

# 119

## MINISTRIES

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### **Answering Atheists: The Case of the Slandered Bride (Deuteronomy 22:13-21)**

Is the Bible immoral? Critics say yes. They point to Deuteronomy 22:13-21 as proof that the Bible sanctions the mistreatment of women. However, a closer look at this passage reveals something different: this biblical legislation is actually designed to *protect* women.

In this passage, known as “the case of the slandered bride,” Moses gives a hypothetical scenario where a man finds himself dissatisfied with his new wife. The unhappy husband accuses his bride of not being a virgin when he married her (22:14). In this scenario, the bride’s parents testify on their daughter’s behalf and provide evidence of her virginity (22:15-17). The husband is then punished and fined for disgracing his wife and her family through false accusations (22:18-19). However, if the woman turns out not to have been a virgin before marrying her husband, she is to be executed (22:20-21).

Once again, critics claim that this legislation is unfair to women. For instance, the evidence provided to exonerate the woman is a “cloak.” Other translations say “cloth” or “sheet.” This cloth refers to a garment or sheet placed on the marriage bed, which would contain blood from the breaking of the young woman’s hymen during initial sexual intercourse. This cloth was then given to the bride’s family to be safely stored. Critics complain that this is an entirely unreliable indicator of virginity. What if the young woman was a virgin, but she simply didn’t bleed her first time having sex? Or what if her hymen had broken from a non-sexual activity before the wedding night? Isn’t the lack of blood shaky evidence upon which to base a death sentence? Also, isn’t putting a woman to death for not being a virgin on her wedding night a bit extreme to begin with?

Let’s take a closer look at this passage and see if we can make better sense of it. The legislation begins on the premise that the husband decides he “hates” his new wife.

#### **Deuteronomy 22:13**

[If any man takes a wife and goes in to her and then hates her...](#)

The clause, “and then hates her,” indicates that what follows occurs directly after the consummation of the marriage. While the text isn’t clear, scholars have suggested that the husband’s “hate” toward his

bride might be related to sexual dissatisfaction due to the direct connection between “goes in to her and then hates her.” As Peter Craigie writes:

[T]he reason for the hate is not made explicit, though it could have been related to some factor unknown before the wedding, such as a lack of sexual compatibility.

-Peter C. Craigie, *Deuteronomy* (Grand Rapids, MI: Eerdmans, 1976), p. 292

Whatever the reason, the mention of the husband’s “hate” toward his bride likely implies that he wishes to divorce her. For instance, this word occurs in the Torah legislation governing divorce and remarriage (Deuteronomy 24:3). Scholars have pointed out that this term is often associated with divorce outside of the Bible as well. For instance, numerous divorce certificates have been found in the Elephantine papyri, a collection of writings from a Jewish community in Egypt from around the 5<sup>th</sup> century BCE. In these ancient divorce certificates, we discover that the standard spoken formula for enacting a divorce included “I hate my wife” or “I hate my husband.” (Bruce Wells, “Sex, Lies, and Virginal Rape: The Slandered Bride and False Accusation in Deuteronomy,” *Journal of Biblical Literature* 124, no. 1 (2005), pp. 57-58).

Thus, the husband’s motive behind his accusation seems to be a desire to get out of his responsibility to care for his wife. According to the Torah, divorcing one’s wife requires finding “some indecency in her” (Deuteronomy 24:1). In this case, the “indecency” is that the bride is not a virgin—or so the husband says. So, what does he do? He sets out to slander her, accusing her of having engaged in premarital sex with someone else before she married him:

#### **Deuteronomy 22:14**

...and [the man] accuses her of misconduct and brings a bad name upon her, saying, ‘I took this woman, and when I came near her, I did not find in her evidence of virginity’...

So, to get out of his marital responsibilities toward his bride, the husband accuses her of not being a virgin. There is possibly a financial motivation on the part of the husband as well. Since marriage contracts involved the husband paying a “bride price” to the bride’s family, the husband’s accusations might be his attempt to reclaim the money he paid to marry his bride, claiming a breach of contract. This would help explain the bride’s parent’s involvement in the case and the financial penalty imposed on the husband for slander.

Speaking of the bride’s parents, they are the ones who come to her defense and respond to the husband’s accusations. Remarkably, the Torah turns the situation completely around on the husband, putting *him* “on the stand.” The bride’s father accuses *the husband* of mistreating his daughter by his dishonest attempt to abandon his marital commitments. Evidence is then presented that clears the bride’s name and convicts the husband:

#### **Deuteronomy 22:15-17**

...then the father of the young woman and her mother shall take and bring out the evidence of her virginity to the elders of the city in the gate. And the father of the young woman shall say to the elders, ‘I gave my daughter to this man to marry, and he hates her; and behold, he has accused her of misconduct, saying, “I did not find in your daughter evidence of virginity.” And yet this is the evidence of my daughter's virginity.’ And they shall spread the cloak before the elders of the city.

This is where this passage gets interesting. It's often assumed that the husband is the plaintiff in this case and that he has formally charged his bride before the city elders, putting his bride's life at risk. However, the text does not explicitly state this. It's more likely that the law describes the bride's *parents* as the ones who initiate the case, formally charging the husband of slandering their daughter in the community. This would make the husband not the plaintiff, but the defendant. Citing similar legislation in Deuteronomy, Carolyn Pressler demonstrates how this interpretation is more likely:

The Structure of the law seems to indicate that the parents of the girl are the plaintiffs in this case. Deut 22:13-19 is formally very similar to Deut 21:18-21 and 25:5-10. Each of these laws is set before the elders at the gate. In each law, a description of the case is followed by instruction to persons to come before the elders and make statements. The words that they are to say echo the previous description of the case. In Deut 21:18-21 and 25:5-10, the persons instructed to come and speak at the gate are unambiguously the plaintiffs; the words they are instructed to say are formal charges. In both of these cases, the penalty is levied against the person who was originally accused. In Deut 22:13-19, it is the girl's parents who are instructed to come before the elders and her husband who is penalized. We may assume, therefore, that the parents are the plaintiffs. That in turn indicates that the husband's "wanton words" were slander spoken in the community rather than false charges before the court.

-Carolyn Pressler, *The View of Women Found in The Deuteronomic Family Laws* (Berlin: Walter de Gruyter & Co., 1993), p. 24

This point is significant because it clears up an apparent inconsistency in the Torah legislation. According to Deuteronomy 19:16-19, anyone who brings false charges in court must suffer the punishment that the falsely accused person would have suffered if the charges were proven true. In this case, however, if the husband's accusations are proven false, he is *not* put to death. Because of this, critics claim that Deuteronomy 19:16-19 concerns only men and offers no such protection for women who are falsely charged in court—in other words, a man who falsely accuses a woman is not punished as severely as he would be if he falsely accused another man. However, since it's actually *the parents* who bring formal charges of slander before the elders, the husband is not guilty of giving false testimony in court but rather of slandering his bride among the community. Thus, the law in Deuteronomy 19:16-19 regarding false testimony is irrelevant to this situation.

One implication of this interpretation is that the husband's intention behind accusing his bride does not seem to be to put her to death. As we mentioned earlier, his motivation appears to be to claim legal justification for divorce and maybe to reclaim the bride price.

Let's continue. Once the young woman's innocence is established, the elders of the community take the man and punish him, which consists of public whipping and a fine of one hundred shekels of silver:

### **Deuteronomy 22:18-19**

Then the elders of that city shall take the man and whip him, and they shall fine him a hundred shekels of silver and give them to the father of the young woman, because he has brought a bad name upon a virgin of Israel. And she shall be his wife. He may not divorce her all his days.

As we can see, in addition to being whipped and fined, the man is also prohibited from divorcing his wife. This *forces* the husband to materially provide for his wife for life. This consequence is fitting, seeing as how the husband's motive for slandering his wife was to try to obtain a divorce, and now he is prohibited from ever doing so. The husband is also publicly humiliated—a due punishment for

humiliating his bride through his slander. And since this is a public matter, the community now holds the man accountable. Daniel Block makes the following observation:

[T]his requirement aims for a rehabilitative outcome. Because the matter is resolved in a public court of law, the people in the community become guarantors of the man's good behavior.

-Daniel Block, *The NIV Application Commentary: Deuteronomy* (Grand Rapids, MI: Zondervan, 2012), 523

As we can see, this legislation served to dissuade any husband from slandering his bride. It prevented a man from giving a “deposit” in the form of a bride-price, sleeping with a girl, and then fraudulently alleging that she was impure in some scheme to get his money back and escape his marital responsibilities. The penalty of a hundred shekels of silver is *twice* the amount of the bride price (Deuteronomy 22:29) and is the equivalent of about ten years of average wages. (John H. Walton, Victor H. Matthews, Mark W. Chavalas, *The IVP Bible Background Commentary* [Downers Grove, IL: IVP Academic, 2000], p. 195).

Contrary to critics' complaints, the point of this legislation is to prevent the abuse of women, not to punish women who are unchaste. The Torah is clearly concerned about the woman's welfare, including her name and reputation. The reason the Torah gives for the husband's punishment is that he “brought a bad name upon a virgin of Israel.” In the community governed by Torah, men could not treat women like property, having their way with them and then throwing them away. They couldn't slander women in the community and expect to get away with it. The Torah demands that God's people be committed to protecting and honoring women.

But what about the “evidence” given in defense of the woman, that is, the “cloth” presented before the city elders? Again, isn't this “evidence” unreliable? Well, let's consider a few points that demonstrate the bride's position to be much stronger than critics acknowledge.

First, while the evidence of the blood-stained cloth might seem strange to modern readers, such evidence was widely accepted as an indication of virginity in ancient Near Eastern culture and even among some Middle Eastern cultures today. Regardless of what modern westerners think of it, the biblical passage declares that this evidence is sufficient to find the husband guilty. This fact serves as a strong deterrent against a husband slandering his bride in the community because he would undoubtedly be aware that his bride's parents had this cloth and would be ready to press charges against him. He would also know that there was a possibility that such evidence could be fabricated if the parents of the bride were inclined to do so. The Jerusalem Talmud entertains the idea of a bride using bird's blood to fabricate such evidence (*y.Ketubbot* 1:1 [25a]). Other ancient folk literature, such as the collection of Middle Eastern folk stories, “One Thousand and One Nights,” contains a similar tale of a couple passing off sheets stained with bird's blood as “proof” of prior virginity (“The Tale of Kamar al-Zaman and the Princess Budur, Moon of Moons.” Translated by Powys Mathers, *The Book of the Thousand Nights and One Night* [London: Routledge, 1986], 2.48-49)

Thus, the fact that this cloth is admissible in court essentially guarantees that the bride and her family would win the lawsuit. And again, unless the husband is a complete fool, he would know that he would be at a disadvantage legally if the bride's parents pressed charges. Knowing this, a husband presumably would not be so foolish to slander his bride to begin with, which appears to be what this law intends to accomplish—that is, to prevent men from slandering their brides. To paraphrase, it's like Moses is saying: “Some of you men might get this crazy idea that you can ‘use and lose’ a woman by slandering

her in the community. Be assured that you will not get away with such a scheme because her parents can press charges, and the case will be completely stacked against you.”

If the husband has legitimate suspicions that his bride had sexual relations with someone else during the betrothal period, which would be considered adultery, the proper protocol would be to bring her to court with at least two witnesses who could testify to her sin (Deuteronomy 19:15) or else bring her to the priest for the adultery test (Numbers 5:11-31). He should not be slandering her among the community.

For more on the adultery test in Numbers 5, see our teaching [Answering Atheists: Understanding the Test for Adultery \(Numbers 5:11-31\)](#).

Second, it’s unreasonable to assume that the evidence presented by the bride’s parents was limited to only the blood-stained cloth. The testimony of the bride’s family and any other witnesses they might enlist, in addition to the lack of proof beyond mere allegations on the husband’s part, likewise weighed in favor of the bride.

Third, this matter was to be addressed publicly before the community elders, which provided an additional layer of protection for the bride as well as a deterrent to a husband raising baseless allegations. The elders had a responsibility and an interest in protecting the members of the community, which would have included not only appropriately dealing with promiscuity but also preventing the unjust sentencing of an innocent woman. Out of fear of YHWH, the elders would have taken special care not to risk condemning the innocent.

In any case, it’s evident that the purpose of this legislation is to protect women from the potential abuses of men, demonstrating God’s concern for their security and reputation in the community. Additionally, as the scholar Katie McCoy argues, the law appears to assume the woman’s innocence:

Given the husband’s disposition toward his bride, his financial motives, and the parents’ presumed readiness to defend their daughter, one may assume that the young woman described in this law was likely a virgin at the time of her wedding. That the prescription for the woman’s innocence appears before the prescription for her guilt may also reinforce this point.

-Katie McCoy, *Old Testament Laws Concerning Particular Female personhood and their Implications for the Dignity of Women* (Ann Arbor, MI: ProQuest, 2016), pp. 144

While this passage primarily deals with what to do when a husband slanders his bride, it gives an epilogue of sorts describing what should be done if the woman *did* have premarital sex with someone else before her marriage. The verses that follow begin a hypothetical counter-case in which it is assumed that the woman is guilty. Let’s take a look:

### **Deuteronomy 22:20-21**

**But if the thing is true, that evidence of virginity was not found in the young woman, then they shall bring out the young woman to the door of her father's house, and the men of her city shall stone her to death with stones, because she has done an outrageous thing in Israel by whoring in her father's house. So you shall purge the evil from your midst.**

As we can see, severe punishment could be handed down if a woman is found guilty of engaging in premarital sex with someone else before her marriage. If the bride and her family lied about her virginity, thereby deceiving her husband, she was to be executed. Now, some might argue that this

punishment for the woman's premarital sexual activity is unreasonably harsh. However, a few points are worthy of consideration.

First, the specific crime for which the bride is executed does not seem to be the act of premarital sex itself. We know this because other passages in the Torah make it clear that premarital sex itself is not a crime punishable by death (Exodus 22:16-17; Deuteronomy 22:28-29). So, how do we make sense of this discrepancy? One option might be that the passage assumes that the act of premarital sex had occurred during the betrothal period, which would be considered adultery (Deuteronomy 22:23-24). While that's possible, it isn't certain. A second option is that the bride's act of deceiving her husband, from the Torah's perspective, upgrades this non-capital crime of premarital sex to a capital crime. As Katie McCoy explains:

If a woman had not been a virgin at the time of her wedding, her husband would have reason to suspect that any offspring conceived near the time of their initial union might not be, in fact, his own child ... To the Hebrew mind, one's progeny were inextricably linked to spiritual inheritance and identification with God's people. Thus, for the young Israelite woman, this law both condemned premarital sexual relations and deterred her from engaging in any illicit tryst ... If the woman had not been a virgin at the time of her marriage, she would also have been guilty of perpetuating an elaborate farce. She would have presented herself as a virgin to her prospective husband with premeditated deception in order to secure a legitimate marriage.

-Katie McCoy, *Old Testament Laws Concerning Particular Female personhood and their Implications for the Dignity of Women* (Ann Arbor, MI: ProQuest, 2016), pp. 137-138, 141

Once again, if we go with the second option, then the capital crime does not seem to be premarital sex *per se* but rather the deliberate deception and false pretense to sexual purity on the part of the woman. The tragedy of such a scenario is that the Torah provides full restoration and redemption for the woman who engages in premarital sex if she comes clean about it at the beginning instead of deceiving her prospective husband. As McCoy writes:

According to Deuteronomy 22:28-29, had the deflowered young woman been forthright about her indiscretion, her father could have confronted her seducer and secured a reputable marriage for his daughter. Had she simply told the truth, her father would have moved from co-conspirator (willing or not) to her greatest advocate. Legally, the father could have taken pains to secure a home for his young daughter or, if he found the potential husband unsuitable, to require a bride price from her seducer, ensuring her financial provision and vindicating her reputation.

-Katie McCoy, *Old Testament Laws Concerning Particular Female personhood and their Implications for the Dignity of Women* (Ann Arbor, MI: ProQuest, 2016), pp. 143

A second point worth consideration is that the death penalty need not be enforced even if it is legally warranted. In this and other cases, the Torah lists the harshest punishment allowed by law, but a lesser punishment could be sought instead. We see this in other laws, such as Exodus 21:29-30:

### **Exodus 21:29-30**

But if the ox has been accustomed to gore in the past, and its owner has been warned but has not kept it in, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. If a ransom is imposed on him, then he shall give for the redemption of his life whatever is imposed on him.

Here we see that if an ox kills someone, the law states that the owner shall be put to death. However, it goes on to say that a lesser penalty may be imposed upon him instead—that is, he could be required to pay a redemption price for his life, “whatever is imposed on him.”

Presumably, in Deuteronomy 22:20-21, instead of having the bride put to death for her crime, a lesser penalty could be enforced—that is, the husband could be granted a legitimate divorce and have his bride-price reimbursed. Numerous ancient law codes, such as the Hammurabi Code (§129), Hittite Laws (§§197-98), and Middle Assyrian Laws (A §§14-15), show that an adulterous wife’s life can be spared even though the death penalty is legally warranted. In such cases, a lesser penalty may be enforced, which often took the form of a legitimate divorce plus other reparations. Notably, in Jeremiah 3:8, YHWH is said to have *divorced* Israel because of her adultery instead of having her executed, even though the Torah lists the death penalty as the punishment for adultery.

Based on this information, Bruce Wells argues that the option of a lesser penalty can be reasonably assumed in this legislation. He draws a parallel with other ancient law codes regarding issues of sexual impropriety to make his case:

Middle Assyrian Laws A §13 describes the typical adulterous situation and stipulates death for both the woman and her lover. The provisions in MAL A §12 and §§14-16 add other details to this general principle. Most of the details have to do with where the illicit tryst took place, whether the woman gave her consent, and what penalties her husband could choose. In §15, for instance, the husband is allowed to inflict penalties other than the death penalty on his wife. The main point of §15 is that the wife’s lover can be punished no more severely than the husband decides to punish his wife. One would not know about these lesser penalties, however, simply from reading §13. The provision in §13 omits such details, since its purpose is to describe the most basic aspect of the law and the general principle involved. This is also the purpose of part B in the passage about the slandered bride; thus, it omits mention of other penalties as well.

-Bruce Wells, “Sex, Lies, and Virginal Rape: The Slandered Bride and False Accusation in Deuteronomy,” *Journal of Biblical Literature* 124, no. 1 (2005), pp. 70-71

A third point worth considering is that this entire situation is completely avoidable in several ways. Most importantly, people could simply remain virgins until marriage. That is obviously the ideal situation. Moreover, if a husband feels dissatisfied with his wife for whatever reason, the couple could work out their issues instead of the husband slandering her to try to get out of the marriage. That would avoid the need for the bride’s parents to initiate a court case to clear their daughter’s name of false accusations. If the bride *did* have premarital sex, another way to avoid this scenario, as mentioned earlier, would simply be to disclose this information at the beginning. While the consequences of such a decision might make securing a marriage more difficult, especially if she doesn’t marry the man with whom she had premarital sex, this option is certainly preferable to the legal consequences she might face for fraud.

In conclusion:

Deuteronomy 22:13-21 is *not* designed to punish women who are unchaste, but rather to protect women from the potential abuses of men.

The text assumes the bride’s innocence, describing a hypothetical scenario where her husband slanders her in an attempt to claim legal justification for divorce and fraudulently reclaim the bride price that he paid to her family.

The Torah deters men from making such slanderous accusations since the bride's parents could press charges, and the evidence admitted in court essentially guarantees that the bride and her family would win the lawsuit.

However, the Torah also briefly describes a hypothetical counter-case in which the woman is guilty and lists the death penalty as the proper punishment.

It doesn't appear that the woman is punished for her premarital sexual activity *per se* since the Torah does not prescribe the death penalty for premarital sex. We would surmise that the death penalty is prescribed in this case because 1) she was betrothed to her husband when she had sex with someone else, which would be considered adultery, or 2) because her deliberate deception and fraud upgraded the non-capital crime to a capital crime.

Regardless, just as this passage deters men from slandering their brides, it deters women from engaging in sexual promiscuity and premeditated deception.

Although the punishment listed for the guilty bride is death, this is the most severe punishment and need not be enforced—a lesser penalty could be imposed instead.

Nevertheless, this scenario is entirely avoidable in several ways.

While this legislation might sound strange to modern readers at face value, a closer look reveals that it's designed to protect women and does not allow the innocent to be punished.

*We pray you have been blessed by this teaching. Remember, continue to test everything. Shalom!*

*For more on this and other teachings, please visit us at [www.testeverything.net](http://www.testeverything.net)*

**Shalom, and may Yahweh bless you in walking in the whole Word of God.**

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