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BABYLONIA AND ISRAEL (II.)  
THE POSITION OF WOMEN IN ANCIENT

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THE family as the basis of all social life was of far greater importance for Ancient *Israel* than, for example, for the ancient Egyptians and Babylonians. Political organizations are to be found in Egypt and Babylonia even in the earliest ages; the individual is first and foremost a citizen of his state or town; the heads of families and tribes have had to surrender their privileges to the prince or king. The Israelite, on the contrary, was and remained first and foremost member of his tribe and family. The oldest form of government in Israel was the tribal community. The heads of the tribes and families retained their influence till far into the period of kings. In ancient times the fathers of families in Israel were the upholders of the law and of public worship. As is still the case among the Arabs the father filled the rôle of priest. This is very evident in the period preceding Moses. But even later the priestly tribe and rank of the Levites ousted the fathers only very gradually from their privileges. The Paschal lamb, for example, always remained a family sacrifice, killed by the father and eaten by the members of the family.

It is beyond all doubt that the institution of the *Patriarchy* is to be found everywhere in the Old Testament. The father is the head of the family, his will is law. He is the *Ba'al*, the lord, the owner; his wife is the *Be'ûlâ*, the lorded, the owned. The wife leaves her family, and by her marriage passes over into that of her husband. Blood relationship, the right of inheritance, everything, is decided by the father.

It is a difficult question whether survivals of the *Matriarchy* too are to be found in the Old Testament; that

is to say, of the social organization by which all family relationships were regulated by the mother. This institution is by no means so ideal as people have supposed. There is here no question of an actual "rule of the mother." Even in the organization of the so-called Matriarchy the husband as the stronger had a big say in matters. Not, however, as husband and father. It is her eldest brother, the uncle of the children on the mother's side, with whom the wife lives, to whom she is subject, and who decides in marriage and inheritance questions. This condition of things is not the normal one and can never have been the normal and original condition. The wife who either has no husband at all or only sees her husband now and then, and who is under the thumb of her brother, is, in point of fact, anything but mistress in her family. The term "Matriarchy," in my opinion, masks bitter irony. This system runs directly counter to nature and is an aftermath of the irregular state of "polyandry," — the right of a woman to have several husbands within the bounds of the same tribe. The survivals of this decadent state which are thought to be traceable in the Old Testament are after all more than uncertain.<sup>1</sup>

One thing, however, is certain. In Israel, just as in Babylonia, the free position of woman is in the *beginning* of the development. However we may stand to the question of the Matriarchy, it is in any case remarkable that it is just in the oldest narratives (for example, in the books of Genesis and Judges) that the position of women appears freer and more independent than later. The supposed oppression, the supposed low position of women in Israel, has frequently been greatly exaggerated; and the *moral* standard of the ancient Israelites in sexual matters generally has often been fancied lower than in reality it was. The statement is wholly wrong that in the Old Testament faithfulness in marriage is condemned only in the

<sup>1</sup> Cf. the exhaustive and cautious article by Prof. J. C. Matthes on "Het Matriarchaat, inzonderheid bij Israël" in Teyler's Theologisch Tijdschrift, vol. 1. (1903) pp. 1-23.

wife, not in the husband.<sup>1</sup> The husband is supposed to have been free in sexual intercourse, if only he had nothing to do with the married wife of another man. As against this, attention must be drawn with emphasis to such a passage as Job xxxi. 1, a passage in the Old Testament where a man's sinning with a maiden even in thought is condemned, and in which the moral standard of our Lord in Matt. v. 28 is almost reached. Similar words are to be found in Eccles. ix. 5-8. But even as early as in Gen. xxxviii. 12-23 the conduct of Judah is clearly censured. The expression "no such thing ought to be done in Israel" (Gen. xxxiv. 7; 2 Sam. xiii. 12) holds good for all sexual life, and proves that the Israelites had in this respect a strict sense of moral responsibility.

What I wish to show here first and foremost is the fact that the condition of women in Israel in as well as out of marriage was freer and less constrained than now in the Eastern world. Here too there is no question of a gradual development from lower to higher. The proof of this is not far to seek. It is sufficiently notorious how miserable is the condition of the East to-day. A woman in the Mohammedan world to-day is not much more than the slave or one of the slaves of her husband. She has not a word to say in her own marriage, she sees her husband for the first time the evening before the wedding, she wears out her life behind the walls of the harem. It is only during the last few decades that her condition has been somewhat lightened under the influence of Western culture.

How wholly different things were in Israel and especially in the most ancient times! Intercourse between the sexes was free and unrestrained. There is no suggestion of a woman or girl having to go veiled in public and not daring to speak to a man.<sup>2</sup> The most idyllic tales in the

<sup>1</sup> I. Benzinger, *Hebräische Archäologie* (2d ed. 1907), p. 105. Cf. *Encycl. Bibl.*, col. 2946: "Fidelity on the husband's part was in no way enforced."

<sup>2</sup> As — not still, but already — underlies the passages in 2 Macc. iii. 19; 3 Macc. i. 18-19; cf. John iv. 27.

Old Testament, gems of art both in the literary and æsthetic sense, give us a clear idea of the free intercourse, the unrestrained tone, which prevailed especially between unmarried men and women. Think merely of the well-known pictures of the shepherds and shepherdesses who meet in the evening at the village well with their flocks, take away the stone, draw water and refresh their flocks. Unrestrained and fearless, shepherdesses go to meet strangers, give them a hearing, lend them help. Abraham's servant and the helpful Rebecca (Gen. xxiv. 13 *et seq.*), the meeting of Jacob with the beautiful Rachel (Gen. xxix. 9-13), Moses and the daughters of the priest of Midian (Ex. ii. 15-20), Saul and the maidens of Ramah, who showed him the way to the prophet Samuel (1 Sam. ix. 11-14),— these, among the most beautiful stories in the Old Testament, I would just like to mention without going into them at length. The woman was in no sense reduced to the condition of a slave. Children were required by law and custom to obey the mother just as much as the father (Ex. xx. 12; Deut. v. 16; cf. Prov. i. 8; vi. 20, etc.). The women could move about freely without veil and went up along with their husbands to the sanctuary (1 Sam. i. 2 *et seq.*). Heroines and prophetesses were honored and renowned, like Deborah (the "mother in Israel," Judges v. 7) and Jael (Judges v. 24-27), and the wise woman of Abel-Beth-maacah, who by her prudent words was able to save her town from ruin (2 Sam. xx. 15-22).<sup>1</sup>

The assertion is frequently heard that the Israelite marriage, regarded juridically, was nothing but a sale.<sup>2</sup> By this sale the wife is thought to have become the property of her husband, who had bought her from her father for

<sup>1</sup> Cf. further especially the Rev. D. M. Pratt, *Internat. Standard Bible Encycl.*, vol. v. p. 3100.

<sup>2</sup> I. Benzinger, *Hebräische Archäologie* (2d ed.), p. 106: "Die israelitische Ehe ist also Kaufehe, ganz wie schon die alte babylonische im Codex Hammurabi und noch die heutige Fellachenehe." Cf. *Encycl. Bibl.*, col. 2942.

the "purchase money," the *mōhar*. According to Professor Benzinger, the woman was nothing more than "a valuable chattel (to say the least) of her husband."<sup>1</sup> These somewhat rough expressions are inappropriate to the actual state of things, in Babylonia for certain, but in Israel too. The future husband did, to be sure, pay to the father of the bride a so-called *mōhar*, a sum which will have amounted in ordinary cases to fifty shekels of silver (about £4), as one can see from Deut. xxii. 29 (cf. with Ex. xxii. 16). The same custom and word are still found among the bedouins and fellahs. But this payment does not stand by itself either in Babylonia or Israel. The Code of Hammurapi stipulates no less than three different payments at the solemnization of marriage. The Babylonian expressions are *tirhatu*, *seriqtu*, and *nudunnu*. Of these the *tirhatu* corresponds to the *mōhar*, the sum given by the bridegroom to the father-in-law. But along with it there are the *seriqtu*, the dowry, given by the father along with his daughter (thus, what the French call "la dot," and the Germans "die Mitgift"); and further the *nudunnu*, or marriage present given by the bridegroom to the bride (the German "Morgengabe"). The wife retains free control of *seriqtu* and *nudunnu*, and inherits from her father later the *tirhatu*. It appears from § 164 of the Code of Hammurapi, moreover, that the *seriqtu* (that is, the dowry which she gets from her father) was often larger and more valuable than the *tirhatu* (or sum paid by the bridegroom). In the light of these facts the phrase "sale marriage" would be for Babylonia simply absurd.

But also for Israel. Genesis xxiv. 57 alone (the offer of marriage to Rebecca) shows clearly that a girl had very considerable to say in the matter, that the business was far from being arranged by the family without her knowledge. And with regard to the *mōhar*, the sum paid by the bridegroom, it seems to have been the custom in Israel for the father not to keep the money for himself (though he had the right to), but to hand it over to his daughter. Rachel

<sup>1</sup> Encycl. Bibl., col. 2946 (cf. col. 1500).

and Leah, at any rate, take it very ill of their father Laban that "he hath sold us, and hath also quite devoured our money" (Gen. xxxi. 15). And in Israel too the wife received from her father a dowry (gift, *mattān* or *berākā*), the value of which was often greater than that of the sum paid by the bridegroom. This dowry might consist, besides money, of ornaments and women slaves, or also (as in the cases mentioned in Josh. xv. 16-19; Judges i. 12-15; cf. 1 Kings ix. 16) in land. In Israel, too, therefore, there can be no longer any question of "marriage by sale."

Just as mistaken, I am convinced, is the assertion that at the solemnization of a marriage in ancient Israel, there was no sort of religious ceremonial.<sup>1</sup> This opinion is based on an *argumentum e silentio* which in this case is not well-grounded. There are data, and in my opinion even obvious data, in the Old Testament, which contradict this statement. From Prov. ii. 17; Ezek. xvi. 8, 59-60; Mal. ii. 14 it appears with sufficient certainty that among the ancient Israelites the bridal was connected with a religious rite. Proverbs ii. 17 speaks of the adulterous woman "which forsaketh the friend [i. e. husband] of her youth, and forgetteth the covenant of her God." Marriage and divine covenant are here in *parallelismus membrorum*. Ezekiel xvi. 8 also uses figurative language; God found the people Israel of old in the desert, poor, naked, and abandoned, and God is, as it were, married to this people. "I swear unto thee, and entered into a covenant with thee, saith the Lord God, and thou becamest mine." Here, too, therefore, the divine covenant is likened to a marriage; a solemn oath at the marriage ceremony is presupposed by such a passage as this. So also again in verse 59; and, above all, in Mal. ii. 14. This last passage is particularly important for the reason that we have not here to do with figurative language expressing the relationship between God and his chosen people, but with actual human marriages profaned by rash divorces: "Because the Lord hath been witness be-

<sup>1</sup> I. Benzinger, *loc. cit.*, p. 108.

tween thee and the wife of thy youth, against whom thou hast dealt treacherously; though she is thy companion, and the wife of thy covenant." How anyone with a passage like this before him can declare that at the marriage no kind of religious ceremonies was used, is to me incomprehensible.

Woman was in no sense despised or devoid of rights in ancient Israel. One thing alone threw a shadow over her life — *polygamy*. Nowhere in the Old Testament is polygamy expressly condemned, though, just as to-day among the Arabian inhabitants of Syria and Palestine, it was an exception for anyone to have more than two wives. Such a state of things as is described in 1 Sam. i. 2 (Elkanah with his two wives Hannah and Peninnah) was the rule; cases such as in Judges viii. 30 (Gideon); 2 Sam. v. 13 (David); 1 Kings xi. 1, 3; Song of Songs vi. 8 (Solomon) were exceptions. The relation between the "beloved" and the "hated" wife (Deut. xxi. 15), of whom one was the rival of the other (1 Sam. i. 6), was far from a happy one.

These were sad conditions of life. Nevertheless, we can say emphatically: The normal state of things in ancient Israel as in earliest Babylonia, was *monogamy*. In the later writings of the Old Testament monogamy is treated as a matter of course. It is remarkable that this development from polygamy to monogamy took place entirely without opposition and wholly as the natural thing. But when we look closer, we find even in the oldest writings, too, the simple marriage regarded as the normal, legitimate marriage, at least in theory, even though the Israelitish law made concessions to practice. Monogamy is presupposed in the primeval story of Adam and Eve in Paradise. The marriages of the patriarchs, except that of Jacob, are monogamous.<sup>1</sup> The second marriage of Moses is disapproved of by Miriam and Aaron (Num. xii. 1). In the centuries after Solomon no mention is anywhere made of polygamy among the kings of Israel and Judah. In particular, the

<sup>1</sup> For Abraham's intercourse with Hagar is an exceptional case, permitted also in the Code of Hammurapi (§§ 144-146; see above).

queen-mother (*gēbirā*, mistress) plays an important part at the court (cf. 1 Kings xv. 13; Jer. xiii. 18); but there is no mention of any other woman besides her and the queen. The prophets, especially Hosea and Jeremiah, often use the metaphor of marriage when they wish to convey the relation of Jehovah to his people. Jehovah is, as it were, married to Israel and has never chosen any other nation. This figure would have been simply incomprehensible among people who regarded polygamy as the normal condition.

To construct from the facts a development from lower to higher, from polygamy to monogamy, is, here again, impossible. In Proverbs, monogamy is already presupposed, just as in Job and many of the Psalms. The same is the case in the New Testament. Nevertheless, the simple marriage is never expressly ordained even there, as the sole kind of marriage desired by God. Only of the bishop do we read in 1 Tim. iii. 2 that he "must be without reproach, the husband of one wife." We still find Flavius Josephus relating that Herod had nine wives; because, he says, our laws allow us to have several wives.<sup>1</sup> This was, however, said of a Herod, who, like Solomon, had adopted foreign habits. The life of the Jew of the people was even then purely monogamous, and the simple marriage was, as a matter of course, regarded as the normal form.

Finally a last question, the relationship of the Israelitish woman to the *religious life* of her nation. In the modern synagogue, the women sit separate from the men in the gallery, and take no active part in the service. The service may only begin when at least ten men are present. To this day every orthodox Jew thanks God daily in his morning prayer that He has not created him as a woman. The woman, on the other hand, says meekly and submissively, "Blessed be the Lord our God, King of the world, that He hath created me according to His pleasure!"

<sup>1</sup> Flavius Josephus, *Antiquitates Judaicæ* xvii. 2 (ed. Niese), §§ 14 and 19.

How was it in ancient Israel? The view (defended by B. Stade and R. Smend) that the lawful religious service in Israel was exclusively an affair for the male sex, is incorrect and one-sided. The argument that few names of women are connected in the Old Testament with the name of the Deity has been confuted by Professor Löhner with exact statistics.<sup>1</sup> It is true that, according to Ex. xxiii. 17; xxxiv. 23; Deut. xvi. 16, only all that was male was required to appear three times a year before God, that is, to go up to the sanctuary. Apparently women were considered as disqualified, by their ever-recurring sexual impurity, from bringing offerings; and their participation in the journey to the Temple was not *demande*d. Nevertheless, it was not only allowed to women to accompany their husbands to the temple but it was actually the custom to do so. From passages like Judges xxi. 19-23; 1 Sam. i. 2 *et seq.*; 2 Kings iv. 22-23, and above all Ex. xx. 10; Deut. xvi. 11, 14, it is evident that the women celebrated at the festivals too, and took part in the worship. In the last two passages (Ex. xx. 10; Deut. xvi. 11, 14), the mother is not expressly mentioned, probably merely because her participation, along with the daughter, maid-servant, and widow, was a matter of course. The "thou" that is uttered in these passages comprehends man and wife. The woman had also, apart from the limitation of Num. xxx., the full right to take vows (1 Sam. i. 11), even the Nazirite vow of abstinence (Num. vi. 2). Along with the prophets, prophetesses are repeatedly named as well (Deborah, Huldah, etc.). Both in the Tabernacle and in the Temple at Shiloh "serving-women which served at the door of the tent of meeting" are mentioned (Ex. xxxviii. 8; 1 Sam. ii. 22). At Jerusalem in the days of Hezekiah women singers raised their voices to the Lord.<sup>2</sup>

Thus with respect to religious worship too, the rights

<sup>1</sup> M. Löhner, Die Stellung des Weibes zu Jahwe-Religion und Jahwe-Kult (Beiträge zur Wissenschaft vom Alten Testament, Heft 4), Leipzig, 1908.

<sup>2</sup> Cf. Sennacherib, Taylor Cylinder, col. iii. lines 38-39.

and influence of the women were greater in early times than in later. Only after the Babylonian captivity does an *anti-feminist tendency* make its appearance among the Jews. This was in keeping with the spirit of the time, but, however regrettable, was also for certain reasons comprehensible. Regular religious worship in the Holy Land had been rendered impossible by the captivity. From this time on, those customs step into the foreground of the life and thought of the Jews which they could practice freely out of Palestine also, such as circumcision, the celebration of the Sabbath, abstinence from pork. Of the national tokens that could be employed abroad, women had to do without the most important of all, circumcision. For this reason alone, it was impossible to regard her as fully qualified for the religious service. As early as 2 Chron. viii. 11, it is regarded as a matter of course that no woman may enter the temple or dwell in the precincts of the holy place.

But there was more. Whoever has read the books of the Old Testament, must have noticed again and again that it was women who led away Israel to idolatry, just as Eve, in the story of the loss of Paradise, was not merely the tempted but the temptress (Gen. iii. 16-17). In this connection, I need only remind the reader of the sacral prostitution, the vice of women in the service of Baal, which was so abhorred by the professors of the strict worship of Jehovah. Moabite women even in the days of Moses cause the people in the desert to go over to Baal-peor (Num. xxv. 1-8); his numerous foreign wives seduce Solomon (1 Kings xi. 1-8); Jezebel persuades Ahab to idolatry (1 Kings xvi. 31). Even at so comparatively late a period as that in which Jeremiah wrote, we find the prophet infuriated at the women of Judah who serve "the Queen of Heaven," and blame the neglect of her worship for all their misfortunes (Jer. xlv. 15-23). And even after the return from the Captivity the "strange women" were the chief danger for the national and religious life of the Jew-

ish community. Away with the strange women! the holy seed of Israel must remain pure! is the cry of Ezra and Nehemiah. From Ezra x. we can see how sternly and relentlessly this was put into practice; the Jews were compelled to send away their wives by hundreds.

The woman the temptress to the worship of false gods — thus the anti-feminist movement in the period after the Captivity becomes intelligible. To this period belong the hard judgments in the Book of Ecclesiastes. "I find a thing more bitter than death," we read in Eccles. vii. 26, "the woman whose heart is snares and nets, and her hands as bands: whoso pleaseth God shall escape from her; but the sinner shall be taken by her"; and in verse 28, "One man among a thousand have I found; but a woman among all those have I not found." A similar hatred of women is expressed in the Book of Jesus Sirach (Eccclus. xxv. 19): "There is but little malice like the malice of a woman, may the lot of the wicked fall upon her!" and verse 24: "From a woman did sin originate, and because of her we all must die!"<sup>1</sup>

This feeling permeated Islam, but also, though in a less degree, the later Judaism. According to the Mishnah (Treatise *Berākōt* iii. 3), women are forbidden to pray the *Shema'*, the holiest confession of the Jews. We can now understand better why the disciples wondered at Jesus speaking with a woman (John iv. 27).

But this anti-feminism is not an invariable mark of the religion of the Bible. It sprang up, in point of fact, only with the foundation of the Jewish community after the Captivity. What the earlier Israelites considered to be God's will regarding the position of women appears in the story of Paradise, which characterizes the woman in her relation to the man as עזר כנגדו. "an help meet for him," or "answering to him," "a pendant to him" (Gen. ii. 18). And,

<sup>1</sup>The Apocrypha and Pseudepigrapha of the Old Testament, ed. by R. H. Charles, vol. i. p. 402.

in conclusion, I may refer to the celebrated alphabetic song in Prov. xxxi. 10-31, where, in addition to very many other good qualities, wisdom and the fear of the Lord are lauded as the ornament of a woman:—

“She openeth her mouth with wisdom  
And the law [or, teaching] of kindness is  
on her tongue.

. . . . .  
Favor is deceitful, and beauty is vain:  
But a woman that feareth the Lord, she  
shall be praised.”