

Is God a moral monster: Making sense of the Old Testament

Deuteronomy 21:10-14

In this scenario, the law served as a protective measure for the woman POW. She was the one who benefited from this legislation. The law defended her rights and personhood. For one thing, she wasn't raped, which was common practice in other ancient Near Eastern cultures. The would-be Israelite husband couldn't simply marry—let alone have sex with—her immediately. No, she was to be treated as a full-fledged wife. Unlike many Las Vegas weddings or the phenomenon of mail-order brides, the matter of marriage in Israel was not entered into lightly (motivated by, say, lust). That point is strongly reinforced in this passage.

The separation process allowed for a period of reflection. Before a woman POW was taken as a wife by the victorious Israelite soldier, she was allowed a transition period to make an outer and inner break from her past way of life. Only after this could she be taken as a wife. Given the seriousness of marital commitment, the time period allowed for the man to change his mind. The line "if you are not pleased with her" doesn't suggest something trivial, however, since the Mosaic law took seriously the sanctity of marriage. [12] If, for some reason, the man's attitude changed, the woman had to be set free.

Footnote

John Sailhamer, *The Pentateuch as Narrative* (Grand Rapids: Zondervan, 1992), 51-59.

Citation: [Is God a moral monster: Making sense of the Old Testament, Paul Copan, page 120 & 242](#)

Is God a Vindictive Bully? Reconciling PORTRAYALS of GOD in the OLD and NEW TESTAMENTS

The “Instruction” of Moses: Merely Selected Illustrations of Wisdom?

When we think of “the law of Moses,” terms like “legislation” and “comprehensive” or “systematic” may come to our minds. But this should be qualified somewhat.

First, to some degree, the Mosaic “law” is more like “wise instruction” than a legal code. The word *torah* is often translated “law,” but it means “teaching” or “instruction.” To a certain extent, the Mosaic law was like other ancient Near Eastern law collections. We could compare them to a kind of textbook that provides academic indicators of what wise rule should look like. These laws weren't immediately consulted for legal rulings. Unlike our modern Western legal system, ancient Near Eastern rulers and judges didn't refer to these collections as legal manuals.

Some scholars have argued that the law of Moses gives “wisdom” much like the book of Proverbs does. It doesn't so much furnish a list of commands or mandates but rather makes

observations of what “works” in life and what doesn’t. One is wise—or it works—to keep away from a prostitute’s seductions, to adopt relational skills, to avoid quick-tempered people and quarrelsome conversations. Likewise, the Mosaic law doesn’t give rules or duties as a law code would. It tells us what a wise person would do. After all, wisdom can’t be legislated. The Mosaic law’s emphasis is “you will know” rather than “you ought.”

According to a couple of scholars, God gave wisdom in the law, not commands: “If God did not give rules . . . there are no rules to follow. If God did not provide legislation, there are no laws to obey”; furthermore, “the desire to take the teaching of the Bible seriously, whether the Old Testament or the New, does not entail an obligation to read the Torah, even the Decalogue [Ten Commandments], as moral instruction.” But does this “wisdom” emphasis really mean that we don’t have actual commands in the Mosaic law? We’ll respond to this below.

Second, in addition to the wisdom emphasis contained in these ancient collections, they weren’t comprehensive or systematic guidebooks that were strictly applied by judges in legal judgments. Walton and Walton write: “Both Torah and the New Testament writings can perhaps inform our moral sensibilities, but they do not stand as a comprehensive system or provide an authoritative source for determining all behavior.” The Mosaic law, like other ancient collections, is a sampling of wisdom (“aspective”); it doesn’t cover the full range or a panorama of human behavior. For example, it devotes much space to kosher laws (Lev. 11; Deut. 14) but gives only a few short verses on divorce (Deut. 24:1-4; cf. 22:19, 29).

So is it true that because the Mosaic law is a sampling of wisdom, it’s not a suitable moral guide for life? And is it the case that the law of Moses was bound up with God’s covenant for the nation of Israel alone and that it didn’t apply to those outside Israel? We explore these matters in the remainder of the chapter.

Yes, Illustrations of Wisdom—alongside Ethical Demands and Duties

Avoiding False Alternatives

Is the law of Moses *nothing more* than illustrations of proverbial wisdom—as it was with other ancient Near Eastern law collections? And does the law’s lack of comprehensiveness undermine its potential for moral guidance? These are two questions we’ll tackle. As we’ll see, while the law of Moses resembles an ancient Near Eastern law collection, it goes beyond that, and it’s okay to speak of “law” and “legislation.”

In addressing the two questions above, we want to be careful not to create the following false alternatives:

False alternative 1: Either the law gives wisdom, or it has nothing to do with moral commands. If wisdom is the skill for living, fulfilling certain practical moral duties will be required for living wisely. Parents begin with duties in teaching their children moral virtue and character formation. These aren’t separate. Even so, we can derive basic commands, ethical duties, and moral priorities from collections of wisdom—like “Honor your father and mother,” or “You ought to get wise guidance for your life.” Other scholars claim that the Mosaic law combines *law collection*,

wisdom material, and priestly prescriptions together—materials that were independent collections in other ancient Near Eastern settings. Moral exhortations, legal prescriptions, and wise injunctions are interwoven therein.⁶

False alternative 2: Either the law is a comprehensive moral system, or it doesn't provide significant moral direction. But so what if it's not comprehensive? Just as the New Testament epistles address specific ethical subjects without providing a comprehensive overview in each of them, we get significant moral guidance from them—and we can make sound judgments and draw correct inferences based on those epistles. We could say the same about the Gospels...

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Third, **Deuteronomy 21:10–14 presents a postbattlefield scenario that addresses this issue.** This passage demands that compassion and honor be shown the female prisoner of war who is a prospective wife of an Israelite man. Whether the marriage came off or not, she was not to be humiliated. Here are five redemptive elements from this passage:

- a month-long waiting period
- mourning/assimilation rituals: cutting hair, clipping nails, and discarding former clothing
- marriage covenant before sex
- command to let the woman go free (no servitude) if he changes his mind about marrying her
- concern voiced for the woman's honor

Fourth, **divine commands pertaining to Israelite soldiers involved ritual purity and sexual abstinence as they went into battle.** Israel's "Yahweh battles"—fighting for the Lord—involved ritual preparation. Thus, sexual abstinence was assumed, which would rule out any kind of rape. Of course, adultery laws already ruled that out.

Yes, Israel's neighbors engaged in ritual sex—"sacred acts" involving prostitution in their temples. This Gentile practice carried into intertestamental literature—for example, when the temple was overtaken by "the gentiles, who took their pleasure with prostitutes and had intercourse with women in the sacred precincts" (2 Macc. 6:4 NJB). Though Israelites at times imitated the surrounding nations in this ceremonial sex (e.g., 2 Kings 23:7), God condemned it. Such ceremonial sex was forbidden for Israelites (Lev. 21:7, 9; Num. 15:39; 25:1–4; Deut. 23:17–18; 1 Kings 14:24; 15:12; 22:46; Hosea 4:4).

For example, when the Israelites approached Mount Sinai leading up to the sacred covenant-making ceremony, they were prohibited from engaging in sexual intercourse (Exod. 19:14–15). In their sacred service, priests were to avoid exposing their nakedness (Exod. 20:26;

28:42). Even in everyday life in Israel, certain sexual boundaries were still in place—such as not having sexual relations during a woman’s menstruation period (Lev. 15:24–25; Ezek. 18:5–6; 22:10), a law that, according to some scholars, was issued to prevent a man from taking sexual advantage of a woman. **In worship, ritual sex was prohibited; when fighting for the Lord, war was spiritual in nature, and in the nation’s earliest battles, the ark of the covenant was present** (Num. 10:35–36; Josh. 6:7–13; 2 Sam. 11:11; cf. 1 Sam. 4:1–11). It was a sacred object associated with God’s presence (1 Chron. 28:2: “the footstool of our God”) Not only was the ark specially set apart. The same was true of soldiers, including removing themselves from any sexual activity before and on the battlefield.

Think of how David’s soldiers could eat the loaves of consecrated bread—reserved for priests alone (Lev. 24:5–9)—only on the condition that they had “kept themselves from women” (1 Sam. 21:4). Indeed, David emphasized that this was standard procedure for his soldiers: “Truly women have been kept from us as always when I go on an expedition” (21:5 ESV; cf. Josh. 3:5).

This makes all the more startling and vile the act of King David’s adultery with Bathsheba while her husband Uriah was in battle. And when called from battle, Uriah refused to be with Bathsheba while his fellow soldiers fought. As Uriah told David: “The ark and Israel and Judah dwell in booths, and my lord Joab and the servants of my lord are camping in the open field. Shall I then go to my house, to eat and to drink and to lie with my wife? As you live, and as your soul lives, I will not do this thing” (2 Sam. 11:11 ESV). **Uriah would not engage in sexual pleasure while his comrades could not.**

The just-married Israelite male was not to fight in battle but to stay at home and be happy with his new wife (Deut. 24:5). This may also suggest the special place that sexual pleasure has within marriage. The battlefield was not the place.

So when Moses allowed virgins to be taken as brides for Israelite soldiers (Num. 31:18), Israel’s specific Israelite postbattle policy—not to mention the creational ethic (Gen. 2:24) and the Mosaic law in general—ruled out rape (e.g., Deut. 21:10–14).

Again, such arrangements weren’t ideal. But compared to the practices of other ancient Near Eastern nations, such a measure was a protective one and a significant, redemptive moral advance over these other cultures.⁶

Fifth, **war rape was a point of pride for other ancient Near Eastern nations (as well as the Greeks and Romans)**. The rulers of these nations depicted such scenes on coins, city walls, statues, paintings, columns—and in their annals. By contrast, the Israelites never celebrated the rape of enemy women.⁷

Sixth, **unlike Israel, nations such as Mesopotamia, Egypt, and Assyria commonly took war captives (including children) as slaves to serve as sexual objects (ritual prostitutes) in their temple worship—a process that left these slaves vulnerable to the whims of those managing the temples**. Worshipers would pay for this sexual activity, which in turn helped fund

the temple service. The Akkadian piece *Ishtar Will Not Tire* invites men to come with their sexual powers to find gratification with her—in this case, through debt-slave prostitutes.⁸

The second half of this chapter presents quite a contrast that existed between Israel's approach to the postwar treatment of women and that of other ancient Near Eastern nations. Clearly, Israel's worldview rendered war rape off-limits.

On both these topics—the nameless “concubine” and war rape—we see that women are not to be understood as “commodities” or objects to be used. They are made in God's image, and they are to receive the rightful honor and care as those possessing dignity and worth.

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Chapter 22 Other Troubling Texts about Women

1. In this section on the “nameless concubine,” I have benefited from the insights of Bekah Legg, “Judges 19: Does the Bible Victim-Blame the Woman with No Name?” The paper was presented at “In the Cross-Hairs”—a student symposium sponsored by the Bristol Baptist College's Center for the Study of Bible and Violence (May 2020). It is published in *In the Cross-Hairs: Bible and Violence in Focus*, ed. Michael Spalione and Helen Paynter (Sheffield: Sheffield Phoenix Press, 2022), 109–22.
2. For example, the late atheist philosopher Michael Martin, “Atheism, Christian Theism, and Rape,” *Internet Infidels*, accessed January 25, 2022, http://www.infidels.org/library/modern/michael_martin/rape.html.
3. Greg Boyd, “A History of Violence,” interview by Bonnie Kristian, *Relevant*, August 1, 2017, <https://relevantmagazine.com/god/a-history-of-violence/>.
4. Jennifer Wright Knust, *Unprotected Texts: The Bible's Surprising Contradictions about Sex and Desire* (New York: HarperOne, 2012).
5. The major points in this section on war rape are taken from William J. Webb and Gordon K. Oeste, “War Rape, Part Two: The Redemptive Side,” in *Bloody, Brutal, and Barbaric? Wrestling with Troubling War Texts* (Downers Grove, IL: IVP Academic, 2019), 99–127.
6. See the summary of these ideas in Webb and Oeste, *Bloody, Brutal, and Barbaric?*, 363–66.
7. For documentation of such depictions, see Webb and Oeste, *Bloody, Brutal, and Barbaric?*, 109–12.
8. Benjamin R. Foster, *Before the Muses: An Anthology of Akkadian Literature*, 3rd ed. (Bethesda, MD: CDL Press, 2005), 678, quoted by Webb and Oeste, *Bloody, Brutal, and Barbaric?*, 118.

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Footnote

Is God a vindictive bully? By Paul Copan page. 51-52,

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Many would find the talion law resistant to principle derivation, and the more extreme examples of putting to death the rebellious son (Deut 21:18-21) or marrying a captive woman (Deut 21:10-14) are significantly more impenetrable. If even a few of the stipulations cannot be interpreted to produce clear-cut principles, the methodological approach is jeopardized. So we have found that we cannot imitate the New Testament authors, that even when principles can be drawn, they are common sense and do not resolve complicated issues, and that many stipulations (most?) resist principles. In addition to all these obstacles, most readers of the Torah struggle with the opacity of the legal sayings.

Just as some narratives are opaque about the motives and behavior of the characters (and thus resist extrapolation of ethical principles), many of the legal sayings in the Torah fail to provide clear understanding of the underlying reason for the stipulation. Consequently, we cannot apply the derived-principles approach consistently. For example, we might think we can infer reasons that a donkey and ox should not be yoked together (Deut 22:10), but even if we can, extrapolations of those principles remain controversial. That is, the text does not settle the issues for which we seek guidance

John H. Walton and J. Harvey Walton. *The Lost World of the Torah: Law as Covenant and Wisdom in Ancient Context*. IVP Academic, 2019, p. 176.

Placing the biblical text within that sort of war context of the ancient world allows us to see Deuteronomy 21:10-14 in a different light. During the battle

conflict and the postbattle context of gathering spoils of war, Israelite warriors were not permitted to rape or sexually mutilate women. That restriction alone, when understood against what was normative in ancient warfare (see chapters five and six), provided a major difference and tangible movement in a positive Direction.

Bloody, brutal and barbaric: wrestling with troubled war text. Author: William J. Webb and Gordon K. Oestle Page 82

NO BATTLEFIELD RAPE

In an ancient world where the battlefield rape of women was common practice, we encounter one of the most dramatic differences within the biblical story. For Hebrew warriors, no rape (no sex of any kind) was allowed on the battlefield or on the journey from the battle site back to Jerusalem. This military difference is huge. No sexual ravaging of women typical of ancient warfare. None. At the very time when the frenzy of bloody fighting was at its height or just completed, Hebrew warriors were not permitted to carry their violence further into the domain of sexual conquest. After a successful battle, when celebration in some fashion would be expected, Israelite warriors were not allowed to ritualize their victory through the sexual ravaging of women.

Not all scholars see it this way. Contrary to the view that we will develop, that battlefield rape did not occur, several scholars argue the opposite, namely, that Israelite soldiers did rape women on the battlefield. They make their case from several pieces of evidence. First, they rightly point out that the text of Deuteronomy 21:10-14 does not close the door to battlefield rape. 11 Deuteronomy 21:10-14 addresses only an after-the-battle situation of assimilating a captive woman into Israelite society as a wife. If an Israelite warrior is attracted to a female captive, the text of Deuteronomy 21:10-14 lays out the steps for the marriage and assimilation process. That text does not prohibit battlefield rape. Furthermore, based on ANE war practices, Washington and Pressler both argue that one should assume that Israelite warriors participated in battlefield rape. Also, certain biblical texts (Deut 20:14; Num 31:25-54) instruct Israelite warriors to enjoy the spoils of battle: women, children, animals, and all the goods of the city. One might assume, given no explicit prohibition of battlefield rape in Israel's war instructions, that sexual ravaging of women was simply an understood part of the process.

Nevertheless, the case for Israelite warriors engaging in battlefield rape is problematic. True, Deuteronomy 21:10-14 does not explicitly prohibit battlefield rape, and the text is instead addressing postbattlefield marriage back in the homeland and the assimilation of female war captives into Israelite households. However, those who argue that the rape of foreign women on the battlefield was an acceptable practice for Israelite warriors use an argument from silence and, even more damaging, omit significant evidence that suggests otherwise (see below). Also, they have not considered how certain redemptive elements in the postbattlefield actions contained in Deuteronomy 21:10-14 may cast inferential

light backwards onto the issue of battlefield rape. 12 Finally, the passages concerning the spoils of war (Deut 20:14; Num 31:25-54) are at best general descriptions of the goods taken and do not give us any specific statement about what Israelite soldiers did with these women either before or after their capture. Given the normal patterns of ancient warfare, rape on the battlefield is a reasonable conjecture. But here is the crucial question: Did Israel's sexual practices in war fit the normal patterns of the ancient world? The question is a fascinating one and permits an unusual glimpse into a strange but redemptive side of the biblical text.

A comparatively stronger case can be made that Israelite warriors were prohibited from engaging in battlefield rape. Several pieces of evidence support no battlefield rape as the more likely conclusion. First, consider that the patterns of sexuality in ancient Israel in certain ways were dramatically different from surrounding ANE countries. For instance, Israelites were not permitted any sexual acts within the temple setting as part of the worship of Yahweh (Lev 21:7, 9; Num 15:39; 25:1-4; Deut 23:17-18; 1 Kings 14:24; 15:12; 22:46; Hos 4:4; 2 Maccabees 6:4; see also Rev 2:14, 20). Unlike practices in ancient pagan cults/temples, where sexuality seems to have played a role in the worship setting (see discussion below), in Israel the presence of male and female temple prostitutes and ritual sex in worship were completely banned. 13

Bloody, brutal and barbaric: wrestling with troubled war text. Author: William J. Webb and Gordon K. Oest Page 102-103

NO RAPE OF TEMPLE SLAVES

War captives in Israel would not have been vulnerable to sexual exploitation in the temple (perpetual rape of female slaves) to the same extent that they would have been in other ANE countries. At least to the degree that Israel followed Yahweh's instructions about no temple prostitutes, there would have been no opportunity to use slaves in this context. [27] This third redemptive feature in the biblical material on war rape returns to the temple theme. We have already argued that Israel's theology that sex was not to be part of temple worship had a profound impact on changing ancient expectations and practices related to battlefield rape. The presence of the ark on the battlefield made a dramatic difference in the sexual practices of Israelite warriors. Now we will examine how war rape in other ANE cultures often carried over into perpetual rape in the pagan temple setting or at least in a connected relationship to ancient foreign temples.

In ancient war a victorious army would forcibly march captives back to the army's homeland and use many of the captives in temple estates as forced labor. War was a standard means by which kings could readily fill the labor pools for the temple precincts and lands owned by the temple. Records exist of temple donations of war slaves by various Egyptian pharaohs, Hittite kings, and

Babylonian rulers—all giving captive war slaves to their temples, often as an act of thanking their gods for victory. [28] In fact, the slave pool in foreign temples was so plentiful that it was one of the rare contexts where the king or temple supervisor could exercise extreme collective-punishment measures against not only slaves who committed a crime but also against their entire family or group by means of collective executions (see appendix D). [29] Such was the vulnerable status of slaves in ancient temples and the extent of control by temple administrators.

Now if sex was a part of the ancient worship setting, then war-captured slaves donated to the temple would become a natural resource for performing ritualized temple sex and/or sacred prostitution. We intentionally began the last sentence with an italicized “if” because this is a hotly debated subject. For years biblical scholars have held the view that sexual intercourse in religious rituals and/or prostitution was a dominant part of ancient foreign temple practices. Statements within the Bible and in other external or non-Mesopotamian sources seem to support this conclusion. [30] But many recent scholars have challenged these external (non-Mesopotamian) sources as having propagandistic agendas and have concluded from the scant internal evidence that no such practices occurred in Mesopotamian temples. This view of ancient Mesopotamian temples is currently held by many ANE scholars and by a large group within the biblical studies guild. [31]

However, the pendulum is starting to swing back. A significant number of scholars have pieced together a more rigorously developed case supporting the fact that sex occurred in ancient Mesopotamian temples using a variety of internal/Mesopotamian sources. [32] If we were to engage this debate, it would take the next twenty pages just to survey the evidence. Our summary comment here is that the pendulum will likely continue to swing back with a better contextualized understanding of prostitution (not exactly like in our world) and a more balanced and rigorously established position using internal evidence. A collection of evidence within a wide range of Mesopotamian sources creates a case for seeing sexual activities as a likely part of temple worship (ritual sex) and/or temple economic practices (sacred prostitution-like sex).

Therefore, if sexual intercourse played a role in worship rituals to connect with the deity, and possibly in sacred prostitution to fund the temple (and we would argue there is evidence of both), we have bumped into yet another redemptive aspect of Israel’s war practices in relation to the rape of women and girls within the ANE. As mentioned above, in ancient Mesopotamia and Egypt the taking of war captives was a primary means for stocking temples and temple-owned lands with slaves. These war slaves (as well as domestic debt slaves) were extremely vulnerable to the whims of temple managers, as evidenced by collective punishments. This much is certain. Now if ancient temples included sexual intercourse as either part of their ritual practices or sponsored sacred prostitution-like enterprises (reasonable evidence here), then female war captives would have been particularly vulnerable to rape in this setting.

Before leaving this point about temple/sacred sex, let us highlight a few Mesopotamian sources to make a connection between slavery and the role of women as temple prostitutes for the goddess Ishtar. An Akkadian composition called "Ishtar Will Not Tire" presents the sex goddess Ishtar as a having unlimited sexual stamina for satisfying men with her erotic pleasures:

Since I'm ready to give you all you want,
Get all the young men of your city together,
Let's go to the shade of a wall!

Seven for her midriff, seven for her loins,
Sixty then sixty satisfy themselves in turn upon her nakedness.
Young men have tired [sexually], Ishtar will not tire. [33]

Given Ishtar's role as a sex goddess (and, interestingly, as the goddess of war), it is not surprising that girls and women were pledged to work for her in the temple or sacred service to perform sexual acts with patrons. An early Nuzi source describes a father who dedicated his daughter to Ishtar as a prostitute. The daughter seems to have worked in sex services for the goddess as a debt-slave prostitute under the name *kar.kid/ḫarīmtu*, translated "prostitute," to repay money owed to the temple. [34] Two other Mesopotamian documents include curses where the breaking of a contract will result in the offender's seven daughters being "led forth as prostitutes to Ishtar." These sources bring together the concept of sexual prostitution and debt slavery in ancient temples. If female debt slaves (temporary and domestic) could be dedicated to the temple gods as prostitutes or sexual servants of the gods, it is highly probable that (permanent and foreign) war captives/slaves were placed in temples to serve as sex slaves for various gods. [35]

Ancient Egyptian sources provide a somewhat similar window into the sexual function of female war captives and, once again, with obvious temple connections. The Egyptians were known for recurring wars aimed at capturing slaves who would work in various parts of their economy. A considerable number of the captive women and girls were segregated into all-women settlements or "houses of women" with the dedicated purpose of producing children for the Egyptian slave industry. This systematic, forced production of slave children by female war captives presents a disturbing picture:

Clearly the Egyptian implementation of slavery varies in profound ways from Colonial American conceptions, though some aspects are understandably disconcerting to modern minds. Such is doubtless the case with the "houses of female slaves" which were, as Loprieno puts it, "devoted to the

'industrial production' of children." Papyrus Harris I (47.8-9) refers to an "all-women settlement," whose purpose seems to have been production of slave labor for the temple of Ptah. [36]

These all-female slave settlements raise many questions. Why were these enslaved females kept separate? Did certain males benefit from the sexual services of these captive women? Someone had to be impregnating these women. Was it Egyptian males, foreigners, or both? What was the connection to the temple? The evidence argues at least in a broad sense that the sexual services

of female war captives were exploited on an ongoing basis for the benefit of Egyptian temples. The remaining question is whether that benefit derived from purely procreative outcomes or from providing sensual pleasure as well. In other words, would the temple benefit economically from the sexual services of the women or only from their production of more slave offspring? It is hard to imagine the exploitation of sexual service for procreation of future slaves without some benefit for the temples coming from sexual intercourse itself—pleasure for adult male participants. The abuse of female sex slaves seems highly probable given this benefit.

In sum, female captives of war likely functioned in positions vulnerable to perpetual rape (nonconsensual, forced sex) as slaves owned by and serving ancient Egyptian and Mesopotamian temples. It seems reasonable to conclude that at least some of the attractive females (as well as males) among the captives were given to these ancient temples for their sexual services as a part of that religious setting. [37] The good news with Israel's war-rape story is temple sex with war captives (or anyone else in the temple) was not permitted. [38] Israel's sexual boundary lines in the religious domain were clear and absolute. Since no temple prostitution or sacred-ritual sex of any kind was permitted in the worship of Yahweh, Israel's war practices did not result in women being repeatedly raped as sex slaves for religious purposes.

Footnotes

27. Yahweh's prohibition of temple prostitution is very clear (Deut 23:17-18; see also Lev 21:7, 9; Num 15:39; 25:1-4); exceptions/violations are strongly censured (1 Kings 14:24; 15:12; 22:46; 2 Kings 23:7).

28. Egyptian pharaohs: Mark D. Janzen, "The Iconography of Humiliation: The Depiction and Treatment of Bound Foreigners in New Kingdom Egypt" (PhD diss., University of Memphis, 2013), 237-40. Thutmose III, Seti I, Ramses II, and Ramses III each make similar statements about giving many war captives (sometimes the vast majority) to fill Amon's temple with male and female slaves. See also Jeffrey J. Niehaus, *Ancient Near Eastern Themes in Biblical Theology* (Grand Rapids: Kregel, 2008), 66. Sennacherib gave forty-one men, women, and children to a temple as slaves (Tetlow, *Women, Crime, and Punishment*, 292n124).

Hittite kings: In one Hittite cult/temple drama the players representing Hittite warriors and enemy troops fight a mock battle. Naturally, the Hittites win. Then the Hittite soldiers take the captives and present them to their deity, which probably reflects the real-life practice of donating some prisoners of war to the temple estates of Hittite deities—a practice confirmed by Hattusili I's annals. See Harry A. Hoffner Jr., "The Treatment and Long-Term Use of Persons Captured in Battle According to the Masat Texts," in *Recent Developments in Hittite Archaeology and History*, ed. K. Aslihan Yener and Harry A. Hoffner Jr. (Winona Lake, IN: Eisenbrauns, 2002), 63.

Babylonian rulers: The Babylonian king at times personally presented slaves to various gods and temples. See Andrea Seri, *The House of Prisoners: Slavery and State in Uruk During the Revolt*

Against Samsu-Iluna, SANER 2 (Boston: de Gruyter, 2013), 131-32.

29. As Tetlow points out, "The temple probably could sustain such a loss [from collective/group executions] because it regularly received fresh supplies of war captives to be temples slaves."

See

Women, Crime, and Punishment in Ancient Law and Society, 306n83.

30. Within the Bible see Lev 19:29; Deut 23:17-18 (MT 23:18-19); 1 Kings 14:24; 15:12; 22:46 (MT 22:47); 2 Kings 23:7; Is 57:7-8; Jer 2:20; 3:2; 5:7-8; Ezek 16:16, 24-25, 31; Hos 4:14; Mic 1:7. Scholars are split over whether citations from Herodotus (History, 1.199), Lucian, and Strabo (Geography, 16.1.20) carry any weight. For whether these three ancient sources, external

to Mesopotamia, should be dismissed or should not, see the sources cited in the next two notes.

31. For example, Julia Assante, "The Kar.kid/harimtu, Prostitute or Single Woman: A Reconsideration of the Evidence," UF 30 (1993): 5-96; Assante, "From Whores to Hierodules: The Historiographic Invention of Mesopotamian Female Sex Professionals," in *Ancient Art and Its Historiography*, ed. A. A. Donohue and Mark D. Fullerton (Cambridge: Cambridge University Press, 2003), 13-47; Martha T. Roth, "Marriage, Divorce and the Prostitute in Ancient Mesopotamia," in *Prostitutes and Courtesans in the Ancient World*, ed. C. A. Faraone and L. K. McClure (Madison: University of Wisconsin Press, 2006), 21-39; Stephanie Lynn Budin, *The Myth of Sacred Prostitution in Antiquity* (New York: Cambridge University Press, 2008).

32. Edward Lipiński, "Cult Prostitution and Passage Rites in the Biblical World," *Biblical Annals* 3 (2013): 9-27; Lipiński, "Cult Prostitution in Ancient Israel?," *BAR* 40, no. 1 (2014): 48-56, 70; Richard M. Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody, MA: Hendrickson, 2007), 85-113; Morris Silver, "Temple/Sacred Prostitution in Ancient Mesopotamia Revisited: Religion in the Economy," UF 38 (2008): 631-36; James E. Miller, "A Critical Response to Karin Adam's Reinterpretation of Hosea 4:13-14," *JBL* 128, no. 3 (2009): 503-6; John Day, "Does the Old Testament Refer to Sacred Prostitution and Did It Actually Exist in Ancient Israel?," in *Biblical and Near Eastern Essays: Studies in Honour of Kevin J. Cathcart*, ed. John F. Healey, Carmel McCarthy, and Kevin J. Cathcart (New York: T&T Clark, 2004), 2-21; Jerrold S. Cooper, "Prostitution," in *Reallexikon der Assyriologie* (Berlin: de Gruyter, 2006), 11:12-22. See also Gernot Wilhelm, "Marginalien zu Herodot Klio 199," in *Lingering over Words: Studies in Ancient Near Eastern Literature in Honor of William L. Moran*, ed. Tzvi Abush, John Huehnergard, and Piotr Steinkeller, HSS 37 (Atlanta: Scholars Press, 1990), 503-24;

Tetlow, *Women, Crime, and Punishment*, 162, 249n85.

33. Benjamin R. Foster, *Before the Muses: An Anthology of Akkadian Literature*, 3rd ed. (Bethesda, MD: CDL Press, 2005), 678.

34. The terms kar.kid/harimtu are explained at times by the juxtaposed expression "one who knows the penis."

35. The significant role of slaves in domestic prostitution (see next point) suggests at least that slaves in other settings where they were prominent (temple estates) may have been used for similar sexual purposes without transgressing cultural norms.

36. Janzen, "Iconography of Humiliation," 261 (italics added). See also Antonio Loprieno, "Slaves," in *The Egyptians*, ed. Sergio Donadoni (Chicago: University of Chicago Press, 1997), 208.

37. Since captive women would have been dedicated to the temple goddess, the local Mesopotamian population would have seen sex with them as part of religious devotion. Some scholars are willing to concede the possibility of sacred/religious sexual rituals as part of Mesopotamian temples but with women as devotees to the god/goddess and not with a prostitution element as we understand it. See Johanna H. Stuckey, "Sacred Prostitutes," *MatriFocus* 5, no. 1 (2005): 1-7, www.matrifocus.com/SAM05/spotlight.htm.

38. In 1 Sam 2:22-25 Yahweh punishes Eli's sons (with death) for sleeping with the women who served at the entrance of the tabernacle/temple. Seemingly the heightened censure (and temple location of the sacrificial violations) indicates that the sexual intercourse occurred within the temple precinct itself. This violation of the rule against temple sex, although not with war-captive women, clearly confirms that no women (slaves or free) were permitted to engage sexually with men in the temple.

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Marriage covenant (before sex). Deuteronomy 21:10-14 is not an anti-battlefield rape passage in the direct expression of its words as read in an isolated fashion (all on their own). **It is an assimilation text—navigating foreign female captives into legitimate family roles in Israel. However, if Israelite warriors were not permitted battlefield rape of foreign women on other grounds/texts (as we have argued), then the Deuteronomy 21:10-14 text by inference offers the only legitimate avenue for male warriors to have sex with an attractive female captive. He must wait a month and then marry her. A formal marriage covenant is expressed in the wording “you may go to her and be her husband and she shall be your wife,” increasing the woman’s protection and benefits (Ex 21:10-11). For Israelite warriors living in an ancient world where the sexual ravaging of girls and women upon military victory was the pervasive reality, Deuteronomy 21:10-14 becomes the alternative by default.** When Deuteronomy 21:10-14 is read alongside the prohibitions against battlefield sex, then the collective message to soldiers sexually attracted to a pretty captive woman becomes the following: “You must wait a month and marry her before sex.” While this collective message has the ethical downside outlined in the last chapter, it nonetheless communicates incremental redemptive movement within the horizon of an ancient world.

Prohibition against selling the woman as a slave. If things do not work out and the man divorces the woman, he is prohibited from selling her as a slave (Deut 21:14). Given the wider context in which men could do virtually whatever they wanted with their female war slaves, this restriction is profoundly meaningful. In that ancient setting, it spoke loudly. ⁵² The prohibition brought full status as a free woman after a divorce. That much is obvious. But it also meant reduced male power over the woman even within the marriage itself because it denied the husband any monetary gain from a potential divorce. It confirmed that in the act of marriage she in some respects already had the status

of nonslave or free woman—no strings attached; if divorced, she could go wherever she pleased. The ancient-world prospects for a divorced foreign woman would not have been great. But her life as a free woman would likely have been better than being sold as a permanent chattel slave. 53

Concern voiced for the woman's honor. The closing statement "you have dishonored her" (Deut 21:14) adds a further positive element in that it raises concern for the honor of the woman and quietly denounces the man's actions in the event of divorce. We agree with Rebekah Josberger's analysis that the lowered status and humiliation of the woman is inherent in the act of divorce itself. 54 However, the dishonoring language may include, even if secondary, more than the husband's actions in merely the divorce. Josberger dismisses the role of sex as part of the dishonoring: "The only reference to sexual conduct occurs within the context of a marriage situation and is a facet, not a focus, of the text." 55

However, such a limiting perspective overlooks (1) the label on female war captives elsewhere in Scripture as "virgins"—a highly sexual term anticipating their sexual function for men within Israel; (2) that the opening verse of Deuteronomy 21:10 describes the warrior seeing a beautiful captive and wanting to marry her—a major focus on sexual attraction and anticipated sex; (3) that the lack of pleasure/delight ("pleased") in Deuteronomy 21:14 as the husband's divorce motive surely includes sex as one domain, even if not exclusively so, particularly with the opening emphasis being that of sexual attraction in Deuteronomy 21:10; (4) that the lowering of the captive's status includes both "divorced" and "nonvirgin" status issues, with the latter carrying an obvious sexual-liability component; and (5) that the larger ANE social context of sexual conquest in war provides an obvious sexual framework, even if this particular text does not directly speak to the battlefield setting. Therefore, it seems better to view both divorce and sex as factors in the dishonor language, but in a primary and secondary manner. If this dual focus is correct, then the biblical author may include both the divorce and some tacit aspect of the failed sexual relationship as connected to how the man has humiliated the captive woman. The consequent restriction on the male (not selling her) and the framing of the language (you humiliated her) are redemptive, for they together place blame on the one with power. 56 That the biblical authors would care at all about the honor of a divorced female war captive is nothing short of amazing, given their ancient horizon.

CONCLUSION

The ethical problems with the treatment of female captives in Israel's war texts make it almost impossible for modern readers to appreciate anything redemptive within them. Nevertheless, if readers intentionally journey back into the horizon of the ancient world (markedly different from ours), they have an opportunity to see the redemptive side of the biblical text. That journey takes us to a gruesome and violent war context, where warriors sexually ravaged women as part of their victory rituals, spoke about female captives in terms of their sexual body parts, and proudly displayed rape scenes in their nationally sponsored war art—

corresponding to literary bravado about war rape. This backdrop of pervasive sexual violence in war is needed to appreciate the biblical perspective. Israel's war story pushes the margins of a rape-crazed war world in some dramatic ways:

- ▶ **no battlefield rape**
- ▶ no artwork or literary counterpart that glorifies war rape
- ▶ **no rape of temple-slave prostitutes** (war captives as a source)
- ▶ **reduced rape of domestically owned slave prostitutes** (war captives as a source)
- ▶ **restrictive measures placed on Israelite warriors attracted to a beautiful captive woman**
- ▶ a one-month delay for mourning
- ▶ mourning/transition rituals that permit intense grieving
- ▶ **marriage covenant before sex**
- ▶ in the event of divorce, no selling the woman as a slave (she is a free woman)
- ▶ **concern voiced for her honor (placing blame for the divorce on the male)**

When sex and violence in war collide within Scripture, we nonetheless discover something that is worth embracing: the real and sometimes even bold actions of an incremental ethic that embodies an underlying redemptive spirit. When read within the horizon of an ancient world, the heavy darkness of war-rape texts such as Deuteronomy 21 and Numbers 31 are pierced by numerous shafts of bright, redemptive light—meaning easily missed from our present-day horizon. Such light and beauty amid the darkness is consistent with, and even quietly inviting toward, a journey of faith.

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The second passage is Deut 21:10–14, coming under the general heading of laws pertaining to manslaughter (presumably because of its context, dealing with treatment of prisoners of war).¹¹³ The essence of the law is that if a man sees a female prisoner of war after a battle and desires to take her as a wife, then she is to be brought to his house and allowed to mourn for her father and mother for a month, after which time he may take her as his wife and have sexual relations with her. “But if you are not satisfied with her, you shall let her go free [šillaḥtāh lenapšāh, lit. ‘send her according to her soul’] and not sell her for money. You must not treat her as a slave [or ‘as merchandise’ (‘āmar, in the hitpa‘el)],¹¹⁴ since you have dishonored [‘ānā] her” (21:14).

This legislation provides protection for the defenseless captured slave girl. Immediate marriage or sexual relations with her is forbidden. This would temper the lust of the soldier to rape a female prisoner of war. She is allowed a month to mourn for her father and mother (who are probably either dead or left behind) and adjust to her new situation in a new land. Such provision for delay would also make the Israelite soldier slower to marry the slave girl. The provision concerning divorce also works toward this end while upholding two rights for the

woman. The verb *šālah* in this context, as in Exod 21:26–27 above, seems to imply both sending her away from the marriage (i.e., the right to a divorce) and sending her away from servitude (i.e., the right to be set free). These provisions would certainly give the prospective husband pause before marrying and before divorcing the captive girl: if he divorces her, he also loses her as a slave and receives no financial profit from her leaving. Thus this law gives the woman prisoner of war some protection and potential compensation for having been “dishonored” (or “violated,” i.e., subjected to both the forced marriage and the forced divorce).

112 Gane, “Old Testament Principles,” 55–56.

113 See discussion in Kaufman, “The Structure of the Deuteronomical Law,” 134–37.

114 This Hebrew word is found only here and in Deut 24:7. Various suggestions have been made for the precise meaning: “to trade with” (HALOT 849); “to treat as merchandise” (Craigie, *Deuteronomy*, 282); and “to deal tyrannically with, treat someone brutally” (Ignatius Swart and I. Cornelius, “עמר,” *NIDOTTE* 3:441). On the basis of the context, Swart and Cornelius (ibid.) summarize the probable semantic range of the word in Deuteronomy: “an oppressive deed that has devastating physical and psychological impact on the afflicted person. The latter is mistreated, forced to submit to the will of a stronger party, reduced to servile existence, and his or her whole person degraded.”

Flame of Yahweh, page 408