charles, "Hebrew and English Lexicon of the Old Testament." <https://www.pdfdrive.com/the-enhanced-brown-driver-briggs-hebrew-and-english-lexicon-with-an-appendix-containing-the-biblical-aramaic-e157103416.html>. 1S 6:12 Deut 2:27, Ex 32:8, Jud 2:17, Deut 9:12 + 7 X, Prov 13:14 + 5X Prov, + 10X also 2 Ch 8: Lam 3:11. Isa 52:11, Job 15:30, Lam 4:15 Jer 5:23, Deut 11:16; 17:17, Jer 17:13. The root 'סרה' Deut 13:6, Isa 1:5; 31:6, Jer 28:16; 29:32, Isa 14:6.

³⁶³ R.D. Patterson, סרר, *item1549, Theological Workbook of the Old Testament*, ed. R. Laird Harris (Chicago: The Moody Bible Institute of Chicago, 1988). (Isa 1:5; Jer 28:16; 29:32). This is similar to the false prophet in Deut 13:6-11, a rebellious generation (Ps 78:8) or a stubborn heifer (Hos 4: 16), a people which walks in its own way (Isa 65:2). It has a stubborn shoulder (Neh 9:29), a deaf ear (Zech 7: 11), and a stubborn and a rebellious heart (Jer 5:23). S 5637, 8269.

³⁶⁴ Deut 21:18-21 Rashi. <https://mg.alhatorah.org/Dual/Rashi/Devarim/21.23#m6e3n7>, Ralbag, <https://mg.alhatorah.org/Dual/Ralbag/Devarim/21.21#m6e3n7>

³⁶⁵ J.A. Thompson and Elmer A. Martens, "סורר," in *New International Dictionary of Old Testament Theology and Exegesis*, ed. William VanGemeren (Grand Rapids: W. Zondervan Pub. House, 1997), 238-239, item 6073.. Thompson and E. Martens, as others, view the word 'סור' to mean to turn aside from one's course, to avert, to be estranged, faithless or disloyal, appearing more than 300 times in the Bible. The Phoenician 'sur' represents to alienate. The other relevant word in NIDOTTE 'סרה', according to E. Carpenter and M. Grisanti, is similar to 'sararu' in Akkadian meaning deceitful and 'sarru' is false or unreliable and the verb 'srr' 'סרר' to mean rebellious, (as in Ugarit), particularly against G-d (Ps 78:8, Jer 5:23, Zech 7:11, Isa 1:23, Hos 9:15, Jer 6:25,28).

separately. While the roots of the words 'סורר' and 'מורה' are mentioned separately many times in the bible, this dyad 'סורר' and 'מורה' together, that encapsulates the delinquent behavior of the son, occurs only twice more with respect Israel's rebellious heart and disloyal spirit (Jer 5:23, Ps 78:8). Based on the understanding of the meaning of the words scholar have addressed the severity of the crime. Christopher Wright sees סורר ומורה as a term for the "serious and persistent rejection of all authority"³⁶⁶ and Don Benjamin claims that סורר ומורה refers to measurable and public apostasy³⁶⁷. This idea actually finds strong support in Deut 13:6, where public rebellion was termed in as speaking "sara" against G-d, this also warranted the death penalty by stoning having the same motive "to destroy the evil from your midst". We can summarize that the wayward son appears to have departed from right path being deceitful, dishonest, unfaithful and alienated from both his parents and the norms of society. He rejects authority and is rebellious against G-d. Such behavior requires that both parents to attempt to mend his ways, so he can be affiliated with his family and comply with traditional and social norms before the people will execute him on grounds of apostasy.

After failed efforts of both his father and mother to rectify his recalcitrant behavior, they are driven to approach the elders together depicting their son's delinquent actions as "gluttony and drunkardness". This word pair is echoed in the instruction of a father to his son to avoid gluttony and drunkardness which leads to poverty (Prov 23:19-21) and is also used to describe the incorrigible character of the people of Israel (Hos 4:16, 9:15, Is 30:1, 65:2, Ps 78:8, Jer 5:23, Isa 1:23, Jer 6:28). According to Haim Cohn³⁶⁸ and the Talmud³⁶⁹, the unruly "glutton and drunkard" description was a presage of worse to come. They saw the unruly son as one who would feed his habits by dissipating his father's wealth and end up as a thief and murderer. This criminal development would encompass severe damage to the family's future, endanger the inheritance of other siblings. In light of the knowledge that women also owned property of different sorts, this son is destined to also consume her property as well. It appears that his defiance and detachment from both his father and mother presents not only marred his relationship with them but also poses a threat to

³⁶⁶ Christopher J. H. Wright, *Deuteronomy, New International Biblical Commentary*, ed. New International Biblical Commentary, 1st ed. (Peabody, MA: Hendrickson Publishers, 1996), pp237.

³⁶⁷ Don. C. Benjamin, *Deuteronomy and City Life* (New York: University press of America, 1983).

³⁶⁸ Haim Hermann Cohn, "The Rebellious Son," in *Encyclopedia Judaica* (Keter Jerusalem, 1974).

³⁶⁹ Talmud Bavli 72a, (Sanhedrin 71:1).

the unity, security and future of the paternal and maternal families' property and legacy.

In contrast to the laws of ANE, this biblical law requires both parents, and the father cannot act alone without the mother's collaboration. E. Bellefontaine discerns that the focus of the law deals with the son's unacceptable relationship with his parents. By performing deplorable incorrigible deeds, the son has effectually disconnected himself from them and without words declared that "he is not their son and they are not his parents"³⁷⁰. She also states that "In some such grave manner the son in Deut. 21 has refused this basic compliance. This is the thrust of the accusation and the reason why his specific behavior need not be mentioned. He has refused to honor his father and mother to the extent of virtually denying their authority and repudiating his relationship with them"³⁷¹. It is towards his parents that he has been defiant; it is their voice that he has refused to obey, it is the chastisement inflicted by them that has had no effect, and, finally, they are the only stated witnesses against him in court. Whatever issues caused this family controversy, the result was complete withdrawal of the son from both his parents. Burnside also views that the son's refusal to take instruction from his parents is tantamount to renunciation of the parental bond³⁷². This complete disconnection from both parents is recognized in the commentary of the Elijah ben Solomon Zalman, the Vilna Gaon (Hagarah) from the 18th century, who states that the parents appearing before the elders speak in unison equally as one voice³⁷³.

Several scholars note that disregard for parental guidance poses a threat not only to the family but to the entire community. They view the major offence to be apostasy which constitutes a serious challenge to the core of Israelite social and religious structure³⁷⁴. Welton argues that when taken within the context of Deuteronomy's repeated declaration that Israel's wellbeing within the land is

³⁷⁰ Bellefontaine, pp17.

³⁷¹ Bellefontaine. pp20.

³⁷² Jonathan Burnside, *The Signs of Sin: Seriousness of Offence in Biblical Law* (London: Sheffield Academic Press, 2003), pp50.

³⁷³ Vilna Gaon commentary Deut 21,

[https://mg.alhatorah.org/Dual/Vilna_Gaon_\(GR%22A\)/Devarim/21.1#m7e3n7](https://mg.alhatorah.org/Dual/Vilna_Gaon_(GR%22A)/Devarim/21.1#m7e3n7)

³⁷⁴ E Bellefontaine, "Deuteronomy 21:18-21: Reviewing the Case of the Rebellious Son," *Journal for the Study of the Old Testament* 4, no. 13 (1979): 13–31, Jonathan Burnside, *The Signs of Sin: Seriousness of Offence in Biblical Law* (London: Sheffield Academic Press, 2003), pp45, Welton, *He Is a Glutton and a Drunkard': Deviant Consumption in the Hebrew Bible*, pp225, Benjamin, *Deutonomy and City Life*.

conditional with obedience to the law (Deut chapters 28, 29, 30), the rebellious son's apostasy if extended throughout the community, could prove to be disastrous³⁷⁵. An important insight into the gravity of son's liability, impelling capital punishment, can be understood from Thomson and Martens item on סור in NIDOTTE mentioned above. They point out that the verb represents a twofold "the alienation factor" from G-d (Job 21:14; 22:17), or from evil (Ps 119:115, 139:19) which sheds light on the son's alienated and estranged attitude to both his parents and to his family. Deuteronomy 21:18-21 thus supports the decision of the parents of this incorrigible break away son, to execute their rebellious offspring for the wellbeing and future of the family and the public.

This law protected society from inveterate criminals and the future of the family unit involved by removing this noxious individual from the family legacy of the father's and mother's ancestors and from further harming the public. The law of the defiant son is highly relevant to the offense of parental disrespect since children were not just family but also heirs, as will be further detailed below. According to Burnside the graveness of the son's offence, in addition to the immediate pending danger, is that he has become an unscrupulous heir³⁷⁶. Proverbs (23:19 -22) warns the son from being among ones those who excessively drink wine, or those who gorge themselves on meat, for the drunkard and the glutton are doomed to become destitute. The son's turning away from his parents and their heritage appears to me to be the epitome of disrespect to and alienation from his parents. Under the socioeconomic circumstances of ancient Israel it appears to be of good reason that both parents ensure that this delinquent son will not inherit either of them or cause any further damage to the family's future and the public order.

5d. Violating the Fifth Commandment, and Losing Possession of the Inherited Land

Respecting parents was a key element in the social, economic, and theological structure of ancient Israel and it facilitated reverence for other authority figures, such as Judges, Kings, Priests and G-d³⁷⁷. A son was expected to revere G-d and both his

³⁷⁵ Welton, *He Is a Glutton and a Drunkard': Deviant Consumption in the Hebrew Bible*, p234.

³⁷⁶ Burnside, pp71.

³⁷⁷ Burnside, *The Signs of Sin Seriousness of Offence in Biblical Law*, pp61-64, Christopher J H Wright, 'The Israelite Household and the Decalogue: The Social Background and Significance of Some Commandments,' *Tyndale Bulletin* 30 (1979), pp104 .

parents as stated in Prov 1:7-8³⁷⁸. The reward for honoring parents in the fifth commandment is long standing years upon the land that the Lord gave (Ex 20:11, Deuteronomy 5:15). This law parallels the warning to the children of Israel that turning away and not listening to G-d will result in a shortened possession of the land (Deut 30:17-18). Several scholars perceive respecting parents as similar to respecting G-d. A correlation of the fifth commandment to the first commandment (Ex 20:11) is noted by J. Burnside³⁷⁹ in that the reverence of parents is paralleled with reverence for G-d. J. Tigay, agreeing with this idea, takes it one step further stating that the children's reward of inheriting the land of Israel from parents is dependent on their parental respect (Deut 5:15)³⁸⁰.

I would like to add that the first and fifth commandments are connected in that the punishment for disobeying the first commandment is banishment from the land (Deut 29:23-26) while the reward for honoring parents is long term possession of the land (Ex 20:11, Deut 5:15). The description of Israel in Deut 30:17-18 who "turns away from G-d and does not listen" and the prodigal son are very similar in terminology. The punishment to Israel for turning away from G-d is banishment from the land and the punishment to the defiant son for leaving his parents heritage is banishment from family and its legacy by public execution³⁸¹. Skidmore³⁸² notes a parallel between Israel's losing possession of the land and the rebellious son losing his life and personal inheritance. Calum Carmichael sees this law as falling within the broader Deuteronomic theme of inheritance of the holy land by the people of Israel³⁸³.

³⁷⁸Ps 1:7-8 (7) The fear of G-d is the beginning of knowledge, but the foolish despise wisdom and instruction.(8) My son listen to your father's instruction and don't forget your mother's teaching .

³⁷⁹ Burnside, *The Signs of Sin Seriousness of Offence in Biblical Law*, pp63.

³⁸⁰ רעננה: האוניברסיטה העברית - עם) מקרא לישראל, (פירוש מדעי למקרא, דברים, כרך ראשון א, א – טז, יז, י.ח.טיגאי 2016 עובד י"ל מאגנס,

³⁸¹ Deut 30: (17)" But if your heart turns away, and you will not listen, and you shall be drawn away, and worship other gods, and serve them;(18) I denounce to you this day, that you shall surely perish; you shall not prolong your days in the land, where you pass over the Jordan to go in to possess it".

³⁸² Skidmore, "A Mimetic Reading of Deuteronomy 21:18-21."

³⁸³ Calum M Carmichael, "A Common Element in Five Supposedly Disparate Laws," *Vetus Testamentum Tetamentum* 24, no. 2 (1979), 129–42.

Scholars³⁸⁴, commentators³⁸⁵ and Rabbis of the Talmud³⁸⁶ link this narrative with the commandments for respecting parents (Ex 20:11, Deut 5:15), and to the commandments relating to the son's conduct towards their parents (Ex. 20:12; 21:15 and 17). The betrayal of the rebellious son's behavior is viewed by a number of scholars as a threat to the wellbeing of the entire community due to disregard for the fifth commandment³⁸⁷. It is notable that other than the son's rejecting parental authority described, the text does not disclose any details regarding the son's expected duties toward his parents nor are they part of the accusation or grounds for the son's conviction. He is simply designated as defiant, rebellious and unsubmitive. The son is characterized as a "drunkard and a glutton" which can carry major social liability, yet the nature of his obstinacy is not clear and what is it that deserves capital punishment. This led many to link his behavior with apostasy, which carries the punishment of banishment from the land.(Deut 30:17-18). As previously mentioned, Patterson notes in the TWOT³⁸⁸ that the verb 'sara' often portrays apostasy, Israel's total insubordinate rebellion against God (Isa 1:23; Jer 6:28) similarly the "stubborn and rebellious son" relates to one that has rebelled against G-d, and the parents are required to condemn their apostate son. S. Skidmore demonstrates the parallel between Israel's losing possession of the inherited land and the rebellious son losing possession of his personal inheritance. This word pair is reverberated by Psalm 78:8, as it describes the wilderness generation as 'סורר מורה'. This generation 'rebelled' against the command of G-d when they refused to attack the Canaanites (Deut 1:26-28; 9:23, 9:7). Because of their rebellion, they failed to inherit the Promised Land and

³⁸⁴ Albrecht. Alt, *Essays on Old Testament History and Religion* (Doubleday, 1968), pp114..Calum M Carmichael, *The Laws of Deuteronomy* (Ithaca, NY: Cornell University Press, 1974), pp140, 183, Christopher J. H. Wright, *Deuteronomy, New International Biblical Commentary*, ed. New International Biblical Commentary, 1st ed. (Peabody, MA: Hendrickson Publishers, 1996), pp4-5.

³⁸⁵ Deut, 21:18, Nahmanides, <https://mg.alhatorah.org/Dual/Ramban/Devarim/21.16#m7e3n7> and Rabbi Isaac Abarbanel,

Abarbanel <https://mg.alhatorah.org/Dual/Abarbanel/Devarim/21.16#m7e3n7>

³⁸⁶ The Talmud as well correlates this law with the fifth commandment of the Decalogue (Kiddushin 31b:14) by defining what parental reverence and honor encompass.

³⁸⁷ Gordon J Wenham and J. Gordon McConville, "Drafting Techniques in Some Deuteronomic Laws," *Vetus Testamentum* 30, no. 2 (1980): pp251. Timothy M Willis, *The Elders of the City: A Study of the Elders-Laws in Deuteronomy* (Society of Biblical Literature, 2001), pp180, Hagedorn, "Guarding The Parents' Honour Deuteronomy 21.18-21."

³⁸⁸ R.D. Patterson, סרר, *item1549, Theological Workbook of the Old Testament*, ed. R. Laird Harris (Chicago: The Moody Bible Institute of Chicago, 1988). This is similar to the word used to describe of a false prophet in Deut 13:6—11, a rebellious generation (Ps 78:8) or a stubborn heifer (Hos 4:16), a people which walks in its own way (Isa 65:2). It has a stubborn shoulder (Neh 9:29), a deaf ear (Zech 7: 11), and a stubborn and a rebellious heart (Jer 5:23). S 5637, 8269.

died in the wilderness. He proposes that the rebellious son must be executed and denied his share in the inheritance of the Land of Canaan. By executing the disobedient offspring, the community protects its own possession of the Promised Land³⁸⁹.

Another dimension to the law of the defiant son, proposed by Burnside that is highly relevant to the seriousness of the offense of parental disrespect and to the legal proceedings is that children were not just filial relatives but also heirs and Deut 21:18-21 presents a son who will be a bad heir³⁹⁰. The book of Proverbs (23:19 -22) warns the son from acting like the rebellious son who will be dispossessed and impoverished. Fleishman brings an example from old Babylonian literature that the adopted wayward son is stripped of any inheritance³⁹¹. During biblical times, land possession and its inheritance was a key public issue with both versions of the Fifth Commandment ending in a motive cause that unites parental respect with long term life in the land (Ex 20:12, Deut 5:16). Possession of the land is the reward to those who respect their parents³⁹². Although the entire Decalogue provides the terms for long life in the land, Don Benjamin and J. Burnside concur that a defiant incorrigible son has broken the relationship between parent and child as testator and heir of the family inheritance³⁹³. Wright perceives that the son is not executed for gluttony and drunkardness but rather for the incorrigible flouting of the fifth commandment by squandering and endangering the family's substance and inheritance³⁹⁴. H. Brichto rightfully emphasizes that the land of Israel was a religious concept, particularly family land³⁹⁵. The family was attached to the soil and fields as the ancestral home. Laws of primogeniture, succession and inheritance rights, indivisibility and inalienability of real estate, the sacrilegious nature of the crime of moving a landmark all derive from this concept of the family and its estate holdings. He calls attention to

³⁸⁹ Skidmore, "A Mimetic Reading of Deuteronomy 21:18-21.", pp917, Burnside, pp71-73.

³⁹⁰ Burnside, pp71.

³⁹¹ Fleishman, "Legal Innovation In Deuteronomy XXI 18-20, pp312, "He notes the document *ana ittisu* 3 IV, 11. 10-13, that states: "*arkänu ittasrar sita irtasi ana süqi ittenrub . . ana aplutisu issusu*": "(the adopted son) afterwards *ittasrar* 'was wayward' [that is to say] abandoned the house and lived in the street. . . from his status of heir he shall be uprooted".

³⁹² Carmichael, "A Common Element in Five Supposedly Disparate Laws."

³⁹³ Don. C. Benjamin, *Deuteronomy and City Life* (New York:University pres of America, 1983), pp221, Burnside, pp72.

³⁹⁴ Christopher J. H. Wright, *Deuteronomy, New International Biblical Commentary*, ed. New International Biblical Commentary, 1st ed. (Peabody, MA: Hendrickson Publishers, 1996), pp237.

³⁹⁵ Herbert Brichto, "Kin, Cult, Land and Afterlife: A Biblical Complex," *Hebrew Union College Annual* 44 (1973).

the familial land unit in any given generation which extended from its first ancestors to all future progeny. This idea is similar to the concept of "lineage fidelity" of inherited land that I mentioned previously in this thesis. Women occasionally were owners of ancestral or gifted territory and assets. Taking into account the importance of the socio-religious setting in which the law was created, Brichto also notes that dishonoring of parents is tantamount to disconnection from the parental legacy³⁹⁶.

In summary the rebellious son appears to have departed from right path being deceitful, dishonest, unfaithful and alienated from his father, his mother and G-d. Unfaithfulness and alienation to the Lord, on a national level is a guaranteed formula for exile from the land of Israel. These traits as well on a personal level often involve capital punishment and the requirement to "remove the evil from your midst; and all Israel shall hear and fear". The son's disrespectful turning away and incorrigible behavior, which would influence others in the family and the public realm, would certainly justify his obligatory exclusion as a potential heir of his mother, his father and the land of Israel belonging to the people.

5e. Inclusion of Mothers with Equal Parental Status Provides Protection of Her Legacy

Israel, as a people, was given the formula for inheriting the land in Deut 4:1 "Now, Israel, listen to the statutes and to the ordinances which I teach you, to do them; that you may live, and go in and possess the land which the Lord, the God of your fathers, gives you". If they do not educate their children to observe the laws (Deut 4:9, 25) and do not heed they will be banished from the land (Deut 4:25-27). The conditional nature of Israel's possession of the inherited land, which involves obedience of parents and their children to Torah law and the people of Israel to G-d, is reiterated throughout Deuteronomy. According to Skidmore, a parallel between Israel's forfeiting possession of the land and the rebellious son losing possession of his personal inheritance suggests that executing the rebellious son denies him his share in the land and thus protects the community's inheritance in the Promised Land³⁹⁷. In contrast to the rebellious son the author of Proverbs, guides his son to listen, be wise

³⁹⁶ Herbert Brichto, "Kin, Cult, Land and Afterlife: A Biblical Complex" *Hebrew Union College Annual*, 44 (1973), pp 1-54.

³⁹⁷ Skidmore, "A Mimetic Reading of Deuteronomy 21:18-21."pp917, Burnside, pp71-73.

and follow a straight path with his heart. The son is cautioned against gluttony and drunkardness which will cause him to be dispossessed (יורש) and destitute³⁹⁸.

Victor Matthews explains that the requirement of both parents decision to eliminate their defiant son is unique to Israel because removing an heir from their heritable assets requires a unified decision. He states "*If the mother owned assets, she had the right to agree or disagree to executing her wayward heir*"³⁹⁹. As discussed in previous chapters, a minority of women were a part of those who inherited or owned ancestral property. Once included as legal property owners, they enjoyed equal ownership rights and equal responsibilities regarding the inheritance of their property to heirs whether it was land or assets. Therefore, it appears that the responsibility and active participation in the process of disinheriting a wayward son, was not exclusively the father's but also the mother's. The legal process which de facto terminated a dangerous son and heir, could occasionally directly involve the mothers property as well, which required her consent. Since both fathers and mothers must equally rescind their ratification of the delinquents as heirs, this egalitarian Deuteronomic law guarded her right to decide the fate of her personal and ancestral heritable property.

In summary, in ancient Israel, the rebellious son law can be found in Deuteronomy 21:18-21, and it describes the scenario in which a son, who is stubborn and disobedient to his parents, is to be brought before the elders of the city and sentenced to death. The severity of this punishment may seem extreme, but it reflects the values and beliefs of the biblical society at that time. The Hebrew word for "wayward" is סורר (soror), which refers to a person who turns away from the right path or strays from the norm. This term implies a lack of obedience and a tendency towards rebellion. The word "rebellious" in Hebrew is מורה (moreh), which means to be a rebel or to incite rebellion. The use of both of these words in the context of the rebellious son law highlights the seriousness of the offense and the dangers it poses to the community's social and religious order.

Furthermore, the Deuteronomic context in which this law is found sheds light on its significance. The law is preceded by instructions on how to deal with a body

³⁹⁸ Brown, S.R., and Briggs, *The Enhanced Brown -Driver -Briggs Hebrew and English Lexicon*. Niph. Impf. To be dispossessed, impoverished, come to poverty Gen 45:11, Pr 20:13; 23:21; 30: R. Welton also takes notice that the verb root is in Niphal meaning to be 'dispossessed' or 'disinherited'. R. Welton, *He Is a Glutton and a Drunkard': Deviant Consumption in the Hebrew Bible*. pp270.

³⁹⁹ Victor H Matthews and Don C. Benjamin, *Social World of Ancient Israel, 1250–587 BCE* (Peabody, MA: Hendrickson, 1993), pp137.

found in a field and followed by instructions on how to properly perform a public execution. This positioning suggests that the rebellious son law is not a standalone commandment but rather an integral part of a larger legal framework designed to maintain social order and preserve the community's well-being⁴⁰⁰. Importantly, the inclusion of the mother as a compulsory litigant in the rebellious son case is of key significance. This modification from the original version of the law in Ex 21:15, which only mentions the father as the plaintiff, demonstrates the evolving values of the society. It indicates that women's voices and personal property were becoming more valued in matters of family and law. The severity of the rebellious son law in ancient Israel reflects the values and beliefs of the society at that time. It was meant to maintain social, theological, and economic public order, and the harsh punishment it prescribed aimed to prevent the dangerous and delinquent behavior of children from posing a threat to their families and society. Understanding the cultural context and the significance of the language used in the law is crucial to appreciate its importance. This law reflects the evolving values of improving wellbeing of all members of the Biblical society, including women.

This law of the defiant son is multifaceted in that it actually safeguards all the individuals involved as well as the public as a whole. It protected the paternal and public legacies from the toxic effects and influences of the wayward son. It protected the son from false accusations of disparate parents, and it protected the mother's right to decide the fate of her heir and her personal heritable property. This law provides another example of improved women's status in Deuteronomy is the woman's egalitarian role in declaring a defiant son to be executed for dishonoring his parents (Deut 5: 15 and 21:18– 21). The consequence of parental disrespect of the “wayward and defiant son” falls under new Deuteronomistic legislation that deals with one who denies his obligation to obey and accept parental authority”. His socially unacceptable and detrimental behavior of rejecting public authority, warrants the death penalty (21:18-21) at the request of both parents. The fifth commandment in the Decalogue dictates honoring both parents, equally, with the incentive mentioned in both the Exodus (20:11) and Deuteronomy (5:15) versions of living long days on the land “that the lord has given you”. This law, unique to Israel, is innovative in that it includes the women who explicitly appears in a (public) court where criminal acts against one's

⁴⁰⁰ Carmichael, “A Common Element in Five Supposedly Disparate Laws.”

own parents are severely punished by the authorities⁴⁰¹. The requirement of both parents decision to eliminate their defiant son is also unique to Israel because their heritable assets mandate a unified decision⁴⁰².

Women may have owned heritable property and must therefore also participate in terminating her own heir⁴⁰³. Therefore, it appears that this Deuteronomic law also reflects protection of the wife's property or inheritance. As discussed throughout this thesis, many women owned some personal property from dowry or gifts, and a few even owned ancestral land. This egalitarian law encompasses rescinding inheritance rights to ancestral lands by both parents. In cases of maternal property ownership the law grants the mother an equal legal role as the father in deciding whether to dismiss her heir who is to be executed for dishonoring his parents. It is actually surprisingly, that most scholars did not discuss the annulling of inheritance by both the father and the mother, which was certainly of public economic concern to the kin and tribe. The law of the defiant son (Deut 21:18-21) and the levirate marriage (Deut 25:5-6), which will be discussed in the next chapter, are unique to Israel in that they both require approval of the public leaders, the elders and protect property inheritance equally of both the father and the mother from potential precarious outcomes.

Chapter 6. The Levirate Marriage

דברים כ' ה' (ה) כִּי יִשְׁבּוּ אֲחִים יַחְדָּו וּמֵת אֶחָד מֵהֶם וּבֶן אֵין־לּוֹ לֹא־תִהְיֶה אֲשֶׁת־הַמֵּת הַחוּצָה לְאִישׁ זָר יִבְמַה יִבֵּא עָלֶיהָ וּלְקַחְתָּהּ לּוֹ לְאִשָּׁה וַיְבַמְהָ: (ו) וְהָיָה הַבְּכוֹר אֲשֶׁר תֵּלַד יִקְוֶם עַל־שֵׁם אָחִיו הַמֵּת וְלֹא־יִמָּחֶה שְׁמוֹ מִיִּשְׂרָאֵל

6a. The Levirate Marriage in the Bible (Deut 25:5-10)

The last law I would like to include in the group of Deuteronomic regulatory amendments that improve and protect women's status and their economic stability is that of the requisite levirate marriage (יבום). The levirate marriage law (יבום, yibbum)

⁴⁰¹ Anselm C Hagedorn, "Guarding the Parents' Honor Deuteronomy 21. 18-21," *JSOT* 88 (2000): 101–21, Ex.21.15 and within the larger context Ex 21.12-17.

⁴⁰² Victor H Matthews and Don C. Benjamin, *Social World of Ancient Israel, 1250–587 BCE* (Peabody, MA: Hendrickson, 1993), pp137.

⁴⁰³ Two such examples are the story of the wise woman from Tekoah, who owned property and begged to save the life of her delinquent son the only remaining heir is seen in 2 Samuel 14:16 and the woman of Shunem who was granted her confiscated land back by the king (2 Kings 8:6).

entails a marriage between a widow, whose husband died without offspring, and the brother of the deceased (the יָבֵם or levir), (Deuteronomy 25:5–6). Two other references to a levirate custom in the Old Testament appear in Gen. 38:11 and Ruth 1:11, which both support the notion that the primary purpose of this institution was to provide a son for the childless widow who would be the heir to his father's estate.

If a woman became a widow and had children, they would inherit their father's estate as well as any property that she owned. If she had no children, then a brother of the deceased or his kinsman could have succeeded to the estate (Num. 27, 8-11), leaving the plight of the childless widow particularly distressing. She would have no economic support, no claim to her husband's property and no heir for any property that she brought into the marriage or subsequently acquired. The law, as presented in Deuteronomy, protects this widow from falling into destitution and facilitates bearing an heir of her husband's estate as well as for assets she may have owned.

This legislation appears to me to be one of the ultimate Deuteronomic modifications that improved the socio-economic status of women under duress. The required levirate marriage takes into account the marital and economic conditions contracted between two families with the purpose of producing progeny to inherit the legacy of the family. The Israelite levirate marriage law, in addition to providing an heir for the deceased husband's estate, as noted in the scripture (Deut 25:5-10), also safeguards the widow's right to economic support by the husband's family, and recognizes her right to procreation and generating an heir for the combined assets of the marriage. This in turn protected the economic viability of the woman's progeny and that of her future generations. This law in particular is a prime example of laws connected to the integrity of inheritance of the land of Israel and the maintenance of family estates that improved and protected the socio-economic status of women at risk.

6b. The levirate marriage in ANE cultures

Marriages in Babylonia were designed as an economic process between two families and involved several steps. According to Greengus⁴⁰⁴ the stages were deliberative, pre-nuptial, nuptial, connubial, and familial which have specific Akkadian definitions. If the woman bore children before her dowry and belongings

⁴⁰⁴ Samuel Greengus, "Redefining 'Inchoate Marriage' in Old Babylonian Contexts," 2002, 123–40.

were inherited by them and nevermore to her father or his heirs. The marriage remained inchoate with respect to dowry and the wife's property until after the birth of the first child, which inaugurated the 'familial' stage of their marriage. Having progeny inaugurated the final 'familial' stage of marriage which became complete. Should the husband die the widow was entitled to inherit his entire estate and to enjoy of the usufruct of the land⁴⁰⁵. Marten Stol also understands that that the marriages became complete only after a child was born⁴⁰⁶. In the ancient Near East the rights of a widow to inherit the property of her deceased was a generally accepted norm. The Hittites and Nuzi widows benefitted from inheritance rights of their deceased husbands⁴⁰⁷. In Ugarit, husbands could bequeath property to their wives. One document, written in the presence of witnesses, expressly stipulates that upon the husband's death all his property would, belong to his wife with a provision that the estate be eventually inherited by the son who had honored her. This added provision was crucial, as a merciless son could deprive his mother of all that had belonged to the estate of the deceased⁴⁰⁸. This point was discussed above in reference to the egalitarian parental decision to cut off a disrespectful wayward son. In Assyria, a widow's sons were to provide her with food and clothing (Middle Assyrian Law, MAL 46), and this law was binding only if the widow remained in her house and had not been bequeathed property, suggesting that it was common practice to make provisions for the widow⁴⁰⁹. The levirate law is also mentioned in MAL 31, but does not specify that the widow must be childless. Davies suggests that this was because the purpose of the Assyrian law differed from that of the Israelite levirate. He maintains that the aim of the Assyrian law was to enable the father-in-law's family to keep the rights they had acquired by the marriage gifts while the aim of Israelite levirate law was primarily focused on ensuring offspring as an heir for the deceased (Deut 25:6).

⁴⁰⁵ Eryl W Davies, "Inheritance Rights and the Hebrew Levirate Marriage: Part 1," *Vetus Testamentum* 31, no. 2 (1981), pp138, he quotes CH150.

⁴⁰⁶ Marten Stol, *Women in the Ancient Near East*, ed. prostitutes in de bakermat van Vrouwen van Babylon. Prinsessen, priesteressen, Utrecht (2012). de cultuur. Uitgeverij Kok, and Translated by Helen and Mervyn Richardso, E-pub (DeGruyter, 2016), pp91.

⁴⁰⁷ Ephraim Neufeld, "Ancient Hebrew Marriage Laws : With Special References to General Semitic Laws and Customs.," book (London: Longman Green, 1944), pp240.

⁴⁰⁸ Davies, "Inheritance Rights and the Hebrew Levirate Marriage: Part 1.," pp138.

⁴⁰⁹ Neufeld, "Ancient Hebrew Marriage Laws : With Special References to General Semitic Laws and Customs.," pp247.

6c. The Unique Role of the Levirate Marriage Within the Broader Inheritance Scheme of Land in Ancient Israel

The vast majority of women, in biblical times, were dependent on men to provide for them and it is not relevant to judge freedom of marriage as we have in modern times. Some women brought property into the marriage, which was licensed for use to their husbands as mentioned above, and some had no land. There were no provisions in the Bible enabling the widow to inherit her husbands' property. A levirate marriage in the Bible (Deut. 25:5-10) in which the brother of a deceased man with no offspring, the levir, was obliged to marry his brother's widow (Deut 25:5–6). This could be at the significant expense of the brother's own inheritance and a choice is given to the levir. If he decides not to marry his dead brother's wife, he will receive public shame but no other punishment. When the levir chooses not marry widow (the *יבמה*), a ceremony of Halitzah (*הַלִּיצָה*) is performed, which was designed to shame the resistant brother in law for reasons that will be discussed below. While he would no doubt have suffered a measure of social opprobrium, he would at least have been spared what may have been considered by him an unwelcome duty. The widow was released from the levirate tie (*zikkat ha-yibbum*) remaining vulnerable with no support and having no security, yet she was free to marry another. The levirate marriage custom is ancient and appears to have been practiced prior to Mosaic law⁴¹⁰. As with many of the Deuteronomic laws, this law did not create a new institution but codified a standing custom⁴¹¹.

In Ancient Israel it was considered a great misfortune for a man to die without heirs and not having an heir would result in the extinction of the individual's family (2 Sam. 18:18; Amos 8: 1).

The concern for perpetuating the name of an Israelite clan was a serious. The Israelites believed that the only way to continue the name or personality of an individual was through his children⁴¹². The anxiety warranting the perpetuation of the

⁴¹⁰ The events concerning Judah and Tamar (Gen. 38) indicate that levirate marriage was the norm yet it differed from Mosaic law in that the father of the deceased husband was included in this obligation with no mention in Genesis 38 regarding release by Halitzah, Davies, noted also by R' David Zvi Hoffman, Radatz, https://mg.alhatorah.org/Dual/R._David_Zvi_Hoffmann/Devarim/25.4#m7e3n7.

⁴¹¹ Samuel Rolles Driver, *A Critical and Exegetical Commentary on Deuteronomy* (NYC: T.&T. Clark, 1909), pp281.

⁴¹² Roland de Vaux, *Ancient Israel VI* (McGraw-Hill, 1965). pp. 19-61, see the analysis of how family dynamics worked in the ancient Israelite culture.

line of the deceased is certainly understandable. There is a scholarly consensus that providing the widow with a family levir, to sire an heir, gave the widow an additional opportunity to rebuild her life, secured legitimate claim to land and inheritance rights for her child⁴¹³. Adele Berlin perceives that the levirate marriage was designed to ensure the continuity of the patrilineal family and of its inherited landholdings when they were in jeopardy⁴¹⁴. When comparing the biblical law to that of the Assyrian and Hittite laws governing levirate marriage, Davies maintains that there is no emphasis upon keeping the ANE estates within the immediate family⁴¹⁵. Neufeld proposed that the levirate marriage in Israel, served for the protection and security of the widow, and through marriage to build her a family⁴¹⁶. Thus the childless widow whose husband had died was given a further opportunity to reestablish her family, prevent the alienation of the paternal ancestral estate and warrant that her husband's property will remain with her future generations. H. H. Rowley, maintains that the sole raison d'etre of levirate marriage that appears in the Old Testament is the provision of an heir for the deceased⁴¹⁷. Adele Berlin, perceives that the levirate marriage was designed to ensure the continuity of the patrilineal family and of its inherited landholdings when they were in jeopardy⁴¹⁸. What has not been considered by these authors was the property that widow had brought into the marriage unit or had acquired since. These assets also required an heir to guarantee family matrilineal continuity, as will be further discussed below. These notion of patrilineal continuity is understood from the motive clause in Deut 25:6 stating that the first son born of the levirate marriage will succeed the "name" (נש) of the deceased brother so that "his name may not be blotted out of Israel"⁴¹⁹. I would like to focus on the meaning of the concept of 'establishing a name', as it appears in the law, and to expand the significance of its unique concept in

⁴¹³ Irmtraud Fischer, "The Book of Ruth as Exegetical Literature," *European Judaism : A Journal for the New Europe* 40, no. 2 (2007): 140–49.

⁴¹⁴ Adele Berlin, "Legal Fiction: Levirate Cum Land Redemption in Ruth," *Journal of Ancient Judaism*, 2010, pp13.

⁴¹⁵ Davies, "Inheritance Rights and the Hebrew Levirate Marriage: Part 1."

⁴¹⁶ E. Neufeld, *Ancient Hebrew Marriage Laws* (London) , 1944.

⁴¹⁷ H.H Rowley, "The Marriage of Ruth," *The Harvard Theological Review* 40 (1947), pp90.

⁴¹⁸ Adele Berlin, "Legal Fiction: Levirate Cum Land Redemption in Ruth," *Journal of Ancient Judaism*, 2010, pp13.

⁴¹⁹ Frank Ritschel-Ames, "Levirate Marriage," in *New International Dictionary of Old Testament Theology & Exegesis*. (Zonderman Publishing House, 1997), pp902-905.

Deuteronomy which has no parallel in any other ancient Near Eastern legal systems⁴²⁰.

The biblical levirate law repeats insistently that the aim of the law is to 'establish the name' (להקים שם) of the deceased. This expression appears twice in the law (vv. 6-7) and once more in a negative formulation, 'that his name may not be blotted out in Israel' (v. 6). According to Eryl Davies the word "שם" in this context was not to be understood literally, as neither Tamar nor Ruth actually used the name of their deceased husbands for their children (Gen 38: 29, Ruth 4:17). He suggests that the word שם is connected with a man's property, as in Num. 27 1-11. Other examples are found in the narrative of the daughters of Zelophehad indicates that that the 'name' of their father could be preserved only in association with the inheritance of land by his descendants, indicating that the name of the deceased is preserved as long as his descendants associated with his property⁴²¹. In the book of Ruth (4:10) Boaz openly states that the son to be born to himself and Ruth will perpetuate the "name" of the dead by inheriting his land. This leads us to understand that the purpose of the levirate was "to raise up the name of the dead in his inheritance" and that succession to an estate occurs within the context of levirate marriage even though it does not quite comply with the known regulations⁴²².

Two main suggestions have been proposed for the meaning of the expression 'establishing the name', that appears in Deuteronomy. Firstly, the expression may be interpreted as an obligation to bear progeny for the deceased. Burrows, in the 'Levirate Marriage', views the importance of bearing a child to be linked with the ancestor worship which is performed by the son of the deceased⁴²³. Ephraim Neufeld⁴²⁴, disagrees, stressing that by the stage of the formulation of this law, ancestor worship was no longer obligatory, and the Israelite law reflects no concern for this. The law assumes that the name of a person is 'established' and eternalized

⁴²⁰ Ayelet Seidler, "The Law of Levirate and Forced Marriage-Widow vs. Levir in Deuteronomy 25.5-10," *Journal for the Study of the Old Testament* 42, no. 4 (2018): 435–5. For a discussion of the relationship between the biblical law of levirate marriage and ancient Near Eastern laws, Godfrey Rolles Driver and John C. Miles., *The Assyrian Laws* (Aalen: Scientia-Verlag, 1935), pp. 243-50.

⁴²¹ Davies, "Inheritance Rights and the Hebrew Levirate Marriage: Part 1.," pp140.

⁴²² It appears that in this case the duty of the go'el to marry Ruth was incidental to the laws concerning the redemption of property of the deceased; hence the variation in a number of details from the prescribed levirate marriage laws (Ibn Ezra, Deut. 25:5; Nahmanides, Gen. 38:8).

⁴²³ Millar Burrows, "Levirate Marriage in Israel," *Journal of Biblical Literature* 59, no. 1 (1940): 23–33.

⁴²⁴ Neufeld, "Ancient Hebrew Marriage Laws : With Special References to General Semitic Laws and Customs.," pp26.

through his progeny and if he has no progeny, his name will be obliterated⁴²⁵.

According to Ayelet Seidler, another uniqueness of this biblical law is law is that son born to the levir is considered the son of the deceased brother⁴²⁶. An alternative view proposes that the term 'name' is used in the context of inheritance⁴²⁷. On this view, the purpose of the law is to ensure that the estate of the deceased is inherited by his progeny⁴²⁸.

The idea that the Levirate marriage guards the continuity of the father's land inheritance was already proposed by the middle ages by Rabbis David Kimchi (Radak) , and Isaac Abarbanel and later in the 19th century by Meir Leibush ben Yehiel Michel Wisser Hamalbim in their commentaries on 2 Sam 14:7. The book of 2 Samuel records a woman of Tekoah who pleads for her son's life before King David because the death of the only surviving son would leave her deceased husband "with neither name שם nor remnant upon the face of the earth". These exegetes link the husband's "name" to ownership of his inherited land the Nahala⁴²⁹. There is a wide scholarly consensus that the purpose of the levirate marriage was to ensure that the estate of the deceased is inherited by his progeny⁴³⁰. This preserved the continuity of the family estate and prevented the alienation of the paternal ancestral land⁴³¹. Therefore, the levirate custom, similar to that practiced in other ANE cultures, was introduced as a written law in Deuteronomy (25:5) having a distinctively defined motive related to keeping close lineage fidelity of the ancestral family property belonging to the deceased.

⁴²⁵Concerning the severity with which this outcome of 'obliteration' is viewed, see Jan Christian Gertz, *Die Gerichtsorganisation Israels in deuteronomischen Gesetz* (Göttingen: Vandenhoeck & Ruprecht, 1994), p. 205, translation, <https://archive.org/details/diegerichtsorgan0000gert/page/205/mode/2up>

⁴²⁶ Seidler, "The Law of Levirate and Forced Marriage-Widow vs. Levir in Deuteronomy 25.5-10.", pp438.

⁴²⁷ Donald A Leggett, *Levirate and Goel Institutions in the Old Testament with Special Attention to the Book of Ruth* (Cherry Hill: Mack Publishing, 1974).

⁴²⁸ Westbrook, *Property and the Family in Biblical Law*.

⁴²⁹ Radak, Hamalbim and R Isaac Abarbanel 2 Sam 14:7.

https://mg.alhatorah.org/Dual/Radak/Shemuel_II/14.1#m7e2n7

https://mg.alhatorah.org/Dual/Malbim/Shemuel_II/14.1#m7e2n7

https://mg.alhatorah.org/Dual/Abarbanel/Shemuel_II/14.1#m7e2n7

⁴³⁰ Dorothy and Thomas Thompson, "Some Legal Problems in the Book of Ruth," *Vetus Testamentum* 18, no. 1–4 (1968): 86-87, claim that the 'name' in the Bible is used for both a person's property and for his progeny and the bequeathing of the inheritance is an inseparable part of the previously mentioned aim of bearing progeny for the deceased, Donald A Leggett, *Levirate and Goel Institutions in the Old Testament with Special Attention to the Book of Ruth* (Cherry Hill: Mack Publishing, 1974), pp48-54.

⁴³¹ Fischer, "The Book of Ruth as Exegetical Literature."

It is possible that the levirate marriage also relates to the woman's economic wellbeing and establishment of stable conditions for her progeny as an integral part of a robust economic system for the polity. Surprisingly, it was Josephus 2000 years closer to those times, who understood the socio-economic importance of this Deuteronomic provision for women. He states in *The Antiquities of the Jews* (Ant. IV. 8:23), *"If a woman's husband die, and leave her without children, let his brother marry her; and let him call the son that is born to him by his brother's name, and educate him as the heir of his inheritance: for this procedure will be for the benefit of the public; because thereby families will not fail; and the estate will continue among the kindred; and this will be for the solace of wives under their affliction, that they are to live with the nearest kinsman of their former husbands"*⁴³².

This exclusive Deuteronomic law made a provision which would allow the widow to benefit from the deceased husband's estate by affording her an heir to the first husband's ancestral estate. At the same time that this law provided the widow with a family levir to sire an heir, opening a window of opportunity for support and to rebuild her life, it secured a legitimate claim to land and inheritance rights for her offspring. An important outcome of this law is that if she also owed ancestral land or other property from dowry, inheritance or gifts from her father or husband, then bearing a child would certainly improve her precarious condition by protecting these assets for inheritance by her progeny. This seems to be a point that may have been largely overlooked.

6d. The Levirate Marriage Protects the Widow's Security and Status and Secures An Heir for Both Parents

6d1. Protecting Property Rights of the Marriage

As mentioned above, the vast majority of women were dependent on a men for their physical and economical security. Without a male sponsor women single women were at risk physically and economically⁴³³. At marriage the husband took over responsibility for his wife instead of the girl's father⁴³⁴. As previously discussed in the

⁴³² Flavius Josephus, *The Antiquities of the Jews*, ed. William Translator:Whiston, eBook at w (E-book: Gutenberg Project, n.d.). Project Gutenberg's *The Antiquities of the Jews*, by Flavius Josephus. This eBook is for the use of anyone anywhere at no cost and with almost no restrictions whatsoever under the terms of the Project Gutenberg License included with this eBook or online at www.gutenberg.org

⁴³³ Ziskind, "The Treatment Of Women In Deuteronomy:- Part I."

⁴³⁴ Block, "Marriage and Family in Ancient Israel."

Background section of this research, women in ancient Israel could be afforded family assets of key significance when they married. Carol Meyers⁴³⁵ and Marten Stol⁴³⁶ maintain that gifts of land or other property to daughters were actually the daughters' portion of their inheritance and that this type of property transmission was done in Israel, as was the norm in ANE. The law considered the marital and economic conditions contracted between two families with the purpose of producing progeny as heirs to inherit the groom's paternal legacy. Taking that into consideration, this unique Deuteronomic modification protected more than the future the deceased childless husband's household. It also protected the wife's status under precarious conditions, improved her chances for procreation and preserved the direct line inheritance of property brought into the marriage by the bride.

Several scholars perceive that the levirate marriage, beyond the preservation of the deceased "name" and estate indeed served an additional purpose of providing care and protection of the widow in society. Ephraim Neufeld saw this as the primary and fundamental object of the levirate⁴³⁷. Israel Mattuck⁴³⁸ renounced that the maintenance of the dead man's estate could have been the key purpose in the legislator's mind by asking "Whom did the law benefit?" He notes that the widow was the sole beneficiary, as can be seen also from the story of Tamar and Ruth. He states *"Considering the humanitarian concern in Deuteronomy for widows and orphans, the combination of these arguments can lead to no other conclusion than that the purpose of the law is to benefit the widow. This purpose is also the explanation for the lawgivers' preoccupation with an heir. Where there was a son surviving the husband, the widow's maintenance was secure"*. Mattuck, concludes that *"by the law of levirate marriage, Deuteronomy sought to ensure the welfare of the childless widow by obtaining for her through a son a claim on her deceased husband's property."* Ian Cairns believes that the custom started with a threefold purpose: '(1) to perpetuate the deceased's name and clan, (2) to preserve the balance in land inheritance, and (3) to

⁴³⁵ Carol Meyers, *Discovering Eve: Ancient Israelite Women in Context*. (Oxford University Press, 1991), pp186.

⁴³⁶ Marten Stol, *Women in the Ancient Near East*, ed. prostitutes in de bakermat van Vrouwen van Babylon. Prinsessen, priesteressen, Utrecht (2012). de cultuur. Uitgeverij Kok, and Translated by Helen and Mervyn Richardso, E-pub (DeGruyter, 2016), pp69.

⁴³⁷ Ephraim Neufeld, *Ancient Hebrew Marriage Laws* (Toronto: Longmans Green and Co., 1944),pp30, 142-144.

⁴³⁸ Rabbi Israel I Mattuck, "Studies in Jewish Literature," in *Issued in Honor of Professor Kaufmann Kohler ... on the Occasion of His Seventieth Birthday, May the Tenth Nineteen Hundred and Thirteen*, ed. David Philipson (De Gruyter, pp 214.

provide for the widow⁴³⁹. Davies as well shifts the focus away from the "establish a name", suggesting that the law of levirate marriage is meant to protect the rights of the widow⁴⁴⁰ a possibility also raised recently by Seidler⁴⁴¹ like other laws in Deuteronomy, that provided protection for the widow.

Based on the understanding of the scholars reviewed above we can summarize that this exclusive Deuteronomic law made a provision which would enable the widow to benefit from the deceased husband's estate. Affording her an heir to the first husband's ancestral estate secured legitimate claim to land and inheritance rights for her child. It appears to me that an important outcome of this law that may have been overlooked. While the levirate marriage protects the woman's security by safeguarding her future with a child, an heir to her husband's property, she is actually provided with an heir to all assets of the marriage household. This includes any paternal property bestowed into the marriage transaction by her father, as well as other gifts she may have acquired after the marriage. The levirate marriage thus protects the woman's security, status and property rights as well by providing her with a child and an heir to her assets.

6d2. Releasing the Widow Through Halitzah

The second half of this law involves the compulsory Halitzah ceremony if the levir refuses to marry his brother's widow, which will be discussed below. In order to further understand the implication of this and what this ceremony may represent for the woman we can make some observation from the process of marriage in ANE. The marital process in Mesopotamia according to Driver and Miles, involved a stepwise process whereby the bride becomes part of the husband's family in stages⁴⁴². Greengus describes the marital process in Mesopotamia, which may or may not be relevant to biblical marriage. He depicts that matrimony process in ANE as an "inchoate marriage" requiring the completion of several sequential stages to complete the marriage. Economic agreements and subsequent transactions between families initiated the process and the final stage of the bride's full integration into the groom's

⁴³⁹ Ian Cairns, *Word and Presence: A Commentary on the Book of Deuteronomy*, ed. International Theological Commentary (Grand Rapids: B. Eerdmans, 1992), pp216.

⁴⁴⁰ Davies, "Inheritance Rights and the Hebrew Levirate Marriage: Part 1.", pp142-144.

⁴⁴¹ Seidler, "The Law of Levirate and Forced Marriage-Widow vs. Levir in Deuteronomy 25.5-10."

⁴⁴² Godfrey Rolles Driver and John C. Miles., *The Babylonian Laws* (Wipf & Stock Pub, 2007). They describe the concept of the stepwise marriage was introduced by Driver and Miles, who recognized that in the Old Babylonian laws, full marriage bonds were created in steps by a series of actions, generally over a period of time.

family was completed after bearing a child⁴⁴³. While ANE and Hebrew customs can be similar but not identical, I see relevance of this to the Bible which may be drawn from Rachel stating to Jacob, "Give me children! If not, I am dead!" (Gen 30:1). Additionally, immediately following Rachel's giving birth to Joseph, Jacob requested to leave his father-in-law's home to return to Israel (Gen 30:25-26), implying perhaps a new circumstance in Rachel's family status, complete integration into Jacob's family. Returning to the Levirate law, the future heirs of a marriage union were anticipated to inherit combined assets from the overall marriage arrangement. If the widow did own ancestral land or property from her dowry, inheritance or gifts from her father or husband, bearing a child would have been the only way protect these assets which were planned to be part of the deceased husband's household as part of his family.

Applying this broader understanding of the economics and family bonds, may enable a clearer perception of the words spoken by the widow to a resistant levir at the Halitzah ceremony. Dvora Weisberg noted that the law of levirate marriage is the only law in the book of Deuteronomy in which we hear a woman's voice. She explains that the unusual phenomenon of a woman's voice in this law is that her voice in fact represents her deceased husband, who can no longer make its own voice heard, leaving the childless widow alone to mandate the right of an heir for her late husband's estate⁴⁴⁴. I would like to recap that the estate also included the widow's property. Looking more extensively at the situation we can discern that the levir's refusal to marry her, is an actual refusal to uphold the prearranged family marital plan of his brother's household, "בית אחיו".

The entire Deuteronomic law falls into two sections: (1) the legislation concerning a levirate marriage (vv. 5-6); and (2) the course of action to be taken if the levir chooses not to marry the widow (vv. 7-10). The obligatory ceremony of Halitzah, which is performed if the brother of the deceased refuses to marry the

⁴⁴³ Greengus, "Redefining 'Inchoate Marriage' in Old Babylonian Contexts. He states "This gradualism of entering into marriage by stages or degrees' responds to the universal human concerns and cautions that marriage, ancient or modern, evokes. Indeed, marriage, uniting unrelated individuals from two separate families, requires that intimate family status be conferred upon outsiders; and future children of the union will become heirs to family wealth and responsibilities. Changes such as these must therefore proceed in an orderly and deliberate fashion in which all parties, as far as possible, know their rights, privileges, authorities, and statuses.

⁴⁴⁴ Dvora E Weisberg, "The Widow of Our Discontent : Levirate Marriage in the Bible and Ancient Israel," *JSOT* 28, no. 4 (2004): 403–29, pp411.

widow may enlighten our deeper understanding of the motive of this law. The Halitzah ceremony included 3 key elements; 1-a customary property release symbol (releasing the shoe of the resistant levir), 2- a demonstrative degrading the levir (spitting in his face) and 3- proclaiming a highly emotional statement regarding the refusal to build his brother's household in its entirety (Deut 25:9).

The first two elements of this ceremony have been studied by scholars and commentators who raised several notions that are relevant to this discussion. In ANE, shoes were used not only as an article of dress but also for symbolical purposes associated with commercial transactions. Carmichael suggests that the biblical ritual combines legal and erotic imagery using the euphemism of feet⁴⁴⁵. According to Ephraim Avigdor Speiser⁴⁴⁶, Nuzi documents present shoes not only as items in the local economy but also as legal symbols related to transfer of commodities, particularly real estate under uncertain conditions. He proposes that "the removal of the sandal, slipper, or shoe at the end of the rite signified that the transaction was completed and that the ritual was legally binding". This was performed as a public declaration whereby the owner was withdrawing from the property and handing it over to another person. He adds that shoes must be regarded as a token payment to validate special transactions by imparting them the form of normal business practice.” Buttrick's commentary states that “The shoe ceremony at the Bethlehem gate in Ruth (4:7) was probably like signing a document of transfer. He see the purpose of the ceremony was to give legal status to a transfer of responsibility involving ‘redeeming and exchanging’. According to the Jewish commentator Rashbam⁴⁴⁷, the shoe removal in Deut 25:9 is performed as a common "custom of the world " in order for the widow to acquire the estate of his deceased brother from the levir, similar but not the same to that seen in the story of Boaz. ”⁴⁴⁸.

⁴⁴⁵ Calum M Carmichael, “Ceremonial Crux: Removing a Man’s Sandal as a Female Gesture of Contempt,” *Journal of Biblical Literature* 96, no. 3 (1977), pp.329-330.

⁴⁴⁶ Ephraim Avigdor Speiser, “Of Shoes and Shekels,” *Bulletin of the American Schools of Oriental Research*, no. 77 (1940): 15–20. He presents two cases in which shoes were used to symbolize property transfer, where the property transfer did not operate automatically. These were cases where the property transfer was inalienable under the law. In one case the land transfer required adoption for the land transfer to be possible and the other an inheritance of land to a daughter, when the acceptable norm was only to sons.

⁴⁴⁷ Deut 25:9, Rashbam, <https://mg.alhatorah.org/Dual/Rashbam/Devarim/25.8#m7e3n7>

⁴⁴⁸ Ruth 4:7, Rashi, Ralbag, Abarbanel, <https://mg.alhatorah.org/Dual/Ralbag/Rut/4.6#m7e3n7> , <https://mg.alhatorah.org/Dual/Abarbanel/Rut/4.6#m7e3n7>.

We can summarize that shoes were transferred in both ANE and Israel to validate land transactions. In the case of the Halitzah no land is transferred to the resistant levir, and he and his living brothers will inherit the deceased brother's estate if he does not marry the widow. However, because the family's intended plan, the birth of an heir by the union her husband, did not come to fruition and his brother (or a kinsman) will not marry her. She releases her ties to the family and its land. The Halitzah ceremony was designed to improve her status should the levir refuse. The ceremony culminated in enabling the widow to remarry and have children, by liberation from the levir and his clan of whom she was a family member. A better appreciation of the ceremony process is obtained when the first step of this ceremony, detachment from the paternal family estate, is symbolized by the removal his shoe⁴⁴⁹. The next step was to defame his ignoble behavior of refusing to marry her, and supply an heir for her husband and herself. This was done by spitting at him, and denigrating his name. The last two steps, emancipate her rebuild her life. Lyle Eslinger sees the sanctity of procreation and its implements resting at the center of laws in Deuteronomy⁴⁵⁰. I have mentioned previously the importance of the right to procreation previously in the chapter of female slave release. The structural and thematic affinities linking vv. 5-10 and vv. 11-12, seems to caution both men and women against endangering the production of an heir. This Deuteronomic legislation legitimize her anger, frustration and fear and ensures a legal option enabling procreation and a better future. It appears that this law enhanced women's rights and status being part and parcel of Deuteronomy's humanitarian vision in cultural, social, economic and heritage context. The clarification of this law, in favor of women status and wellbeing, can be considered another regulatory amendment associated with protecting women's property rights and their inheritance by securing their right to bear progeny.

To summarize the custom of the levirate marriage in Israel was similar to that practiced in other ANE cultures and was introduced as distinct written law in Deuteronomy with a clear motive that differed from other cultures⁴⁵¹. The levirate law, safeguarded her protection and support and provided the widow with a family levir to sire an heir. Her improved status from a widow to a wife provided a window

⁴⁴⁹ Speiser, "Of Shoes and Shekels."

⁴⁵⁰ Lyle M Eslinger, "More Drafting Techniques in Deuteronomic Laws," *Vetus Testamentum*, 1984,

⁴⁵¹ Davies, "Inheritance Rights and the Hebrew Levirate Marriage: Part 1."

of opportunity. The purpose of this law stated, while looking forward to next generation, was to provide an heir for the household of the deceased (25:6). It appears that the Levirate marriage rationale is socially oriented in attempting to maintain a household and eliminating future poverty of the widow. This law facilitated having progeny, an heir who will inherit both his father's estate and his mother's property. While protecting the widow's assets and land was crucial, since they were part and parcel of the marriage that terminated before its purpose was achieved. The levirate marriage, with the purpose of engendering an heir to secure continued family ownership of the husbands' estate also safeguarded, when relevant, the income and potential repossession of her ancestral land and personal assets. This in turn afforded stability to the public economy by enabling protection of the widow, and by the creation of an economically secure family, even at considerable cost to the levir. A refusal by the levir to commit his expected duty to continue his brother's legacy, was considered an ignominy. In this case, the levir is dishonored and the childless widow is released to remarry and build a new life. This law of the levirate marriage is a notable example of laws which improved and protected the socio-economic status of women at risk by preserving inheritance integrity of the land of Israel and family preservation. This Deuteronomic regulatory amendment, was aimed at protecting the widow as part of the family she had married into, and appears to have envisioned providing and heir to the couple's common estate.

Summary and Conclusions

In this investigation, I aimed to characterize five new or modified Deuteronomic laws that may belong to a novel collection of regulatory amendments having a common objective of protecting property and inheritance rights of women under risk. This was highly significant, because these laws provided economic security for the woman and maintained the continuity of family ownership under varied uncertain circumstances. I have tried to demonstrate that, lineage fidelity of the woman's heritable ancestral property and private assets were safeguarded under the precarious conditions presented in each law. In support of this idea, these laws which each depict unsafe situations of women are related textually to the long term inheritance of the land of Israel according to the associated scripture.

The first law addressed is the prohibition of not coveting another's wife found in the Decalogue. A higher value for women's value, is clearly seen when comparing the Deuteronomic version (5:17) to that in the book of Exod (20:13). The change in this commandment demonstrates that she has been detached from all the other property with a discrete commandment acknowledging her individual elevated status. I propose that in addition to the severe family and individual damage this law prevents, this modification, was necessary to protect the woman's rights to her property, whether owned as a current or future inheritance or obtained as a gift. This particular amendment, provided protection of the wife from vulnerability and irreversible emotional and economic damage to her and to her children's inheritance caused by a covetous man. Additionally, coveting the value or property of another's wife could result in significant negative impact on the national economy by disrupting the framework of property distribution.

The second law discussed defines egalitarian slave release rights for women (Deut 15:12-15). This law is a distinct example of the Deuteronomic humanistic and enlightened attitude to women, setting the same time limit of manumission and requiring equal severance pay to women as to men. The release conditions of all slaves were designed to prevent insolvency and poverty of the released slave regardless of gender. Leviticus directs the economic reestablishment of the slave, dictating that upon release, he returns to his family and regain his lands and holdings (Lev. 25:28, 25:39-46) to rebuild his economic and family life. Deuteronomy expands this option to female slaves, further ensuring that she could return to economic restitution and stability. Without this ruling the women slaves, would never be free to reclaim their own lives or, if relevant, reclaim their ancestral land and property to support future patrilineal generations.

The third law addressed is the prohibition of restoration of marriage (Deut 24:1-4). This law is about remarriage, not divorce. The divorce cause is vague but something personally offensive (ערוֹת נָגְדָה “a naked thing,”) to the husband. The husbands' subjective opinion of shame may be the key to understanding the purpose of the ordinance. The intent of this legislation applies new restrictions on the practice of divorce, preventing its abuse as a “legal” form of marital exploitation of different kinds. This law, in addition to protecting women from abuse and precluding divorce from becoming a legalized form of adultery, appears to have a significant but

overlooked economic motive as well. This injunction may provide an additional regulatory amendment which directly protects women's personal property and ancestral land. This law thus safeguards the wife's property from abuse by her first husband, and if relevant the lineage fidelity of her paternal family land.

The fourth law studied was the inclusion of mothers in the law of the wayward and rebellious son (Deut 21:18-21). The requirement of both parents' pronouncement to eliminate their defiant son because their heritable assets mandate a united decision. It appears that this Deuteronomic law also reflects protection of the wife's property or inheritance since women may have owned property and must therefore participate in dismissing their own heir. In cases of maternal property ownership the law grants the mother an equal legal role as the father in deciding whether to dismiss her heir who is to be executed for dishonoring his parents. This egalitarian law encompasses rescinding inheritance rights to ancestral lands by both parents.

The final law addressed is that of the levirate marriage. Based on the understanding of several scholars reviewed herein we can summarize that this exclusive Deuteronomic law made an arrangement which would facilitate the widow's benefitting from the deceased husband's estate. Affording her an heir to her first husband's ancestral estate secured legitimate claim to the land and inheritance rights for her child. Another significant outcome of this law that may also have been that she is provided with an heir to all assets of the marriage household. This includes any paternal property bestowed into the marriage transaction by her father, and all other gifts she may have acquired after the marriage. The levirate marriage thus protects the woman's security, status and property rights as well by providing her with a child and an heir to her assets.

To conclude, it is perceptible that the selected laws may have protected the legal tenure of the woman's landholdings, ancestral inheritance and the women's personal property, under unwarranted conditions. These laws, in favor of the women at risk, could protect their property rights thus preventing poverty and destitution of the individual. In a broader scope, laws protecting women's property, would provide a significant stabilizing and fortifying feature to the ancestral inheritance system, for future families by preventing impairment to the economy of the polity.

Bibliography

- Alt, Albrecht. *Essays on Old Testament History and Religion*. Doubleday, 1968.
- Amram, D.W. *The Jewish Law of Divorce*. Reprint fr. New York: BiblioBazaar, 2009.
- Anderson, Adam Grant. “The Old Assyrian Social Network: An Analysis of the Texts from Kültepe-Kanesh (1950-1750 B.C.E.)” Harvard University, 2017.
- B . Meisler. “Tablets from Kirkuk.” *Tarbiz* 3 (1932): 184–97.
- Baker, David L. “Last but Not Least: The Tenth Commandment.” *Horizons in Biblical Theology* 27, no. 1 (2005): 3–24.
- Barmash, Pamela. “Biblical and Ancient Near Eastern Law.” *Religion Compass* 12, no. 5–6 (2018): e12262 1-9..
- . “Biblical and Ancient Near Eastern Law.” *Religion Compass* 12, no. 5–6 (2018): 1–9.
- . “The Daughter Sold into Slavery and Marriage.” In *Sexuality And Law In The Torah*, edited by Bruce Lipka, Hilary and Wells, 1st ed., 48–76. London: T&T Clark, 2020.
- Batto, Bernard Frank. “Land Tenure and Women at Mari.” *Journal of Economic and Social History of the Orient* 13, no. 3 (1980): 209–39.
- . *Studies on Women at Mari*. Book. Online, AC. The Johns Hopkins Near Eastern Studies. Baltimore: Johns Hopkins University Press, 1974.
- Bellefontaine, Elizabeth. “Deuteronomy 21:18-21: Reviewing the Case of the Rebellious Son.” *Journal for the Study of the Old Testament* 4, no. 13 (1979): 13–31.
- Ben-Barak, Zafriira. *Inheritance by Daughters in Israel and the Ancient Near East. A Social, Legal and Ideological Revolution*, 2006.
- . “Inheritance by Daughters in the Ancient Near East.” *Journal of Semitic Studies* 25, no. 1 (1980): 87–135.
- Benjamin_CBA_2016. “CBA – Annual Meeting University of Santa Clara.” In *The Land Rights of Women in Deuteronomy and the Near East*. Santa Clara, Ca, 2016.
- Benjamin, Don. C. *Deutronomy and City Life*. New York: University pres of America, 1983.
- Benjamin, Don C. “The Land Rights of Women in Deuteronomy.” *Biblical Theology Bulletin: Journal of Bible and Culture* 47, no. 2 (2017): 67–79.
- . *The Social World of Deuteronomy : A New Feminist Commentary*. Edited by ProQuest Ebook Central. ProQuest E. Eugene, Or: Cascade Books, Wipf and Stock Publishers, 2015.
- Benjamin, Don C. “The Land Rights of Women in Deuteronomy.” *Biblical Theology Bulletin* 47, no. 2 (2017): 67–79.
- Berman, Joshua. *Created Equal : How the Bible Broke with Ancient Political Thought*. Oxford, UK: Oxford University Press, 2008.
- Block, Daniel. “‘You Shall Not Covet Your Neighbor’s Wife’: A Study in Deuteronomic Domestic Ideology.” *Journal of the Evangelical Theological Society* 53, no. 3 (2010): 449–74.
- Block, Daniel I. “‘Marriage and Family in Ancient Israel.’” In *Marriage and Family in the Biblical World*, edited by Ken M Campbell, 33–102. Downers Grove, IL: IVP

- Academic, 2003.
- Boer, Roland. "The Sacred Economy of Ancient 'Israel.'" *Scandinavian Journal of the Old Testament* 21, no. 1 (2007): 29–48.
- . *The Sacred Economy of Ancient Israel*. Westminster John Knox Press, 2015.
- Boloje, Blessing O. "Deuteronomy 15 : 1 – 11 and Its Socio-Economic Blueprints for Community Living Compositional History of Deuteronomy." *HTS Teologiese Studies* 74, no. 1 (2018): 1–7. <https://doi.org/10.4102>.
- Bresinsky, Judith von. "When a Man Sells His Daughter as an אמה : The אמה העבריה as m. Qiddushin's Role Model for Becoming a Wife." In *Sources and Interpretation in Ancient Judaism*, 316–347. Leiden: Brill, 2018.
- Brichto, Herbert. "Kin, Cult, Land and Afterlife: A Biblical Complex." *Hebrew Union College Annual* 44 (1973).
- Brown, Francis, Driver S.R., and Charles Briggs. *The Enhanced Brown -Driver -Briggs Hebrew and English Lexicon*. Online edi. <http://www.ericlevy.com/revel/bdb/bdb/main.htm>, 2000.
- Brueggemann, Walter. *Abingdon Old Testament Commentaries*. , Nashville,: Abingdon Press, 2001.
- Buchholz, Todd G. "Biblical Laws and the Economic Growth of Ancient Israel." *Journal of Law and Religion* 6, no. 2 (1988): 389–427.
- Burnside, Jonathan. *The Signs of Sin: Seriousness of Offence in Biblical Law*. London: Sheffield Academic Press, 2003.
- Burrows, Millar. "Levirate Marriage in Israel." *Journal of Biblical Literature* 59, no. 1 (1940): 23–33.
- Cairns, Ian. *Word and Presence: A Commentary on the Book of Deuteronomy*. Edited by International Theological Commentary. Grand Rapids: B. Eerdmans, 1992.
- Carmichael, Calum M. "A Common Element in Five Supposedly Disparate Laws." *Vetus Testamentum Tetamentum* 24, no. 2 (1979): 129–42.
- . "Ceremonial Crux: Removing a Man's Sandal as a Female Gesture of Contempt." *Journal of Biblical Literature* 96, no. 3 (1977): 321–37.
- . *The Laws of Deuteronomy*. Ithaca, NY: Cornell University Press, 1974.
- Carson, Marion L.S. "Slavery In The Old Testament." In *Setting the Captives Free*. Wipf and Stock Publishers, 2015.
- Cassuto, Umberto. *A Commentary On The Book Of Exodus*. 1997th Ed. Jerusalem: Magnes Press, 1967.
- Childs, Brevard. *The Book of Exodus*. Louisville, KY: Westminster Press, 1974.
- Chirichigno, Gregory C. *Debt-Slavery in Israel and the Ancient Near East*. Ebook 2009. *Journal for the Study of the Old Testament. Supplement Series*. Sheffield: Sheffield Academic Press, 1993.
- Cohn, Haim Hermann. "Slavery." In *Encyclopaedia Judaica*, edited by Michael Berenbaum and Fred Skolnik, 18:667–70. Detroit, MI: Macmillan Reference USA, March 14, 2007.
- . "The Rebellious Son." In *Encyclopedia Judaica*, 1604. Keter Jerusalem, 1974.
- Cohn Robert L. "The Second Coming Of Moses : Deuteronomy And The Construction Of Israelite Identity." In *World Congress of Jewish Studies*, 59–71. World Union of Jewish Studies, 1997.
- Collins, Raymond F. *Ten Commandments , Anchor Bible Dictionary*. Edited by David Noel Freedman. Online V6. New York: Doubleday, 1992.

- Davies, Eryl W. "Inheritance Rights and the Hebrew Levirate Marriage: Part 1." *Vetus Testamentum* 31, no. 2 (1981):
- Donbaz, Veysel. "Old Assyrian Trade in Northern Syria. The Evidence from Tell Leilan." *Journal of Cuneiform Studies* 57 (2005): 63–68.
- Driver, G R (Godfrey Rolles), and John C Miles. *The Babylonian Laws / Edited with Translation and Commentary by G.R. Driver and John C. Miles*. Ancient Codes and Laws of the Near East. Oxford: Clarendon Pr., 1952.
- Driver, Godfrey Rolles, and John C. Miles. *The Assyrian Laws*. Aalen: Scientia-Verlag, 1935.
- . *The Babylonian Laws*. Wipf & Stock Pub, 2007.
- Driver, Samuel Rolles. *A Critical and Exegetical Commentary on Deuteronomy*. NYC: T.&T. Clark, 1909.
- Edenburg, Cynthia. "Ideology and Social Context of the Deuteronomic Women 's Sex Laws (Deuteronomy 22 : 13-29)." *Journal of Biblical Literature* 128, no. 1 (2009): 43–60.
- Eidem, Jesper. "Old Assyrian Trade In Northern Syria The Evidence From Tell Leilan." In *Marchands, Diplomates et Empereurs: Etudes Sur La Civilization Mesopotamienne Offerts a Paul Garelli*, edited by Dominique Charpin and Francis Joannes, Recherche., 185–208. Paris, 1991.
- Ellens, Deborah L. *Women in the Sex Texts of Leviticus and Deuteronomy : A Comparative Conceptual Analysis*. New York: T&TClark, 2008.
- Elon, Menachem. "Ha'anakah." In *Encyclopaedia Judaica*, edited by Michael Berenbaum and Fred Skolnik, 8:165–68. Detroit, MI: Macmillan Reference USA, March 14, 2007.
- Eslinger, Lyle M. "More Drafting Techniques in Deuteronomic Laws." *Vetus Testamentum*, 1984.
- Fischer, Irmtraud. "The Book of Ruth as Exegetical Literature." *European Judaism : A Journal for the New Europe* 40, no. 2 (2007): 140–49.
- Fleishman, Joseph. "Legal Innovation In Deuteronomy XXI 18-20." *Vetus Testamentum* 53, no. 3 (2003): 311–27.
- . *Parent and Child in Ancient Near East and the Bible*. Jerusalem: Magnes Press, Hebrew University, 1998.
- . "הרקע המשפטי להיענות כלב לתביעתה של בתו עכסה (יהו' טו 16-19, שופ' א 12-15)." In עיוני 2009, 98–9:281. מקרא ופרשנות.
- Francis, Brown, Driver R, and Briggs Charles. "Hebrew and English Lexicon of the Old Testament." In *Hebrew and English Lexicon of the Old Testament*, <https://www.pdfdrive.com/the-enchanced-brown-drive>. Houghton Mifflin Company, 1907.
- Gane, Roy E. "Social Justice." In *The Oxford Handbook of Biblical Law*, edited by Pamela Barmash, 19–34. New York: Oxford University Press, 2019.
- Gardiner, Alan Henderson. *The Wilbour Papyrus: Commentary*. Edited by Alan Henderson Gardiner. Brooklyn M. London: Oxford University Press, 1948.
- Garrett, Anthony J M. "A New Understanding of the Divorce and Remarriage Legislation in Deuteronomy 24:1-4." *Jewish Bible Quarterly*, 2011.
- Gelb, Ignace J. "Earliest Land Tenure Systems in the Near East: Ancient Kudurrus." In *University of Chicago Oriental Institute Publications 104*, edited by Oriental Institution of the University of Chicago, 1–328. Chicago: University of Chicago, 1991.
- Geller, Markham J. "Elephantine Papyri and Hosea 2,3." *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period*, 1977.

- Gentry, Peter J. "The Covenant at Sinai." *The Southern Baptist Journal of Theology* 12, no. 3 (2008): 38–63.
- Gesenius, Wilhelm. *Gesenius' Hebrew and Chaldee Lexicon to the Old Testament Scriptures*. Gesenius' Hebrew and Chaldee Lexicon to the Old Testament Scriptures, 2019.
- . *Gesenius' Hebrew Grammar*. Dover Books on Language. 2nd ed. Mineola, NY: Dover publications, 2006.
- Glass, Zipporah G. "Land, Slave Labor and Law: Engaging Ancient Israel's Economy." *Journal for the Study of the Old Testament* 25, no. 91 (2000): 27–39.
- Gottwald, Norman Karol. *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel, 1250-1050 B.C.E.* Maryknoll, N.Y: Orbis Books, 1979.
- Greenberg, Moshe. "More Reflections on Biblical Criminal Law." In *Studies in Bible II (Scripta Hierosolymitana, XXXI)*, edited by Sara Japhet, Ebook, Var., 1–17. Jerusalem: Magnes, 1986.
- Greengus, Samuel. "A Textbook Case of Adultery in Ancient Mesopotamia." *Hebrew Union College Annual*, 1970.
- . "Filling Gaps: Laws Found in Babylonia and in the Mishna But Absent in the Hebrew Bible." *Maarav* 7, no. 149–171 (1991).
- . "Redefining 'Inchoate Marriage' in Old Babylonian Contexts," 123–40, 2002.
- Hagedorn, Anselm C. "Guarding The Parents' Honour Deuteronomy 21 . 18-21." *JSOT* 88 (2000): 101–21.
- Hallo, William. "VIII Deuteronomy." In *The Book of the People*, edited by William Hallo, 1st ed., 1:89–102. Brown Judaic Studies, 2020.
- Hyatt, J.P. *Commentary on Exodus*. London: Oliphants, 1971.
- J. Carl Laney. "Deuteronomy 24:1-4 and the Issue of Divorce." *Bibliotheca Sacra* 149 (1992): 3–15.
- J.J., Finkelstein. "Sex Offenses in Sumerian Laws." *Journal of the American Oriental Society* 86, no. 4 (2011): 355–72.
- Jackson, Bernard S. "Some Literary Features of the Mishpatim." edited by Peter Lang. Frankfurt: Augustin and Sckunk, 1986.
- . "The 'institutions' of Marriage and Divorce in the Hebrew Bible." *Journal of Semitic Studies* 56, no. 2 (2011): 221–51.
- Jackson, Bernard S. "Liability for Mere Intention in Early Jewish Law." *Hebrew Union College Annual*, 1971.
- . "The 'institutions' of Marriage and Divorce in the Hebrew Bible." *Journal of Semitic Studies*, 2011. <https://doi.org/10.1093/jss/fgr002>.
- Joseph, Fleishman. "'Their Father Gave Them Estates [Nahalah] Together with Their Brothers' (Job 42:15b): What Did Job Grant His Daughters? / ' ויתן להם נחלה בתוך אחיהם' / ' (איוב מב, טוב): מה נתן איוב לבנותיו שנתון לחקר המקרא והמזרח הקדום 17 (2007): 89." *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* / 89 (2007): 89.
- Josephus, Flavius. *The Antiquities of the Jews*. Edited by William Translator:Whiston. EBook at w. E-book: Guttenberg Project, n.d.
- Kaiser, Walter C JR. *Toward Old Testament Ethics*. Grand Rapids: Zondervan, 1983.
- Kamil, Jill. *Ancient Egyptians: Life in the Pyramid Age*. Cairo: The American University in Cairo Press, 1996.
- Karavani, G, A R Salzman, U P Dior, S Porat, and E Ein-Mor. "Is There a Familial Tendency for Same Sex Offspring? A Lesson Learned from a Large Non-Selected Israeli

- Population.” *Israel Medical Association Journal* 22, no. 7 (2020): 354–59.
- Katary, Sally L. D. *Land Tenure In The Ramesside Period*. Edited by W. V. Davies. E-Book. New York: Routledge imprint of Taylor & Francis Group, 2015.
- Kaufman, Stephen A. “The Structure of the Deuteronomic Law.” *MAARAV* 1 (n.d.): 105–58.
- Keil, C.F, and F. Delitzsch. *The Pentateuch*. Edinburgh: T&T Clark, 1885.
- Kessler, Rainer. “Debt and the Decalogue: The Tenth Commandment.” *Vetus Testamentum* 65, no. 1 (2015): 53–61.
- . “Die Sklavin Als Ehefrau: Zur Stellung Der "E M E H Von Rainer Kessler.” *Vetus Testamentum* 52 (2002): 503–12.
- Koehler, Ludwig, Walter Baumgartner, M. E. J. Richardson, and J. J. Stamm. *Hebrew and Aramaic Lexicon of the Old Testament HALOT*. <https://dictionaries.brillonline.com/>, 2020.
- Larsen, M T. *Ancient Kanesh: A Merchant Colony in Bronze Age Anatolia*. Cambridge University Press, 2015. <https://books.google.co.il/books?id=NQdsAQAACAAJ>.
- Leggett, Donald A. *Levirate and Goel Institutions in the Old Testament with Special Attention to the Book of Ruth*. Cherry Hill: Mack Publishing, 1974.
- Lemos, Tracy Maria. *Marriage Gifts and Social Change in Ancient Palestine : 1200 BCE to 200 CE*. Edited by Ebsco Host. EBook, Htt. Cambridge: Cambridge University Press, 2010.
- Levine, Etan. “Biblical Women’s Marital Rights.” *Proceedings of the American Academy for Jewish Research* 63 (October 5, 1997): 87–135.
- Lipka, Hilary. “Women, Children, Slaves, and Foreigners.” In *The Oxford Handbook of Biblical Law*, edited by Pamela Barmash, 65–77. New York: Oxford University Press, 2019.
- Lundbom, Jack R. “Introduction.” In *Deuteronomy: A Commentary*. Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2013.
- Malamat, A. “Mari and the Bible: Some Patterns of Tribal Organization and Institutions.” *Journal of the American Oriental Society* 82, no. 2 (1962).
- Markl, Dominik. “The Decalogue and Deuteronomistic Deuteronomy.” Edited by Eckart Otto. *Zeitschrift Für Altorientalische Und Biblische Rechtsgeschichte / Journal for Ancient Near Eastern and Biblical Law* 25 (August 20, 2020): 299–304.
- Mart-Jan, Paul. “The Land in the Book of Deuteronomy.” In *The Earth and the Land: Studies about the Value of the Land of Israel in the Old Testament*, edited by Hendri Koorevaar and Paul. Mart-Jan, 97–118. New York: P. Lang, 2018.
- Matlock, Michael . “Obeying the First Part of the Tenth Commandment: Applications from the Levirate Marriage Law.” *Journal for the Study of the Old Testament* 31, no. 3 (2007): 295–310.
- Matthews, Victor H. “Family Relationships.” In *Dictionary of the Old Testament: Pentateuch*, edited by Alexander T Desmond and David W; Baker, 293–94. InterVarsity Press, 2003.
- Matthews, Victor H, and Don C. Benjamin. *Social World of Ancient Israel, 1250–587 BCE*. Peabody, MA: Hendrickson, 1993.
- Matthews, Victor Harold, and Don C. Benjamin. *Social World of Ancient Israel, 1250-587 BCE*. Book. Edited by Don C. Benjamin. Peabody: Hendrickson, 1993.
- Matthews, Victor Harold, Bernard M. Levinson, and Tikva Simone Frymer-Kensky. *Gender and Law in the Hebrew Bible and the Ancient Near East*. Book. Edited by Victor Harold Matthews, Bernard M. (Bernard Malcolm) Levinson, and Tikva Simone Frymer-Kensky. *Journal for the Study of the Old Testament. Supplement Series*; 262. Sheffield:

- Sheffield Academic Pr., 1998.
- Mattuck, Rabbi Israel I, and A M. “Studies in Jewish Literature.” In *Issued in Honor of Professor Kaufmann Kohler ... on the Occasion of His Seventieth Birthday, May the Tenth Nineteen Hundred and Thirteen*, edited by David Philipson, 210–22. De Gruyter, n.d.
- Mayes, A D H, and R E Clements. *Deuteronomy: Based on the Revised Standard Version*. New Century Bible Commentary : Based on the Revised Standard Version. Oliphants, 1981. <https://books.google.co.il/books?id=I8zYAAAAMAAJ>.
- McConville, J. Gordon. *Deuteronomy, Apollos Old Testament Commentaries*. Leicester: Apollos Press, 2002.
- . “Law and Theology in Deuteronomy.” *Journal for the Study of the Old Testament* 33 (1984).
- . “Biblical Law and Human Formation.” *Political Theology* 14, no. 5 (2013): 628–40.
- Meyers, Carol. *Discovering Eve : Ancient Israelite Women in Context*. Oxford University Press, 1991.
- . “Procreation, Production, and Protection: Male-Female Balance in Early Israel.” *Journal of the American Academy of Religion* 51, no. 4 (1983): 569–93. <https://www.jstor.org/stable/1462582>.
- . “Was Ancient Israel a Patriarchal Society ?” *Society, The Literature, Biblical Literature, Biblical* 133, no. 1 (2014): 8–27.
- Meyers, Carol L. “The Family in Early Israel.” In *The Family, Religion, and Culture Series: Louisville, KY: Westminster/John Knox Press*, 1–47. Louisville, Ky: Westminster/John Knox Press, 1997.
- Moran, William L. “The Conclusion Of The Decalogue (EX 20,17 = DT 5,21).” *The Catholic Biblical Quarterly* 29, no. 4 (1967): 543.
- Nam, Roger S. “Portrayals of Economic Exchange in the Book of Kings.” *Biblical Interpretation Series* 112 (2012): 1–3.
- Nelson, Richard D. *Deuteronomy: A Commentary*. London: Westminster John Knox Press, 2002.
- Neufeld, Ephraim. “Ancient Hebrew Marriage Laws : With Special References to General Semitic Laws and Customs.” Book. London: Longman Green, 1944.
- . *Ancient Hebrew Marriage Laws*. Toronto: Longmans Green and Co., 1944.
- Olmo Lete, Gregorio del, and Joaquin Sanmartin. *A Dictionary of the Ugaritic Language in the Alphabetic Tradition*. 3rd ed. Leiden, The Netherlands.: Brill, 2014.
- Olyan, Saul M, Joshua A Berman, Susan Ackerman, and Norman Gottwald. “In Conversation with Joshua A. Berman, Created Equal: How the Bible Broke with Ancient Political Thought (Oxford University Press, 2008).” *Journal of Hebrew Scriptures*, 2010.
- Otto, Eckart. “False Weights in the Scales of Biblical Justice?: Different Views of Women From Patriarchal Hierarchy to Religious Equality in the Book of Deuteronomy.” *Gender and Law*, 1998, 128–46. [live&scope=site](#).
- Otto, Eckart. *Deuteronomium 1,1-4*. Edited by Christoph Dohmen Ulrich Berges Ludger Schwienerhorst-Schönberger. *Herders Theologischer Kommentar Zum Alten Testament, (HThKAT)*. Vol. 1. Freiburg: Herders, 2012.
- . *The Study of Law and Ethics in the Hebrew Bible / Old Testament*. Edited by Magna Sæbø. *Hebrew Bible/Old Testament The History of Its Interpretation*. Vol. III/2. Gottingen, Germany: Vandenhoeck & Ruprecht, 2015.
- . “The Study of Law and Ethics in the Hebrew Bible / Old Testament.” In *Hebrew*

- Bible/Old Testament The History of Its Interpretation*, edited by Magne Sæbø, III/2:594–621. Bristol: Vandenhoeck & Ruprecht, 2015.
- P.J., Allot. *Eunomia*. Oxford University Press, 1990.
- Patterson, R.D. תּוֹרָה *Theological Workbook of the Old Testament*. Edited by R. Laird Harris. Chicago: The Moody Bible Institute of Chicago, 1988.
- PAYNE, J. Barton. “תּוֹרָה.” In *Theological Wordbook of the Old Testament*, edited by Editor R. Laird Harris, item 673. Chicago: Moody Press, 1980.
- Peled, Ilan. “Law and Gender in the Ancient Near East and the Hebrew Bible,” Routledge, 2020.e-book
- Perdue, Leo G. “The Household, Old Testament Theology, and Contemporary Hermeneutics,”” Book. In *Families in Ancient Israel*, edited by Leo G. Perdue, 285. Family, Religion, and Culture. Louisville: Westminster John Knox Pr., 1997.
- Phillips, Anthony. *Ancient Israel’s Criminal Law: A New Approach to the Decalogue*. Oxford, UK: Blackwell, 1972.
- . “The Laws of Slavery: Exodus 21.2–11.” *Journal for the Study of the Old Testament* 9, no. 30 (1984): 51–66.
- Pratt Bradley, Carol. “Women in Hebrew and Ancient Near Eastern Law.” *Studia Antiqua* 3, no. 1 (2003).
- Pressler Carolyn. “Gender and Law in the Hebrew Bible and the Ancient Near East.” In *JSOT*, edited by Victor H. Matthews, Bernard M. Levinson, and Tikva. Frymer-Kensky, Vol. suppl 262. Sheffield: Sheffield Academic, 1998.
- Pressler, Carolyn. *The View of Women Found in the Deuteronomistic Family Laws*. Berlin ; New York : De Gruyter, 1993.
- . “Wives and Daughters, Bond and Free: Views of Women in the Slave Laws of Exodus 21.2-11.”” In *Gender and Law in the Hebrew Bible and the Ancient Near East*, edited by Victor A Matthews, Levinson Bernard, and Frymer-Kensky Tikva, 142–72. Sheffield, England: Sheffield Academic Press, 1999.
- Queen-Sutherland, Kandy. “Deuteronomy and Adultery: A Commandment to Live Free.” *Review & Expositor* 113, no. 4 (November 1, 2016): 500–512.
- Rad, G von. *Studies in Deuteronomy*. Studies in Biblical Theology. SCM Press, 1953.
- Ritchel-Ames, Frank. “Levirate Marriage.” In *New International Dictionary of Old Testament Theology & Exegesis.*, 902–5. Zonderman Publishing House, 1997.
- Rodd, Cyril S. *Glimpses of a Strange Land: Studies in Old Testament Ethics*. Clark, T&T, 2001.
- Rowley, H.H. “The Marriage of Ruth.” *The Harvard Theological Review* 40 (1947): 77–99.
- Sabato, Mordechai. “Differences between the First and Second Appearances of the Ten Commandments.” Jerusalem: t, 2017.
- Scacewater, Todd. “Divorce and Remarriage in Deuteronomy 24:1-4.” *Journal for the Evangelical Study of the Old Testament* 1 (2012): 63–79.
- . “Divorce and Remarriage in DeuteronomyY 24:1–4.” *Journal for the Evangelical Study of the Old Testament* 1, no. 1 (2012): 63–79.
- Schereschewsky, Ben-Zion, and Menachem Elon. “Dowry.” In *Encyclopaedia Judaica*, edited by Michael Berenbaum and Fred Skolnik, 5:768–72. Detroit, MI: Macmillan Reference USA, March 15, 2007.
<https://link.gale.com/apps/doc/CX2587505375/GVRL?u=barilan&sid=GVRL&xid=8eccdd3>.

- Society of America, 1996.
- Tigay, Jeffrey H. *Deuteronomy*, 1996.
<http://search.ebscohost.com/login.aspx?direct=true&db=rfh&AN=ATLA0000054551&site=eds-live>.
- . *Devarim : 'im Mavo u-Ferush. Miqra Le-Yisra'el*. 1st ed. Jerusalem: Tel Aviv : 'Am 'oved ; Yerushalayim : Hotsa'at sefarim 'a. sh. Y.L. Magnes, ha-Universitah ha-'Ivrit, 2016.
- Tikva Frymer-Kensky. "Deuteronomy." In *Women's Bible Commentary*, edited by Carol A. Newsom and Sharon H Ringe, 1992.
- VanGemenen, William. *New International Dictionary of Old Testament Theology and Exegesis*. Book. Edited by William VanGemenen. Grand Rapids: Zondervan, 1997.
- Vasholz, R Ivan. "Short Studies, You Shall Not Covet Your Neighbor's Wife." *Westminster Theological Journal* 49 (1987): 397–403.
- Vaux, Roland de. *Ancient Israel VI*. McGraw-Hill, 1965.
- Wegne, Judith Romney. *The Status of Women in the Mishnah*. New York: Oxford University Press, 1988.
- Weinfeld, Moshe. *Deuteronomy and the Deuteronomic School*. 2nd ed. Oxford, UK: Eisenbrauns, 1972.
- . "Origin of the Humanism in Deuteronomy." *Journal of Biblical Literature* 80, no. 3 (1961): 241–47.
- Weisberg, Dvora E. "The Widow of Our Discontent : Levirate Marriage in the Bible and Ancient Israel." *JSOT* 28, no. 4 (2004): 403–29.
- Wells, Bruce. "The Hated Wife in Deuteronomic Law." *Vetus Testamentum* 60 (2010).
- Welton, Rebekah. *He Is a Glutton and a Drunkard': Deviant Consumption in the Hebrew Bible*. EBOOK [http. Brill](http://brill.com), 2020.
- Wenham, Gordon J, and J. Gordon McConville. "Drafting Techniques in Some Deuteronomic Laws." *Vetus Testamentum* 30, no. 2 (1980): 251.
- Westbrook, R. *Studies in Biblical and Cuneiform Law*. Cahiers de La Revue Biblique. J. Gabalda, 1988. <https://books.google.co.il/books?id=gHqnoAEACAAJ>.
- Westbrook, Raymond. *Property and the Family in Biblical Law*. Book. Journal for the Study of the Old Testament. Supplement Series; 113. Sheffield: JSOT Pr., 1991.
- . "The Character of Ancient Near Eastern Law." In *A History of Ancient Near Eastern Law*, edited by Raymond Westbrook, 1–1229. Leiden: Brill, 2003.
- . "The Dowry." In *Property and the Family in Biblical Law*, 142–64. Sheffield, 1991, 1991.
- . "The Female Slave." In *Gender and Law in the Hebrew Bible and the Ancient Near East*, edited by Don C. Matthews, Victor H. and Benjamin, Bernard M. Levinson, and Frymer-Kensky Tikva, 214–38. Sheffield: Sheffield Academic, 1999.
- . "The Prohibition on Restoration of Marriage in Deuteronomy 24:1-4." *Scripta Hierosolymitana* 31, no. 387–405 (1986).
- Westbrook, Raymond F. "A History Of Ancient Near Eastern Law." In *Handbook Of Oriental Studies*; , edited by Raymond F. Westbrook, 1st ed. Leiden: Brill, n.d.
- Williams, William C. "אִוֶּה." In *New International Dictionary of Old Testament Theology & Exegesis*., edited by William VanGemenen, 304–6, 203. Grand Rapids: Zondervan Pub. House, 1997.
- Wright, Christopher J. H. *Deuteronomy, New International Biblical Commentary*. Edited by

- New International Biblical Commentary. 1st ed. Peabody, MA: Hendrickson Publishers, 1996.
- . “Family.” In *The Anchor Bible Dictionary Vol2*, edited by David Noel Freedman, 767. Yale University Press, 1992.
- Wright, Christopher J.H. “What Happened Every Seven Years,.” *The Evangelical Quarterly* 56, no. 4 (1984): 193–98.
- . *New International Biblical Commentary: Deuteronomy (Old Testament Series)*. 3rd ed. Peabody, MA: Hendrickson Publishers, 2003.
- Wright, CJH. *Old Testament Ethics for the People of God*. Edited by CJH Wright. Downers Grove, IL: InterVarsity Press, 2004.
- Yaron, Reuven. “The Restoration of Marriage.” *Journal of Jewish Studies* 17, no. 1 (1966): 1–11.
- Ziskind, Jonathan R. “The Treatment Of Women In Deuteronomy:- Part I.” *Jewish Bible Quarterly* 27, no. 3 (1999): 231–37.
- ויינפלד, משה. עשרת הדברות - ייחודם ומקומם במסורת ישראל : חיוב פורמאלי בסיסי בדת ישראל: במסורת עשרת הקדמה. תל אביב: הקבוץ המאוחד, 1986. סגל. 1. Edited by 1. *הדברות במהלך הזמנים*.
- י.ח.טיגאי. דברים, כרך ראשון א, א – טז, יז, מקרא לישראל, פירוש מדעי למקרא. רעננה: האוניברסיטה העברית - עם עובד י"ל מאגנס, 2016.
- “נחלה.” In *HALOT*, dictionaries-brillonline-com.eu1.proxy.openathens. HALOT Dictionaries Brill on line, 2022.

Appendix

Table 1. Modified Ordinances in Deuteronomy Protecting Womens Status and Their Affiliation with the Land of Israel

Biblical Law	Affiliation of the law with ancestral property in the land of Israel
<p>Prohibition of coveting another's wife</p> <p>דב' ה 17 וְלֹא תִחְמַד אִשְׁתּוֹ רֵעִי וְלֹא תִתְאָוֶה בֵּית רֵעִי שְׂדֵהוּ וְעַבְדּוֹ וְאִמָּתוֹ שׂוֹרְוֹ וְחִמְלֹו וְכָל אֲשֶׁר לְרֵעִי:</p>	<p>All of the ten commandments are part of the covenant related to the promise of inheriting the land</p> <p>לפני 10 הדברות:</p> <p>דב' ד 40 וְשָׁמַרְתָּ אֶת־חֻקֵּי וְאֶת־מִצְוֹתַי אֲשֶׁר אֲנִי מְצַוְךָ הַיּוֹם אֲשֶׁר יִיטֵב לָךְ וְלְכַנְיֶיךָ אֶתְרִיבֶךָ וְלִמְעַן תִּאָּרִיב יָמִים עַל־הָאָדָמָה אֲשֶׁר ד' אֱלֹהֶיךָ נָתַן לְךָ כְּלֵי־הַיָּמִים:</p> <p>אחרי 10 הדברות:</p> <p>דב' ה 27-29 וְאַתָּה פֹּה עֹמֵד עִמְדִי וְאִדְבַּרְהָ אֵלַיךָ אֵת כְּלֵי־הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים אֲשֶׁר תִּלְמַדְם וַעֲשׂוּ בְּאֶרֶץ אֲשֶׁר אֲנִי נֹתֵן לָכֶם לְרִשְׁתָּהּ: (כח) וְשָׁמַרְתֶּם לַעֲשׂוֹת כַּאֲשֶׁר צִוָּה ד' אֱלֹהֵיכֶם אֲתִכֶּם לֹא תִסְרוּ יָמִיו וְשָׁמַאל: (כט) בְּכָל־הַדָּרֶךְ אֲשֶׁר צִוָּה יְהוָה אֱלֹהֵיכֶם אֲתִכֶּם תִּלְכוּ לִמְעַן תַּחֲיֶינָה וְיָשׁוּב לָכֶם וְהִאֲרַכְתֶּם יָמִים בְּאֶרֶץ אֲשֶׁר תִּירְשׁוּ:</p>
<p>Women slave release</p> <p>דברים טו</p> <p>(יב) כִּי יִמְכַר לָךְ אֶת־יָדְךָ הַעֲבָדִי אֹו הַעֲבָדִיָּה וְעַבְדְּךָ שֵׁשׁ שָׁנִים וּבִשְׁנֵה הַשְּׁבִיעִת תִּשְׁלַחְנֻהוּ חֲפָשִׁי מֵעִמָּךְ:</p> <p>(יג) וְכִי תִשְׁלַחְנֻהוּ חֲפָשִׁי מֵעִמָּךְ לֹא תִשְׁלַחְנֻהוּ רִיקָם:</p> <p>(יד) הַעֲנִיק תַּעֲנִיק לוֹ מִצֵּאָנֶךָ וּמִגִּרְנֶךָ וּמִיִּקְבֹּה אֲשֶׁר בִּרְכַךְ ד' אֱלֹהֶיךָ תִּתֵּן לוֹ:</p>	<p>Leviticus directs the economic reestablishment of the slaves, dictating that to his family and regain his lands and holdings (Lev.. 25:39-46) .</p> <p>ויקרא כה</p> <p>(לט) וְכִי־יָמוּד אֶת־יָדְךָ עִמָּךְ וּנְמַכְרֶךָ לֹא־תַעֲבֹד בּוֹ עַבְדֻת עַבְד</p> <p>(מ) כְּשֹׁכִיר כְּתוֹשֵׁב יִהְיֶה עִמָּךְ עַד שָׁנַת הַיָּבֹּל יַעֲבֹד עִמָּךְ:</p> <p>(מא) וַיֵּצֵא מֵעִמָּךְ הוּא וּבְנָיו עִמּוֹ וְשָׁב אֶל־מִשְׁפַּחְתּוֹ וְאֶל־אֲחֻזַּת אֲבֹתָיו יָשׁוּב:</p>
<p>Remarriage prohibition</p> <p>דב' כד 1-4</p> <p>(א) כִּי־יִנְקַח אִישׁ אִשָּׁה וּבְעָלָהּ וְהָיָה אִם־לֹא תִמְצָא־תָן בְּעֵינָיו כִּי־מִצָּא בָהּ עֲרוּנַת דְּבָר וְכִתְבָ לָהּ סֵפֶר כְּרִיתוֹת וְנָתַן בְּיָדָהּ וְשָׁלַחָהּ מִבֵּיתוֹ:</p> <p>(ב) וַיֵּצֵאָה מִבֵּיתוֹ וְהִלְכָה וְהִיְתָה לְאִישׁ־אֲחֵר:</p> <p>(ג) וְשִׁנְאַתָּה הָאִישׁ הָאֲחֵרוֹן וְכִתְבָ לָהּ סֵפֶר כְּרִיתוֹת וְנָתַן בְּיָדָהּ וְשָׁלַחָהּ מִבֵּיתוֹ אוֹ כִּי יָמוּת הָאִישׁ הָאֲחֵרוֹן אֲשֶׁר־לָקַחְתָּהּ לוֹ לְאִשָּׁה:</p> <p>(ד) לֹא־יִוָּכַל בְּעָלָהּ הָרִאשׁוֹן אֲשֶׁר־שָׁלַחְתָּהּ לָשׁוּב לְקַחְתָּהּ לְהָיוֹת לוֹ לְאִשָּׁה אֲחֵרִי אֲשֶׁר הִטְמָאָה כִּי־תוֹעֵבָה הוּא לָפָנַי ד' וְלֹא תִחְטִיא אֶת־הָאָרֶץ אֲשֶׁר ד' אֱלֹהֶיךָ נָתַן לָךְ נַחְלָה:</p>	<p>וְלֹא תִחְטִיא אֶת־הָאָרֶץ אֲשֶׁר ד' אֱלֹהֶיךָ נָתַן לָךְ נַחְלָה:</p> <p>(מלשון להחטיא, לטעות)</p> <p>כמו במלכים א כ"א: ב-ג</p> <p>(ב) וַיְדַבֵּר אַחְאָב אֶל נָבוֹת לֵאמֹר תִּנֶּה לִי אֵת כַּרְמִי וַיְהִי לִי לְגַן יָרֵק כִּי הוּא קָרוֹב אֶצְל בֵּיתִי וְאֶתְנֶנָּה לָךְ תַּחֲתָיו כָּרֶם טוֹב מִמֶּנּוּ אִם טוֹב בְּעֵינֶיךָ אֶתְנֶנָּה לָךְ כֶּסֶף מְחִיר זֶה. (ג) וַיֹּאמֶר נָבוֹת אֶל אַחְאָב חֲלִילָה לִי מִד' מִתַּתִּי אֵת נַחְלַת אֲבֹתַי לָךְ.</p> <p>(כב) וְנִתְמִי אֵת בֵּיתִי כְּבֵית יִרְבֵּעַם בֶּן נָבֹט וּכְבֵית בַּעְשָׂא בֶן אַחֲזָה אֶל הַכַּעַס אֲשֶׁר הִכְעִסְתָּ וְחִטַּטָּ אֵת יִשְׂרָאֵל.</p>

<p>The Levirate marriage</p> <p>כ דב כה (ה)י-יִשְׁבּוּ אַחִים נַחֲדָו, וּמֵת אֶחָד מֵהֶם וּבֶן אִין-לוֹ לֹא- תהינה אשת-המת החוצצה, לאיש זר: יבמה יבא עליה, ולקחה לו לאשה ויבמה. (ו) והינה הבכור אשר תלד יקום על שם אחיו המת; וְלֹא יִמָּחַה שְׁמוֹ מִיִּשְׂרָאֵל .</p>	<p>רות ד ה וַיֹּאמֶר בְּעֵזר בְּיָוִם-קְנוּתָהּ הַשְּׂדֵה מִיַּד נְעָמִי וַיִּמָּאֵת רֹוֹת הַמוֹאָבִיָּה אֲשֶׁת-הַמֵּת [קְנִיתָ] (קניתי) לְהַקִּים שְׂם-הַמֵּת עָלַי- נַחֲלָתוֹ:</p>
<p>Termination of an unruly son who blatantly disrespects his parents</p> <p>Deut 21: 18-21</p> <p>(יח) קִי יִהְיֶה לְאִישׁ בֶּן סוֹרֵר וּמוֹרָה אֵינְנוּ שֹׁמֵעַ בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ וְיִסְרָו אִתּוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם: (יט) וַתִּפְשׁוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ אֹתוֹ אֶל-זִקְנֵי עִירוֹ וְאֶל-שַׁעַר מִקְדָּו: (כ) וְאָמְרוּ אֶל-זִקְנֵי עִירוֹ בְּגִנּוּ זֶה סוֹרֵר וּמוֹרָה אֵינְנוּ שֹׁמֵעַ בְּקוֹלֵנוּ זֹלָל וְסָבָא: (כא) וְרָגְמָהוּ כָּל-אֲנָשֵׁי עִירוֹ בְּאֲבָנִים וְמֵת וּבַעֲרֹת הָרַע מִקַּרְבָּה וְכָל יִשְׂרָאֵל יִשְׁמְעוּ וַיִּירָאוּ:</p>	<p>שמי' כ יא כִּי כִּבֵּד אֶת אָבִיךָ וְאֶת אִמֶּךָ לְמַעַן יֵאָרְכוּ יָמֶיךָ עַל הָאֲדָמָה ד' אֱלֹהֶיךָ נָתַן לָךְ. דב ה טו כִּי כִּבֵּד אֶת-אָבִיךָ וְאֶת-אִמֶּךָ כַּאֲשֶׁר צִוָּה ד' אֱלֹהֶיךָ לְמַעַן יֵאָרְכְּבוּ יָמֶיךָ וְלִמְעַן יֵיטֵב לָךְ עַל הָאֲדָמָה אֲשֶׁר ד' אֱלֹהֶיךָ נָתַן לָךְ</p>

תקציר

ספר דברים קובע את יסודותיה של חברה תיאולוגית, אחראית חברתית ומוסרית, ובעלת תכנון כלכלי יציב. החזון ההומניטרי בספר דברים, מרחיב ומבהיר את החוקים הקודמים שנקבעו בברית בסיני, תוך מתן קווים מנחים נוספים להגנת החלשים ופגיעים בחברה. נשים ורווחתם החברתית הן מרכיב משמעותי בגישה זו. חקיקה הנוגעת לנשים באופן כללי, הוזכרה יותר בספר דברים מאשר ביתר ספרי התנ"ך, והעניקה להן ביטחון אישי ומעמד חברתי משופר, אך גם הטילה מעצורים נוספים. החקיקה שהבטיחה לנשים ירושה וזכויות בעלות על נחלת אבות, במשפחות שאין להן בנים יורשים (במדבר כ"ו:33, כ"ז:1-11), חיזקה את מעמדן הכלכלי, היות וקרקע הייתה הנכס הכלכלי החיוני ביותר בישראל העתיקה. על פי תיאורים מקראיים, נשים החזיקו ברכוש כגון קרקע מירושה, נדוניה ומתנות. בישראל הקדומה, נכסי האישה היו בעלי חשיבות מרכזית בעת כניסה לנישואין, כאישה לבעל ואם ליורשים משותפים, בעת גירושין או אובדן בן זוג, ובזמן שחרור מעבדות. אלו הן דוגמאות למצבי חיים בהם החזקה באדמת אבות ונכסים אישיים של נשים עלולה הייתה להיות בסכנה. למרבה הצער, קיים מחסור בדיון מושכל על בעלות בקרקע ונכסים של נשים והורשת לבניהם כחלק אינטגרליים של מערכת חלוקת האדמות ארץ ישראל והמשכיות הירושה.

במחקר זה, אפיינתי חמישה חוקים חדשים או ששונו בספר דברים בהשוואה לתקנות קודמות

העשויות להשתייך לאוסף חדש של תיקונים רגולטוריים שהותאמו לתת מענה ולהגן על נשים המתמודדות עם מצבי חיים מלחיצים או מסוכנים. לחוקים אלה יש מטרה משותפת לשפר את מעמד האישה ולהגן על זכויות קניין וירושה של נשים אלה בתנאים מאיימים המוגדרים בכל חוק. החוקים בספר דברים שאדון בהם כוללים:

- I. איסור חמדת אשת רעהו (ה:יז)
- II. זכויות שחרור עבדים שוויוניות לנשים (ט"ו:12-15)
- III. איסור השבת נישואין (כ"ד:א-ד)
- IV. בן הסורר והמורה (כא:יח-כא).
- V. נישואי יבום (כ"ה:ה-י)

אני מציעה שהשינויים האלה שמרו על המשך הירושה המשפחתית של אדמת אבות, וכל הנכסים המשפחתיים או האישיים של האישה אשר בנסיבות מגוונות עלולים היו להיות בסכנה. ניתן לראות תמיכה ברעיון זה בכך שחוקים אלו, המתארים את המצבים המסוכנים לאישה, קשורים מבחינה טקסטואלית לירושה ארוכת הטווח של ארץ ישראל על פי הכתוב באותו חוק (טבלה 1). התכלית הרעיונית של חוקים אלה נידונה על ידי סקירת הספרות של כל חוק בנפרד וניתוח ההשלכות הפוטנציאליות שמזיקות לרכוש האישה ולירושת המשפחה העתידית במידה וחוקים אלה לא יושמו. טענתי היא שיתכן כי חוקים אלו הגנו על אחזקת האדמות של האישה, ירושת אבות, ורכושן האישי של הנשים מבחינה משפטית, בתנאים לא מוצדקים או מסוכנים. כאשר התעוררו אי ודאויות, המשכיות השושלת בהחזקת רכוש אבות עלולה הייתה להיות מאוימת. חוקי ספר דברים הייחודיים האלו, שהיו לטובת נשים בסיכון, יכלו להגן על המשכיות השושלת וירושתה העתידית של אחזקות רכוש אבותיהן ואף על נכסיהן הפרטיים, ובכך למנוע עוני ודלות הפרט. חוקים המגנים על רכוש נשים, יכלו לספקו מאפיין מייצב ומחזק משמעותי למערכת ירושת אבות ולמשפחות העתידיות על ידי מניעת פגיעה בכלכלת הכלל.

החוק הראשון הנדון הוא **איסור חמדת אשת רעהו** (דברים ה:יז). ניתן לראות כאן דוגמא למוניטין גבוה יותר של ערכן של נשים, בהשוואה לנוסח של עשרת הדברות בספר שמות (כ':יג). השינוי

בציווי זה ממחיש דרגה גבוהה יותר לערך האישה, שכן היא הופרדה מכל רכוש אחר בציווי מובהק שמכיר במעמד האישי המורם שלה. מספר חוקרים הציגו את הרעיון שחוק זה מכיל מרכיב כלכלי משמעותי היות וסביר שלאישה המחזיקה ברכוש או קרקע מירושה או מתנה יהיה ערך כלכלי גבוה, דבר שבהחלט ניתן לחמוד.

חמדת אישה של מי שהוא אחר או חמדת הרכוש ששייך לה מאתגרת את זכותו של הבית לאדמתו ולזכויותיו לירושה, שהם סוגיות קרדינליות ביישוב ארץ ישראל. בידול האשה מכל רכוש אחר בציווי זה מזהיר מפני חמדת אשת זולתו, כי התוצאה עלולה להיות קטסטרופלית לאישה עצמה ולדורותיה הבאים ולתרום להחלשת כלכלת הכלל. הנביא מיכה מזהיר שמי שישנה את היעוד של אדמת אבות יודח מקהלת ה' (מיכה ב, ה). הירושה של אישה, הנדוניה שנתן אביה במסגרת עסקת החתונה או כל רכוש אחר השייך לה יכולים להיחשב כנכס ראשי שאין להתעסק בו שכן הוא מבסס ירושה משפחתית מסודרת ויציבות כלכלית. חמדה והשתלטות על אשתו של אחר, גורמת לחוסר יציבות, לנזק רגשי וכלכלי בלתי הפיך הן לאישה והן למשפחתה. פנייה מכוונת לעזוב את בעלה למען גבר חמדן אחר תגרום לגירושים, ורכושה ועושרה בהחלט עלולים להיות בסיכון אובדן. קרקעות ונכסים שהיו בבעלותה והעצימו את מעמדה היוו מצע כלכלי שתוכנן לדורות הבאים של ברית נישואים הראשון שלה. כל זה היה עלול ללכת לאבדון לנצח מכיוון שלעולם לא תוכל לחזור לבעלה הראשון (דברים כ"ד:1-4).

ניתן לראות דרך נוספת להבנה הדיבר העשירי, והוא הדרישה מגברים לא רק לאיפוק רגשי אלא גם כלכלי. השתלטות על אשתו של מישהו אחר היא גניבת הנכס היקר ביותר לבעל, את נכסיה, והירושה של רכוש משפחתה לדורות הבאים. החוק הזה קשור לארץ ישראל שכן השכר הנקוב בכתובים על קיום עשרת הדברות הוא ירושה לאומית לטווח ארוך של הארץ, על ידי עם ישראל. אני מציעה ששינוי זה, כמו מספר תיקונים רגולטוריים אחרים שנדונו כאן, היה הכרחי כדי להגן על זכויותיה של האישה ברכושה, בין אם בבעלותה כירושה עכשווית או עתידית ובין אם הושגה במתנה. התיקון הספציפי הזה, היה ניסיון להגן על האישה מפני פגיעות רגשיות וכלכליות בלתי הפיכות ופגיעה בירושה של ילדיה שנגרמו על ידי גבר חמדן. בנוסף, חמדת ערכה הכלכלי או רכושה של אשתו של האחר עלולה לגרום להשפעה שלילית משמעותית על הכלכלה הציבורית על ידי שיבוש מסגרת המשפחתית וחלוקת הרכוש שלהן.

שחרור העבד העברייה (דברים ט"ו:יב-טו), המעניקה זכויות השוויוניים לנשים, הוא החוק השני לדיון. על פי שמות כ"א 7-8, החוק בדבר שחרור עבדים בספר הברית מתייחס רק לעבדים זכרים (שמות כ"א 11-2) בעוד שהנשים לא שוחררו. חוק זה, שהוא ייחודי לישראל, מהווה דוגמה מובהקת ליחס ההומניסטי לנשים בספר דברים בהשוואה לחוקים קודמים. ההנחיות המקבילות בספר דברים קובעות במפורש ששחרור העבדים חל על עבדים זכרים ונשים כאחד, עם אותה מגבלת הזמן ומענק שחרור זהה לנשים כמו לגברים. ספר דברים שיפר באופן גלוי את זכויות העבד העברייה ואת תנאי שחרורה. החוק מחייב את האדון לשחרר גם את העבד העברייה לאחר שבע שנים ולהעניק לה מענק כלכלי בעת השחרור. בספר הברית, שמות כא: 7-11, האמה הייתה אמורה להיגאל או להינשא לאדונה או לבנו של אדוניה, ללא אזכור של מגבלת זמן או מענק שחרור. בדברים ט"ו: 12-18, העבד העברייה משתחררת באותו אופן כמו העבד העברי, משום שתהליך השחרור השתנה.

תנאי השחרור של כל העבדים נועדו למנוע חדלות פירעון ועוני של המשרת המשוחרר ללא קשר למינו. ספר ויקרא מנחה את הקמתו הכלכלי של העבד, ומכתיב שעם השחרור הוא יחזור למשפחתו ויחזיר לעצמו את אדמותיו ואחזקותיו (לב' כ"ה:28, כ"ה:39-46) כדי לבנות מחדש את חייו הכלכליים והמשפחתיים. החוק הזה בספר דברים מרחיב אפשרות ומחזק את היכולת של העבד העברי לחזור למעמד כלכלי סביר בתוך משפחה ולבסס את עתידה. העבד העברי קיבל חופש לחיות, להתחתן ולהקים משפחה משלה. ללא פסיקה זו, כל עבד עברי לא תהיה חופשית לקדם ולטייב את חייה או, ואם זה רלוונטי, לתבוע בחזרה את אדמת אבותיה ורכושה כדי לתמוך במשפחת אביה והמשכיות הדורות הבאים חוק זה מגן במיוחד על נשים ללא אחים ש א-נמכרה לשעבוד כ"אמה" והאדון הפר את חוזה הנישואין המשפחתי, או ב- אם האישה נמכרה עבד חוב והיא לא שוחררה לאחר תקופה מקסימלית של שש שנים. במקרים אלו אדמות אבותיה ונכסי המשפחה התורשתיים יעמדו בסכנה ואישה הייתה נשארת מופקרת כי אדמת אבות ורכוש לעולם לא תחזור למשפחה ונאמנות השושלת של הירושה שלה תיאבד והבסיס הכלכלי המשפחתי ייהרס. בשחרורה ניתן לה אפשרות ליזום פרנסה, ובהעדר יורשים בנים לרשת אדמות או לתבוע חזרת נכסי האבות שיהווה בסיס כלכלי לדורות הבאים. משפחות שכאלו, ללא אדמה, היו עלולים להיקלע לעוני שעשוי להוביל לערעור היציבות הכלכלית ולפגיעה בחוסנה הכלכלי של החברה.

אני מציעה שחוק זה שייך לקבוצת התיקונים הרגולטוריים של ספר דברים, המגנים על מעמד האישה ועל זכויות הקרקע והקניין שלה. מעמד השחרור הכלכלי של העבד העברי היה שווה לזה של העבד העברי. קיים קונצנזוס סכולסטי באשר לתנאי השחרור של כל העבדים שנועדו למנוע חדלות פירעון ועוני של העבד המשוחרר. ספר ויקרא מנחה על הקמתו הכלכלית של העבד, ומכתיב שעם שחרורו הוא חוזר למשפחתו ומחזיר לעצמו את אדמותיו ואחזקותיו (לב' כ"ה:28, כ"ה:39-46) כדי לבנות מחדש את חייו הכלכליים והמשפחתיים. ספר דברים מרחיב אפשרות זו לעבד העברי, ומבטיח ביתר שאת שכל עבד, ללא קשר למינו, יוכל לחזור למצב כלכלי סביר.

איסור השבת נישואין (דברים כ"ד:א-ד) הוא החוק השלישי של קבוצת החוקים הנידונה. חוק מקראי זה אוסר על איחוד נישואים מחדש במידה שהאישה הגרושה כרתה ברית נישואים נוספים. איסור זה עוסק בנישואים חוזרים ולא בגירושין. החוק עצמו ארוך ומורכב, ועל אף העילה העמומה האיסור מובהק, והמניע ברור. החוק מתחיל בסיבת גירושין מעורפלת, המתוארת כמשהו באישה שאינו צנוע הפוגע באופן אישי (ערות דבר "דבר עירום") לבעלה. יש הסכמת חוקרים שגירושים אלו נובע ממניע מביש שהבעל אינו יכול להכיל. בעקבות גירושין מבעלה הראשון, היא אינה אסורה לבעל אחר וחופשיה להינשא שנית. דעתו הסובייקטיבית של הבעל הראשון עשויה להיות המפתח להבנת מטרת החוק. האיסור הזה והרציונל מאחוריו באמת קשורים אך ורק לבעל הראשון. זה ברור משום שהעילות לפירוק נישואים השניים אינן רלוונטיות, ללא כל משמעות לשאלה האם בעלה השני היה חי או מת. הסוגיה שצוינה בכירור היא שהיא הַטְּמָאָה, בבניין הותפעל אמנם אין הסכמה בין תלמידי חכמים או רבנים בשאלה האם המטמא היה בעלה הראשון או השני. נראה שהבעל הראשון הוא השחקן הראשי.

הפועל עשוי לספק רמז. לפיכך נראה שאם הבעל הראשון הטמא בתולה זו ולאחר מכן הפחית את מעמדה מנשואה לגרושה מסיבותיו אישיות שלו.

קיימות תיאוריות רבות של חוקרים ופרשנים המסבירות מדוע בעלה הראשון לא יכול לחזור להיות בן זוגה, נוגעות בעיקר לסוגיות קדושה והגנתה מפני שימוש בה בכוח ע"י בעלה לזנות. אוסיף שזכותה הבסיסית להתרבות ולהקים משפחה אחרי הגירושין מוגנת על ידי הכרה משפטית בנישואיה השניים. החוק הזה גם ייחודי לישראל, ללא אח ורע בשום מערכת משפטית אחרת בעולם העתיק. מספר חוקרים מייחסים לחוק זה הגנה על מעמדה הסוציו-אקונומי של האישה ולמניעת ניצול רכושה. לעניות דעתי, בנוסף לשמירה על כבודה כאדם מפני הבעל שדחה אותה, איסור זה מגן על רכוש האישי של האישה לאחר תום נישואיה השניים, על רכוש אבות שלה במידה וישנה רלוונטיות, ומפני ניצול רכושה בתנאים שבהם עלולות להיווצר אי בהירות משפטית. חטא הנישואין מחודשים עם אשתו הראשונה הוא "תועבה" והמניע לקיים איסור זה הוא לא לגרום ל"ארץ לחטוא". מטרת חוק זה עשויה להיות הגנה על טהרת אדמת האבות, מפני חטא. המיקום והבעלים של אדמות הנחלה נקבעה ע"י כוח עליון, הפועל, תחטיא בזמן הפעיל, המייצג פעולה סיבתית שיכולה גם לגרום לשגיאה או החמצת המטרה (י' 20:16). המניע המקראי שנאמר בחוק זה הוא לשמור על נחלתה של ארץ ישראל (v.4) זה תומך ברעיון שהחוק מגן ישירות על ירושה זו עבור הדורות הבאים.

חוקרים ופרשנים מסכימים שכוונת החקיקה הזו מחילה מגבלות חדשות על התנהלות גירושין, ומונעת שימוש לרעה בו כצורה "חוקית" של ניצול זוגי מכל סוג. לחוק זה, בנוסף להגנה על נשים מפני התעללות ומניעת הפיכת גירושין לצורה חוקית של ניאוף, ונראה שיש לחוק גם מניע כלכלי משמעותי שאינה מיוצגת בספרות במידה רבה וצוין בידי מעט חוקרים. לכן ניתן להבין שצו מניעה זו הינו תיקון רגולטורי נוסף המגן ישירות על רכושן האישי של נשים ועל אדמת אבות. הוא שומר אפוא על רכושה של האישה מפני התעללות מצד בעלה הראשון, ואם רלוונטי על נאמנות השושלת (lineage fidelity) של אדמת משפחה מצד אביה.

החוק הרביעי הוא **חוק הבן הסורר והמורה (דברים כ"א:יח-כא)**. שיכול לספק תיקון רגולטורי נוסף המגן על נכסיהן של נשים ע"י השילוב שוויוני של אימהות בהחלטה לסיים את חייו של בנה המורד. נוהל לסיום חיי בן חסר כבוד להוריו ויורש מופיע בחוק אכדי ובחוק חמורבי, עם זאת, החוק חייב רק אבות להעמיד לדין את יורשיהם. חוק הבן המתריס הישראלי הוא באמת דרמטי מכיוון שהוא נוגע לעבירה בתוך המשפחה המצדיקה הסכמה מלאה ושיתוף פעולה של אביו ואמו גם יחד להגיש את בנם לרשויות לעונש מוות. חוק הבן המורד, קובע כי ניתן להרחיק בן מנתק וחסר כבוד ניתן מהמשפחה וממורשת שני הוריו לפי בחירתם. הדרישה להצהרת שני ההורים לחסל את בנם המתריס עשויה להיות בעל משמעות עבור נכסי הירושה של המשפחה ומחייבת החלטה מאוחדת בדבר חיסול הירושה חסר המצפון זה. שני ההורים חייבים לשתף פעולה באופן שוויוני במסירת בנם לזקנים לצורך גזר דין מוות. יתכן שלנשים היה רכוש שיעבור בעתיד כירושה לבניהן, ולכן על האם להשתתף גם בחיסול הירושה שלה. לפיכך, נראה שחוק זה בספר דברים מבטא הגנה נוספת על רכושה של האישה או על ירושתה. לפי המקרא ולפי חוקרים לא מעטים נשות ישראל החזיקו ברכוש אישי כלשהו מנדוניה או מתנות, וחלק

אף החזיקו בקרקע אבות. ניתן לראות כי חוק זה מתייחס לביטול זכויות ירושה של רכוש אבות עבור שני ההורים באופן שוויוני. כיוון שהאם עשויה להיות אף היא בעלת נכסים העוברים בירושה, ניתנה לה הזכות השווה להסכים או לא להסכים להוצאה להורג של יורשה הסורר. במקרים של בעלות על רכוש האם, החוק מעניק לאם תפקיד משפטי שווה לאב בהחלטה אם להוציא להורג היורש הסורר בגין ביזוי הוריו. דרישת שיתוף הפעולה של האם בהתמודדות עם בן מתריס מאפיינת את העמדה התומכת בנשים פגיעות הנראים בספר דברים וייחודיות לישראל. למרבה ההפתעה, רוב החוקרים לא דנו בביטול הירושה הן על ידי האב והן על ידי האם, דבר שהיה בוודאי עניין כלכלי ציבורי לבני המשפחה והשבט בישראל העתיקה. דין הבן המתריס ונישואי יבום (דברים כ"ה, ה-ו), היו ייחודיים לישראל בכך ששניהם דורשים אישור של מנהיגי הציבור, הזקנים, ומגנים על ירושת הרכוש של הבעל ואישה באופן שווה. גוף זה מסדיר את ניתוק רכוש של הבן המסוכן חסר ה מצפון באופן שווה הן עבור האב והן עבור האם, ומונע תוצאות מסוכנות למשפחה ולכלל.

החוק האחרון בדיונינו הוא של **נישואי יבום (דברים 25: 10-5)**. בניגוד לביטול אזכור יורש מסוכן בחוק הקודם, חוק זה מנסה לאפשר לאלמנה חשוכת ילדים יורש. חקיקה זו הינה אחד מהשינויים האולטימטיביים של דברים ששיפרו את המעמד הסוציו-אקונומי של נשים במצב קיצוני ביותר. נישואי הייבום לוקחים בחשבון את התנאים הזוגיים והכלכליים שנקשרו בין שתי משפחות במטרה להקים בית משותף להולדת ילדים כיוורשים לנכסי המשפחה. בנוסף למתן יורש לעיזבון הבעל המנוח, כפי שמצוין בכתוב (דברים כ"ה, ה-י), חוק הייבום מגן גם על זכותה של האלמנה לתמיכה כלכלית על ידי משפחת הבעל המנוח, ומכיר בזכותה להולדת יורש לנכסי הנישואין המשולבים. זה בתורו הגן על ההכנסה הכלכלית של צאצאיה של האישה ושל הדורות הבאים אחריה. חוק זה בפרט מהווה דוגמה מצוינת לחוקים הקשורים לשלמות הירושה של ארץ ישראל ולשמירה על אחוזות משפחתיות ששיפרו והגנו על מעמדן הסוציו-אקונומי של נשים בסיכון.

בניגוד לביטול יורש מסוכן בחוק הקודם, חוק זה מנסה להעניק יורש לאלמנה שבעלה נפטר לפני שילדים נולדו. בהתבסס על הבנתם של מספר חוקרים שנסקרו כאן, נוכל לסכם כי דין זה של ספר דברים קבע סדר שיקל על האלמנה ליהנות מעיזבון הבעל המנוח. מנהג נישואי הייבום בישראל היה דומה לזה הנהוג בתרבויות אחרות באזור עם מניע ברור ששונה לחלוטין מהתרבויות האחרות. חוק הייבום הישראלי שמר על הגנתה, תמך בה וניסה לספק לבעל ולאלמנתו יורש בעזרת נישואים לאח הבעל כיבם משפחתי. מעמדה המשופר מאלמנה לאישה נשואה הווה חלון הזדמנויות בשבילה. הקניית יורש לאחוזת אבותיו של בעלה הראשון הבטיחה תביעה לגיטימית על הקרקע וזכויות הירושה עבור הבן.

תוצאה משמעותית נוספת של חוק זה המוצע כאן, היא שהייבום גם מספק לה יורש לכל נכסי משק בית הנישואין הכוללים כל רכוש שהוענק לעסקת הנישואין על ידי אביה, וכל שאר המתנות שנרכשו לה לאחר הנישואין. להגנה על נכסיה ואדמותיה של האלמנה היה חשיבות מכרעת, שכן הם היו חלק בלתי נפרד מהנישואים שהסתיימו בטרם הושגה מטרתם. במטרה להביא יורש להבטחת המשך הבעלות המשפחתית על עזבון הבעל, נישואי יבום גם שמר, כאשר זה רלוונטי, את על אדמת אבותיה ונכסיה האישיים. חוק זה מהווה דוגמה בולטת לחוקים אשר שיפרו והגנו על מעמדן החברתי-כלכלי של נשים בסיכון על ידי

שמירה על שלמות הירושה של ארץ ישראל והגנה על המשפחה. כתיקון רגולטורי בספר דברים, חוק זה נועד להגן על האלמנה כחלק מהמשפחה של הבעל שאליה נישאה, בעזרת ניסיון להביא יורש לגיטימי לכל נכסי בני הזוג בנחלתם המשותפת.

לסיום, שמירה על הקרקע וזכויות הקניין של האישה בתנאים בלתי מוגנים הייתה מכרעת שכן נכסי המשפחה והקרקע היו המשאב הכלכלי הבסיסי ביותר ומצע ההכנסה לדורות הבאים. במחקר זה ניתחתי חמישה חוקים נבחרים המשפרים את מעמד האישה וגם מגנים על החזקה המשפטית של האישה על אדמות, ירושת אבות ורכושן הפרטי, בתנאים לא ברורים ואף מסוכנים לכלכלתה ולעתידה. חוקים אלה, שהיו לטובת מעמד הנשים בסיכון, והגנו על זכויות הקניין מנעו עוני וחסרון של הפרט. בהיקף רחב יותר, חוקים אלה נועדו לספק יציבות כלכלית שמייצבת ומחזקת את מערכת ירושת אבות והבטחת עתידם של המשפחות על ידי מניעת פגיעה במערכת הכלכלה.

עבודה זו נעשתה בהדרכתו של פרופ' יהושוע ברמן

המחלקה לתנ"ך ע"ש זלמן שמיר של אוניברסיטת בר-אילן

אוניברסיטת בר אילן

שיפור במעמד נשים בספר דברים והגנת רכושן וזכותן לירושת אבות

ורדה דויטש

עבודה זו מוגשת כחלק מהדרישות לשם קבלת תואר מוסמך במחלקה לתנ"ך ע"ש זלמן שמיר
של אוניברסיטת בר אילן

תשפ"ג

רמת גן