

REFORMED THEOLOGICAL SEMINARY

BUT SHE DID NOT CRY OUT
AN EXEGETICAL DEFENSE OF DEUT 22:23-24

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“[Deut 22:23-24:4], a conglomeration of opinion on 'purity' regarding progeny and procreation, is complicit in Empire's delectable fusion of sexism and racism in its rhetoric of domination”¹

¹ Bernon Lee, “The Assembly, the People, the Uterus, and the Land: A Feminist and Postcolonial Deconstruction of the 'Israelite' Subject in Conceiving the Sacred Spaces of Deuteronomy 22:13-24:4,” n.d. 6

BUT SHE DID NOT CRY OUT: AN EXEGETICAL DEFENSE OF DEUT 22:23-24

Misogynistic², sexist³, against women's rights⁴, pro-rape⁵. These are some categories that are often lodged at the Bible and thus the God of the Bible. There are many who view the Bible as an inherently problematic document that promotes a harmful view of women. This is not merely a critical-academic opinion, rather many non-Christians believe this about the Bible considering what they believe to be a litany of problematic texts particularly in the Old Testament. Among those texts are the series of civil laws concerning sexual immorality in Deut 22. Confusing to modern eyes and sensibilities, this chapter has garnered much distaste and critique. One critic of this chapter even referred to it as a "rape manual".⁶

What is the inerrancy-committed Christian to do with such arguments? Several routes have often been taken. New Testament scholar Michal Beth Dinkler understands there to be three hermeneutical options, namely, blind application, context-aware application, and outright textual rejection.⁷ Often times the third route is taken by means of tradition criticism or other critical angles. Anecdotally, I have often heard this route taken from non-Christians outside academia. In

² Richard Dawkins, *The God Delusion*, 1st Mariner Books ed (Boston: Houghton Mifflin Co, 2008). 31

³ Lee Lescaze, "Panel Agrees That Bible Is Sexist, But New Edition Won't Change That," *Washington Post*, December 9, 1977, <https://www.washingtonpost.com/archive/politics/1977/12/09/panel-agrees-that-bible-is-sexist-but-new-edition-wont-change-that/87efa814-6758-4dd6-adf1-f46079685f6b/>.

⁴ Lauryn Seering, "Why Women Need Freedom From Religion - Freedom From Religion Foundation," accessed October 27, 2022, <https://ffrf.org/component/k2/item/23729-why-women-need-freedom-from-religion>.

⁵ Sarah McDavitt Woods, "Jesus Was a Rape Baby," *Medium* (blog), November 20, 2017, <https://artscisarah.medium.com/jesus-was-a-rape-baby-98e652f2d8f8>.

⁶ Seering, "Why Women Need Freedom From Religion - Freedom From Religion Foundation."

⁷ "The Bible and Women? We Need to Talk | Reflections," accessed October 27, 2022, <https://reflections.yale.edu/article/resistance-and-blessing-women-ministry-and-yds/bible-and-women-we-need-talk>. Dinkler uses different language than the three terms I have opted for. I have exchanged them for clarity. Dinkler, herself a PCUSA minister, does not regard taking the third route as a means by which one denies divine inspiration of Scripture. Rather, it is a means by which the Bible is cleansed of its human alteration which, for Dinkler, by her reference to the fact that the Bible was not inspired via dictation, seems to have been present even from the original writers. Though I will opt for the context-aware application, Dinkler's understanding of such a hermeneutical angle is severely lacking.

this paper, I will argue that Deut 22:23-24 does not present a problematic view of women from which those with 21st century sensibilities must depart. It does not present a “rape manual”. Rather, it is consistent with the Bible’s teaching on the sanctity of marriage which has the good of both the man and the woman in mind.

Context

Literary Context

Our text of Deut 22:23-24 lies within the section of Deuteronomy called the “stipulations section”, a customary section of covenant documents. That is, the contents of Deut 4:44–26:19 are the stipulations to the previously established covenant.⁸ Duane L. Christensen sees this stipulation section as being the emphatically central section and thus sees a concentric framework of Deuteronomy as a whole.⁹ The section begins by reiterating the ten commandments as received in Ex 20 and then what follows is, generally speaking, a corresponding application of the ten commandments. This setting of reiteration-application is for hortatory purposes that bring the commandments ever nearer to the precise situation of the people of Israel.¹⁰ Deut 22:23-24 thus lies within the explication and application of the seventh commandment; “You shall not commit adultery” (Ex 20:14, Deut 5:18).

Where our text is a relatively specific application of the seventh commandment, it immediately follows a more general application of the seventh commandment in verse 22, “If a man is found lying with the wife of another man, both of them shall die, the man who lay with the woman, and the woman.”¹¹ What follows our text are then two additional specific applications of

⁸ Miles V. Van Pelt and Reformed Theological Seminary (Jackson, Miss.), eds., *A Biblical-Theological Introduction to the Old Testament: The Gospel Promised* (Wheaton, Illinois: Crossway, 2016). 389

⁹ Duane L. Christensen, *Deuteronomy 21:10 - 34:12*, Word Biblical Commentary 6B (Nashville: Nelson, 2002). lviii.

¹⁰ Geerhardus Vos, *Biblical Theology: Old and New Testaments* (Edinburgh: Banner of Truth, 2000). 131

¹¹ All English Scripture quotations are from the ESV unless otherwise noted.

the commandment in Deut 22:25-27 and 28-30. These three applications present situations that are not as clear-cut as that of Deut 22:22.¹²

Additionally significant with respect to the literary context is the presence of, “So you shall purge the evil from Israel.” in these seventh commandment applications. This phrase finds itself in a few other applications within Deuteronomy yet is uniquely saturated here within the seventh commandment applications.¹³ This would seem to further display the unique heinousness of sexual sin.¹⁴

Redemptive-Historical Context

Considering the fact that our text lies within a series of applications of the decalogue, it would be significantly useful to understand the redemptive-historical significance of the decalogue itself. I will briefly analyze this and in so doing orient our minds to properly appreciate the sense of there being applications of the decalogue at all.

Though the decalogue is often understood by Christians to be a collection of bare ethics discrete from the redemptive love of the Lord for his people, this is most certainly not the case and a proper realization of this fact aids in interpreting the decalogue’s applications. Rather than being such bare ethics, the decalogue is intimately woven with the redemptive fact of the Old Testament; The Lord rescuing his people from the slavery in Egypt. It is this great redemptive fact that ushers in obedience. This can be demonstrated from the decalogue’s prologue in Ex 20:2, “I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery.” This prologue

¹² J. Gary Millar, “Deuteronomy | Commentary | Gary Millar,” The Gospel Coalition, accessed October 28, 2022, <https://www.thegospelcoalition.org/commentary/deuteronomy/>.

¹³ Deut 13:5, 17:7; 12, 19:19, 21:21, 22:21-22; 24, 24:7

¹⁴ WLC 151xxix cites Deut 22:22 as demonstrating the unique level of heinousness in sexual sin. This is consistent with Paul’s understanding of its unique heinousness in 1 Cor 5-6 wherein he seems to reference the “purge the evil from Israel” by instead saying, “Purge the evil person from among you”.

serves as the redemptive axis for the giving and obeying of the decalogue. Thus, the obedience is not one of begrudging and teeth gritting but of joy and that of a supremely religious quality.¹⁵ This religious obedience then carries over into these applications such as ours of Deut 22:23-24. To view our text as a bare ethic discrete from the redemptive love of the Lord for his people will improperly orient us and, I would argue, blind us from the beauty of its significance as will later be demonstrated.

Exegesis

Significance of בְּתוּלָה מְאֻרָּשָׁה

Where the application text of Deut 22:22 refers to a woman who is the “wife of another man” and makes no reference to her virginity. Our text refers to a woman who is both a virgin and betrothed (בְּתוּלָה מְאֻרָּשָׁה). Some have focused on the virginity requirement for the woman with the conclusion that the Hebrew Bible presents a hierarchy of women; the virgin is worth more than the non-virgin.¹⁶ This confusion can be compiled with the matter of the man’s virginity being absent in these texts. Grisanti makes a significant observation in reference to Lev 20:10 that no matter the man’s virginity or betrothal status, he is understood to be an adulterer.¹⁷ Marriage in Israel contained the condition of sexual fidelity from both parties and so the pair of virginity and betrothal, in some sense, is a restating of the case that the woman is betrothed.¹⁸ This stipulation was to protect against rampant adultery in the first place. Thus, the treatment is equal for adultery and sexual immorality in that sense.¹⁹ And yet, the question could rightly be asked that if there is

¹⁵ Vos, *Biblical Theology*. 132

¹⁶ Katherine Southwood, *Marriage by Capture in the Book of Judges: An Anthropological Approach*, Society for Old Testament Study Monograph Series (New York: Cambridge University Press, 2017). 107-108

¹⁷ Michael Alan Grisanti, *Deuteronomy*, ed. Tremper Longman and David E. Garland, Rev. ed, The Expositor’s Bible Commentary (Grand Rapids, Mich: Zondervan, 2006).

¹⁸ Grisanti.

¹⁹ Grisanti.

indeed equal treatment for adultery and sexual immorality, what then is the significance of this added information of betrothal status?

The significance lies in the fact that our text, which places fault on both parties (the man and the woman), presents different reasons of fault for the two parties. The fault for the woman is in the fact that she did not cry out. The fault for the man is in the fact that he violated the wife of his neighbor. What is fascinating to note about this latter indictment is that though our text is keen to describe the woman as betrothed, she is, in this latter indictment, referred to as the wife of this neighbor. This would draw attention to the marital intentions of the man which have now been usurped by this sexual act. As has been mentioned, virginity was a condition for marriage and, thus, betrothal. The marital intentions of this neighbor are now null and void.²⁰ It would seem, then, that the primary party infringed upon is not the woman but rather the man to whom she is betrothed.

The feminist-critical reader of Deut 22:23-24 is likely to have alarm bells ringing at this point. Surely there is an anti-woman theme present here. The man is at fault because he infringed upon the intentions of another man? The woman is at fault because she did not cry out? The main party infringed upon is not the woman but her fiancé? Case in point, says the feminist critic, the Bible has a misogynistic agenda and Deut 22:23-24 is an exemplar text.

Though one must acknowledge that an initial reading of this text can cause confusion in this respect. The indictments of the man and the woman do not display misogynist undertones. This fact can be further realized in considering the lone presence of שכב.

Significance of the lone presence of שכב

²⁰ T. Desmond Alexander and David W. Baker, eds., *Dictionary of the Old Testament: Pentateuch* (Downers Grove, Ill: InterVarsity Press, 2003). 745

The lone presence of שכב (to lie sexually) in our text is one of the ways in which this application stands in a unique fashion to the others. The verb is indeed present in both the original more general application of verse 22 and the two applications following ours. Where שכב stands alone in the original application and that of verses 23-24, the following two applications add an additional verb to describe the actions of the man. No longer is שכב standing alone as describing the action but now תפש (to lay hold of; to seize) is present.

This verb is frequently employed in sexual situations where force is ~~employed~~. One significant occurrence is in Gen 39:12. In this text, Joseph is alone with Potiphar's wife. At this point she had made several advances in attempt to have Joseph lie with her. In this particular attempt of verse 12, תפש is employed which the ESV renders as, "she *caught* him by his garment, saying, 'Lie with me.'"

Another significant occurrence of the verb carrying the same sense in a sexual altercation is in 2 Sam 13:11. In this text, Amnon has arranged a situation wherein he is alone with his sister Tamar, whom he lusts after, in an attempt to lie with her. Tamar approaches Amnon, who is pretending to lie ill in bed, in order to feed him some cakes she baked for him. He then "took hold of her and said to her, 'Come, lie with me, my sister.'"²¹ Thus, it can be seen that the presence of תפש is routinely employed in situations of sexual assault. This significantly alters the meaning of the man's actions in the latter two applications. No longer is he merely lying with her, but he is seizing her; she has no say in the matter.

We can thus discern something very significant by the absence of the term in our text. Where תפש is employed in the following two applications, ours merely has the lone שכב. This

²¹ The verb is later employed again in verse 14 to say that Amnon was "*stronger* than her" and so he was able to force her to lie with him.

would thus imply that the man had no need to seize her. The full significance of this is seen when we finally acknowledge the fact that she did not cry out.

She Did Not Cry Out

In addition to the absence of תפיש, we are presented with the fact that the woman did not cry for help. This is, as we have acknowledged, the very indictment of the woman. She is at fault because she did not cry out though she was in the city. For the feminist critic of Deut 22, this would then be the final blow against those who ignore this text for what it really is; a “rape manual”. After all, as long as the woman does not cry out, she too is at fault should the assailant man be caught. She is being slandered, they say.²² Though it may seem harsh and insensitive at first, we will soon see that, along with the presence of בְּתוֹלָה מְאֻרָּשָׁה and the lone presence of שָׁכַב, the indictment of not crying out demonstrates the situation of Deut 22:23-24 to not be one of rape at all.

The woman’s indictment notes two things that are taken in conjunction; 1) she did not cry out for help and 2) she was in the city. The fact that this took place in the city mentioned from the very beginning in verse 23. Both elements, to our modern ears, seem like inconsequential details if the situation at hand indeed was rape. After all, it is often the case that rape victims do not cry out.²³ This does not make the assault any less heinous. The detail of being in the city, noted twice in the text, seems completely beside the point if the situation indeed is sexual assault. Women are raped in the city and in the country. This does not make an assault any less heinous. And yet, both of these details further illustrate for us that the situation at hand indeed is not rape.

²² Bruce Wells, “Sex, Lies, and Virginal Rape: The Slandered Bride and False Accusation in Deuteronomy,” *Journal of Biblical Literature* 124, no. 1 (2005): 41–72, <https://doi.org/10.2307/30040990>.

²³ “Why Many Rape Victims Don’t Fight or Yell,” *Washington Post*, accessed October 28, 2022, <https://www.washingtonpost.com/news/grade-point/wp/2015/06/23/why-many-rape-victims-dont-fight-or-yell/>.

The two elements (not crying out and being in the city) are not discrete from each other but rather have a conjunctive relationship. The sense is basically, “she did not cry out even though she knew she was in the city”. The question at hand then is what exactly it is about being in the city that leads to the critical expectation for a woman to cry out. It is at this point that we must realize that our modern cities are different from those being discussed here in our text. There was no sound insulation. It was very easy to hear one’s neighbors. Much more so than it would be today.²⁴ To be in the city is to be subject to eavesdropping at any moment.²⁵

This would have been a cultural understanding as it was simply the way of life. Thus, even though the woman knew she was in the city, she made no attempt to cry out. If this was indeed a situation of rape, one would expect her to attempt to cry out because of her knowledge that she would almost absolutely be heard. It was not the case that she didn’t cry out because she was unable, she did not cry for help of her own volition even though she knew she was in the city where she would be heard. Peter Craigie concurs with this analysis. He writes,

Although rape could take place in the city, the case in question is not an example of rape, for if the woman had cried out for help, help would have come. Because there was no evidence that the woman had called for help, it could be assumed that she had consented to the advances of the man. Thus, as in the case of adultery, both parties were to be executed by stoning.²⁶

As Craigie acknowledges, this fact of her not crying out has great implications with respect to her being complicit in the act. This then illustrates for us why it is the case that the primary party infringed upon is not this woman but rather the man to whom she has pledged to marry. It is not

²⁴ I myself live in a townhome with my wife and infant son. Even in that living situation, my neighbors are unable to hear my son crying when he wakes up in the middle of the night. Though, I wholeheartedly assure you, he is indeed crying.

²⁵ Ajith Fernando, *Deuteronomy: Loving Obedience to a Loving God*, Preaching the Word (Wheaton, Ill: Crossway, 2012).

²⁶ Peter C. Craigie, *The Book of Deuteronomy*, Nachdr., The New International Commentary on the Old Testament (Grand Rapids, Mich.: Eerdmans, 2007). 294-295

an act of injustice on the part of the Lord but rather great justice indeed.

Modern Meaning of Deut 22:23-24

Marriage Covenant Faithfulness

The marriage bed is to be undefiled (Heb 13:4). Those who break the seventh commandment by means of adultery are guilty before a holy God. They also sin against another image-bearer. Many pastors will tell of how they've seen adultery demolish a family and even friendships along the periphery. However, not everyone sees adultery this way.

In a 2020 piece on Huffington Post UK, seven women spoke of why they cheated on their significant other. One woman said that her reason was that "cheating doesn't hurt everyone". In her case, she didn't feel truly happy with her partner and wanted other people. She described her dilemma, "Do I leave and utterly destroy my partner's world and that of my children and wider family for passion and a deep connection I can't get at home? Or do I stay like a beautiful doll trapped in a beautiful world, and at the same time hide a secret?"²⁷ She used to appall people who cheated and now she herself is involved in such a relationship. This is but a microcosmic example of how the natural man, as a hater of God's law, delights in wickedness (Rom 8:7, Psalm 1:4).

Our text, as an application of the seventh commandment, presents to us that God created sexual relationships to exist between a married man and woman. All types of deviations from this order serve as deviations from how God created human beings to enjoy each other. As believers (those who have tasted of the great redemption to which this law is prologued) abstain from such devious relationships out of our newfound delight in God's law through the Spirit dwelling in us (Psalm 1:1-3, John 15:26).

²⁷ "It Felt So Freeing': 7 Women Reveal Why They Really Cheated On Their Partners," HuffPost UK, August 25, 2020, https://www.huffingtonpost.co.uk/entry/7-women-share-why-they-cheated-on-their-partner-it-felt-so-freeing_uk_5f43789ec5b6305f3259c76f.

Christological Significance

As we noted earlier, the presence of “So you shall purge the evil from Israel” demonstrates that adultery is uniquely heinous, and the Westminster Standards testify as such. And yet, even such sinners find their way into Jesus’ own genealogy. Covenant breakers find their way into Jesus’ lineage.

This is greatly significant. Though it is the sin of adultery that most poignantly displays the Israelites to be habitual covenant breakers, the mercy that comes from Christ is more. Though Israel is the unfaithful wife (Hos 2:13), the Lord is merciful and has made a way of redemption through the person and work of Jesus Christ (Hos 2:14-15). It is for this reason that we now find great significance from the redemptive-historical context of the decalogue. The decalogue is not an assortment of bare ethical imperatives. Rather, it is God’s great redeeming act of rescuing his people from the bondage of Egypt (Hos 2:15b), itself a type of the greater redemption accomplished by Christ in rescuing his people from the bondage of sin and misery, that presents the covenant framework for his people to walk in obedience, stumbling though they may. Israel is the unfaithful wife, God through Christ is the faithful redeemer.

Conclusion

Honest readers of Deut 22:23-24 will carry sympathy for those, particularly survivors of sexual assault, who understand this text to be misogynistic and anti-women. An initial reading may lend itself to such confusion. And yet, there is a very real sense in which those who rest on such conclusions are doing so as they read the Bible through a lens which presupposes it to in fact be a misogynistic text.²⁸ Encountering Deut 22:23-24 on its own terms with particular attention to its

²⁸ J. Robertson McQuilkin, *Understanding and Applying the Bible*, Rev. and exp (Chicago: Moody Publishers, 2009). 21-28.

redemptive-historical significance displays that it is indeed not a misogynistic “rape manual”. Rather, it is but one of a litany of texts that declare God’s just intentions for sexual relationships as constrained to the covenant of marriage.