THE ATTITUDE TOWARDS
WOMAN
IN THE LAW CODES,
THE LATER PROVERBS,
AND THE CANTICLE OF CANTICLES

by

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PREFACE

This study was prompted by a general interest in woman and by a particular interest in the woman of the Old Testament. There seems to be quite a mine of valuable material on woman contained in the pages of the Old Testament. It appears to be relatively untapped, a fact which is quite surprising in view of the contemporary discussion centered about woman. It is hoped that this might be a small beginning in this significant area, if not for others, at least for the writer.

I would like to express thanks to my director, Father Caldwell, for his excellent suggestions and help in keeping me on the right path. Further thanks are due to Father Cooke for the original idea and to the typist, Roger Ingenthron, and to my wife who provided help throughout.

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INTRODUCTION

Many writers have long recognized a progression within the Israelic social legislation, from that represented by the Covenant Code to the later law codes of Deuteronomy and Leviticus. It is the purpose of the present study to concentrate on the attitude towards woman within this progression, as well as within the later proverbs and the Canticle of Canticles. After approximate dating of these various works, there is an attempted correlation between the different corpora.

Because of the fluctuating state of Scripture studies, this must necessarily be a provisional study, dependent on the future finds of archaeologists and scripture scholars as they affect the dating of certain parts. In the present study this uncertainty, not so prevalent in the corpora of law themselves as in their individual parts, is seen especially in regard to the Book of Proverbs and, to a lesser extent, in the Canticle of Canticles.

Nevertheless, one must proceed as best one can. Thus in the present study, the following broad outlines are followed. The Book of the Covenant is dated in the late second millennium, roughly around the time of the settlement and the tribal amphictyony. In approximately the same period the earliest proverbs are placed; and one can see some similarity between the two. Most evident is the contrast between the "spirit" of the Exodus legislation and that of the

Canticle which is dated in roughly the tenth to ninth centuries. Again, one can visualize a common consciousness behind the next "stratum" of proverbs--compiled at approximately the same time as the Canticle--and the Canticle. Lastly, the Deuteronomic legislation compares favorably with the attitude of the previous two. It came into being in the ninth (possibly tenth) to eighth centuries.

Because of the extremely wide range of literary types in the material under consideration, it is difficult to make direct comparisons between them. The most one can hope to do is to search for similarities in the thought behind the compositions. That is essentially the procedure followed here. Though not so necessary with the law codes, which to a certain extent speak for themselves, it becomes increasingly necessary with the later proverbs which offer scanty evidence, and especially the Canticle because of its poetic form.

The law codes, Proverbs and the Canticle of Canticles were chosen for this study because of their age proximity and their substantial treatment of woman. The law codes represent roughly two different periods of time, and though the later period is posterior to both the Canticle and the later proverbs, it was thought best to include it since there is still a substantial correspondence between its attitude toward woman and that of the others. Moreover, it illustrates that the law in this case follows custom.

CHAPTER I

THE LEGAL CODES AND WOMAN

Introduction to the Codes

The Pentateuch is a valuable source document in a discussion of Hebrew women since it contains legislation pertinent to her, legislation which spans the centuries. Its laws shed light on women both by what they say and by what they omit. Both categories reveal the living conditions and are thus helpful in assigning a date to their composition, as well as yielding information about women. Immediately apparent are the differences between the separate sets of law, whether similar situations are under discussion or whether it is a case of a new law. It is obvious that these different bodies of law are the result of separate traditions, separated by time if not by geography as well. The dates given by scholars for their compilations vary, but there is agreement that the earliest and the latest compilations are separated by hundreds of years.[1]

The legislative traditions of the Pentateuch are contained for the most part in the three codes of laws: the Book of the Co-

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[1]For a general discussion of the different codes and their origins, see Alexa Suelzer, The Pentateuch (N.Y.: Herder and Herder, 1964), pp. 122-137. Cf. Roland De Vaux, Ancient Israel, trans. John McHugh (N.Y.: McGraw-Hill Book Comp.,Inc., 1961), pp. 143 f.

venant (Exodus 20-23), the Holiness Code (Leviticus 17-26) and the Deuteronomic Code (Deuteronomy 5-28). There are laws found elsewhere in the Pentateuch but they are either excerpts from the codes or from the original sources from which the codes were taken.[2] To be manageable, the different codes have to be placed in their proper historical setting. Though the choice of this setting is somewhat conjectural, its veracity is not of the utmost importance and even a rough approximation will serve to illustrate a certain development in the Pentateuchal legislation on women.[3] Most scholars are agreed that the Book of the Covenant--from the Elohist tradition--is much older than the Deuteronomic Code or the later parts of the Holiness Code; that is the important point.

Decalogue and Covenant

The origin and tradition of Israelitic law is closely bound up with her covenant history.[4] When Moses gave the Decalogue to the

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[2]Abba Hillel Silver, Moses and the Original Torah (N.Y.: Macmillan Company, 1961), p. 86.

[3]Leovy and Taylor, "Law and Social Development in Israel," Anglican Theological Review, 39 (1957), pp. 9-24 [unavailable].

[4]De Vaux, Ancient Israel, p. 147. De Vaux remarks that the covenant between Yahweh and the people had to be sealed by a treaty, and this treaty was a treaty of vassalage. "The Decalogue is the deed of the Sinaitic covenant.... The Code of the Covenant...may be connected with the pact at Shechem, where Josue concluded a covenant between Yahweh and the people, and gave the people a statute and a law (Jos 24, 25-26). The Code of Deuteronomy is also the expression of a pact: it is set forth as the sum total of the conditions accompanying the gift of the Holy Land...." De Vaux then gives an excellent treatment (pp. 148-150) of the similarities between the legal codes of the Old Testament and Oriental treaties, pointing out the former's radical difference from the other treaties, a difference rooted in the divine authorship of Israel's covenant. Cf. Suelzer, Pentateuch, pp. 117-122.

people, a covenant was established between Yahweh and the Israelites, its terms specified by the Decalogue. It is commonly believed that the Decalogue constitutes the oldest legislative material in the Pentateuch.[5] From this core all of the other legislative materials derived and were, so to speak, commentaries or interpretations.[6] These accretions resulted from attempts to cope with the new historical and cultural positions which they found themselves in. The additional codes may have come at the end of the process or they could have been prescriptive norms in the beginning--it is very difficult to decide which, since the exact relation between the Israelite tribal community and the law's binding force is not clear.[7] The additional strata were indicative of Israel's attempt to keep the covenant, which is their purpose. "So dependent is legislation on the alliance with Yahweh that biblical law cannot be interpreted apart from the covenant which is its foundation and support."[8]

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[5]Cf. H.H. Rowley, "Moses and the Decalogue," Bulletin of John Rylands Library 34 (1951-52), pp. 81-118. He upholds the Mosaic authorship of the Decalogue.

[6]Edward Robertson builds a strong case for this while discussing his theory of the origin and development of the oral and written law in The Old Testament Problem (Manchester: University Press, 1950).

[7]It is clear that law for the early Hebrews was not as absolute as it became in later Judaism. Suelzer, Pentateuch, pp. 102 f.

[8]Ibid., p. 120. Cf. J.M.P. Smith, The Origin and History of Hebrew Law (Chicago: University of Chicago Press, 1960 1931), who does not give much prominence to the covenantal context of Hebrew law (see esp. pp. 8-14). It is a valuable study, one chapter of which is devoted to a comparison of the Code of Hammurabi to the Covenant Code. Besides treating the O.T. law codes, he includes translations and commentaries on the Code of Hammurabi, the Assyrian Code, and the Hittite Code. Cf. De Vaux, Ancient Israel, pp. 147-150.

The Peculiarity of Israelitic Law

This trademark of Israel's law--its covenantal bond with Yahweh--is what distinguished it most from similar ancient Near Eastern legislation.[9] Other nations had a god as a father or protector but the link binding them was always natural and necessary, not one of free choice.[10] Yahweh had chosen the Israelites for himself and had given them the necessary prerequisites by which they could maintain the alliance. "This concept of law as a direct revelation of God is peculiar to Israel; all the corpora, except the addresses of Moses in Dt, are presented as utterances of Yahweh."[11]

Adultery, a fault among Israelites and non-Israelites alike, exemplifies a concept of law which distinguishes Israel from her neighbors. In Assyria, adultery was a private fault and the husband was entitled to settle the matter with the guilty couple as he saw fit.[12] According to Babylonian law it was also a private matter, but

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[9]De Vaux, Ancient Israel, pp. 148 f. Cf. George Mendenhall, Law and Covenant in Israel and the Ancient Near East (Pittsburgh, 1955) [unavailable].

[10]Suelzer, Pentateuch, p. 119.

[11]Ibid. Cf. De Vaux, Ancient Israel, p. 147.

[12]Assyrian Law 15, as found in W. Kornfeld, "Mariage: les coutumes matrimonials dans l'Ancien Testament," Supplément au Dictionnaire De La Bible 5 (1957), p. 922. The same punishment is meted out to the man by the judges as the husband decides to inflict upon the wife. James B. Pritchard (ed.), Ancient Near Eastern Texts Relating to the Old Testament (Princeton, N.J.: Princeton University Press, 1950), p. 181. [This source will be hereafter referred to as ANET.] Cf. P. Cruveilhier, "Le droit de la femme dans le Genèse et dans le recueil des lois assyriennes," Revue Biblique 36 (1927), pp. 350-376.

it was under public jurisdiction; the affair went to the king who could forgive the wife, provided her husband consented to spare her.[13] Among the Hittites the public process attained full development. There the husband led the guilty ones to the gate of the palace and proposed either death or pardon, and it was up to the king to decide their fate.[14] Among the Israelites adultery was usually punished by death to both parties, because they had polluted the people. The originality of the Old Testament legislation consists in the fact that adultery is considered less as a violation of the rights of her master than as a religious and moral fault which offends Yahweh and stains the whole people of the covenant.[15] Rather than leave the condemnation and execution in the hands of the outraged husband (as primitively, cf. Genesis 38,24), the jurisdiction is taken from him and the matter becomes an affair of the community.[16]

Date of the Codes

The Covenant Code (Exodus 20-23), dated by scholars of the last century to be of ninth century origin (though admitting older parts) has been pushed further back due to the discovery of Mesopotamian codes, as well as a better understanding of the internal evidence.[17] There are of course diverse elements within

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[13]Code of Hammurabi 129, ANET, p. 171.

[14]Kornfeld, "Mariage," p. 922. Cf. Hittite Law 198, ANET, p. 196.

[15]Kornfeld, "Mariage," p. 922. Cf. De Vaux, Ancient Israel, p. 149.

[16]Kornfeld, "Mariage," p. 922.

[17]Cf. Suelzer, Pentateuch, p. 125.

the Covenant Code. The penal code is "apodictic, succinct, and rigorous, and thus conspicuously different from the civil code in which it is embedded."[18] Albrecht Alt says that the apodictic penal code stems from Moses, while the civil code reflects a more settled population and may be from the period of the Judges.[19] Concurring with this opinion and offering conclusive evidence is Alexa Suelzer:

> Despite the varying facets of the code all the sources involved represent the same type of society: somewhat primitive, strongly familial, with vaguely defined political powers and strong religious traditions. Some parts imply a nomadic or pastoral society; others, agricultural. The combination indicates that the code was drawn up in the transitional period when the Israelites passed from seminomadic to sedentary life in the early days of the tribal amphictyony.[20]

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[18]Immanuel Lewy, The Growth of the Pentateuch (N.Y.: Bookman Association, 1955), p. 31. Cf. De Vaux, Ancient Israel, p. 143.

[19]Lewy, Growth of the Pentateuch, p. 31. Alt's study of the origins of Hebrew law has shown that the apodictic type of law is peculiar to the Hebrews while they share the casuistic type with their Near Eastern neighbors. Die Ursprunge des israelitischen Rechts, Leipzig, 1934.

[20]Suelzer, Pentateuch, p. 126. Otto Eissfeldt cites several different opinions regarding the chronological as well as geographical setting. Some say it originated in the circles of Elisha (middle of 9th century--Morganstern) while others opt for a composition by Moses, as Welch (or at least in Moses' time). Eissfeldt concludes that "both its legal precepts and also its cultic and ethical commands readily permit the assumption that it came into being in the first centuries after Israel's conquest of the land and that it must in any case be older than Deuteronomy. . ." The Old Testament: An Introduction, trans. Peter R. Ackroyd (N.Y.: Harper and Row, 1965), pp. 218 f. De Vaux, while admitting that we cannot be sure that the code as we now have it is the law which Josue promulgated at Shechem, says that "internal evidence and the witness of tradition agree in dating this Code from the early days of the settlement in Canaan, before the organization of the state. It is a law of the tribal federation." Ancient Israel, p. 143.

There is not a wide separation between the dates of the Deuteronomic Code and the Holiness Code. Nor is it pertinent to the present discussion since there is little that Leviticus adds to the Deuteronomic Code's laws concerning woman. The two writings are separated more geographically than chronologically, the Deuteronomic Code originating in the north, while the analogous Law of Holiness was codified by the Jerusalem priests in the south during the last days of the monarchy.[21] Because of its resemblance to the law proclaimed by Ezechiel, some think that the law of Holiness is his work;[22] it is more probable that it was already written and that he used it when he made his reproaches to Israel (Ezechiel 2, 9-10).[23] Thus an approximate dating of the Holiness

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[21]Suelzer, Pentateuch, p. 130. De Vaux believes that the Holiness Code "may represent the customs in vogue at the end of the monarchy, originating in a different milieu from that of Deuteronomy, and codified during the exile." Ancient Israel, p. 144.

[22]Cf. Eissfeldt, Old Testament, p. 238.

[23]Suelzer, Pentateuch, p. 130. Cf. Eissfeldt, Old Testament, p. 238. Eissfeldt cites several opinions concerning the date of the Holiness Code: "Whereas many, perhaps the majority, like Fohrer for example, derive H from the exilic period, and thus regard it as later than D, others, as for example Elliott-Binns, place H before D and regard it as having come into being, perhaps in the days of Manasseh, as a product of priests and cult prophets of the Jerusalem Temple who were disposed towards reform." While admitting that the earlier dating is justified since H contains ancient material, Eissfeldt says that one must also reckon with the position held by some scholars that some of the material came from sanctuaries outside Jerusalem, for example Shechem or Bethel. He believes that 'H and Ezechiel came into being in roughly the same period and in the same religious environment, and served the same end, namely the building up of a new national community pleasing to God, which, after the hoped-for end of the exile, could begin a new life pleasing to God in the homeland." Martin Noth places the Holiness Code late in the exile or even after the exile. Martin Noth, Exodus, trans. J.S. Bowden (Philadelphia: Westminister Press, 1962), p. 117.

Code would be the seventh century, though parts would be much older and other parts later. Deuteronomy, embodying the teachings of the Levites which formulated centuries of tradition,[24] was brought south after the fall of Samaria in 722. Accordingly, the Deuteronomic Code would be a little older than the Holiness Code.

The Covenant Code

The legislation in Exodus pertaining to women is conspicuously sparse. It may be that the sexual laws of Leviticus 20 at one time followed Exodus 22,16; but it is also possible that the silence attests to the great age of the code, since the more primitive the legislation, the less interference there is in familial matters.[25] The latter position has more probability when one realizes that the Israelites were in a transitional stage at that time and that they had not formulated many of the decisions which would later be evident, simply because the questions had not yet arisen.

Woman as Property

"You shall not covet your neighbor's house; you shall not covet your neighbor's wife...." (Exodus 20,17). The tenth "word" of this decalogue sheds light on the women of that time. "House" in this commandment means more than the dwelling place; it includes the man's family and belongings, that is, everything that is under his

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[24] Suelzer, Pentateuch, p. 135. Cf. De Vaux, Ancient Israel, pp. 143 f.

[25] Suelzer, Pentateuch, p. 125.

roof.[26] The husband is the ba'al or "master" of his wife in the same way that he is ba'al of his house or field.[27] Verse 17b is a paraphrase of what goes before and includes all of the man's possessions, beginning with the wife, who was regarded by the Old Testament law of marriage as the possession of the husband, along with his servants, maids, his ox and his ass.[28]

> You shall not covet your neighbor's wife, or his manservant, or his maidservant, or his ox, or his ass, or anything that is your neighbor's.

The Hebrew Bondwoman

A Hebrew woman slave received different treatment than her male counterpart according to Exodus 21, 2-12.[29] "When you buy a Hebrew slave, he shall serve six years, and in the seventh he shall go out free, for nothing (v.2) but in v.7: "When a man sells his daughter as a slave, she shall not go out as the male slaves do."[30] There

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[26]It must be interpreted this way since the intended number ten excludes the possibility of 17b being another commandment; also the brevity of the commandments prohibits the whole of v.17 from being the original tenth commandment. Noth, Exodus, p. 166.

[27]De Vaux, Ancient Israel, p. 26. He explains that "'To marry a wife' is expressed by the verb bâ'al, the root meaning of which is 'to become master'...."

[28]Ibid. Cf. Noth, Exodus, p. 166.

[29]Cf. I. Mendelsohn, "The Conditional Sale into Slavery of Freeborn Daughters in Nuzi and in the Law of Exodus 21, 7-11," Journal of the American Oriental Society 45 (1935), pp. 190-195 [unavailable].

[30]She may not leave after six years as do the male slaves. De Vaux, Ancient Israel, p. 86.

is no specified term for her to serve. She is to become a concubine and have the protection due to one.[31] This distinction between the male and female slave, later abolished by the Deuteronomic law (Deuteronomy 15, 12 f.), may have derived from the view that only the man was a person and the woman a possession.[32] This is the more plausible since this section is one of the oldest sections of the code.[33]

Furthermore, if the Hebrew possesses a wife on his entry into slavery, he may take her with him upon leaving (21,3); if the master gives him a wife during the period of slavery, however, the wife along with any children born in the interval, remain the property of the master upon the release of the slave (21,4). It is surprising that the children follow the mother and not the father.[34] In this case the interest of the owner is taken into account with no thought given to the marriage ties of the slave couple.[35] The wife and children are thought of primarily as property.

"Redemption" by Marriage

That the Israelites had a better view of marriage at a higher

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[31]The term here translated "slave" means "concubine" in 23,12; Genesis 20,17; 21,12. J. Coert Rylaarsdam, Exodus ("The Interpreter's Bible," N.Y.: Abingdon Press, 1952), p. 996.

[32]Noth, Exodus, p. 177.

[33]Rylaarsdam, Exodus, p. 844.

[34]According to D.M.G. Stalker, the idea of the mother's relationship to the family regarded as closer than the father's is a very primitive survival. "Exodus," Peake's Commentary on the Bible, ed. M. Black and H.H. Rowley (London: Nelson and Sons Ltd., 1962), p. 229.

[35]Noth, Exodus, p. 178.

social level is evident from the case, still dealing with the female slave, wherein she becomes the master's wife or the wife of one of his sons (21,8-9). She may then no longer be treated as a slave (or a "thing")[36] but acquires, to some degree, the status of a wife.[37] If the master grows weary of her, he may no longer treat her as a slave, nor may he sell her (21,8). And if he should take another wife, this does not diminish the claims which the first wife has on him: "he shall not diminish her food, her clothing, or her marital rights" (21,10). If he does, he must set her free without recompense (21,11). It is evident that even at this early period, the wife had certain rights within marriage.[38]

Seduction: A Violation of Rights

In the foregoing section, it was seen that the female slave (unless she came into the family through marriage) was treated as a piece of property.[39] She comes into the same category in Exodus 22, 16-17:

If a man seduces a virgin who is not betrothed, and lies with

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[36]The Old Testament law, as the Oriental world in general, takes for granted the existence of slavery. "This basic view may only have arisen with the transition to a settled life in an agricultural setting. The treatment of male and female slaves as 'things' possessed is already limited in some aspects in the slave law of the Book of the Covenant." Noth, Exodus, p. 179.

[37]Noth, Exodus, p. 179. Cf. De Vaux, Ancient Israel, p. 86 and E. Neufeld, Ancient Hebrew Marriage Laws (London, N.Y.: Longmans, Green and Comp., 1944), p. 237.

[38]Cf. footnote 36 above.

[39]Noth, Exodus, p. 179.

> her, he shall give the marriage present for her, and make her his wife. If her father utterly refuses to give her to him, he shall pay money equivalent to the marriage present for virgins.[40]

These verses are part of a larger section (22,1-17) which treats cases of damage to property (cattle stealing, etc.). Since she is the father's property, the offender must pay the usual bride price whether he receives her or not. The daughter remains at the disposal of her father whose rights have been violated (i.e. his property is damaged). The concern of the law is not with marriage, but with the rights of the owner.[41]

The Deuteronomic Code

There was a great length of time between the formulated laws of Exodus and those of Deuteronomy; it was a time of change. New factors-- social, economic and religious-- which were operative over the years since the covenant had been written down, finally made a new edition necessary.[42] The conditions under which the Covenant Code was written were no longer applicable.

> The difference between the two codes is based on different social and cultural conditions. The rebellious son who was a drunkard and glutton, and the daughter who whored in her father's house, reflect a society economically more advanced than the one in which children beat or curse their parents. In a more advanced society, adultery is more frequent than

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[40]Cf. De Vaux, Ancient Israel, p. 30 and Rylaarsdam, Exodus, p. 1005.

[41]And also, in this case, with the marriage present which is a form of compensation. Cf. Kornfeld, "Mariage," p. 919.

[42]Cf. De Vaux, Ancient Israel, p. 144. Lewy (Growth of Pentateuch, p. 111) seems alone in his theory that Elisha edited this second Covenant Code in the mid-ninth century. Cf. Eissfeldt (Old Testament, p. 218) where he mentions some (e.g. Morgenstern) who regard the original Covenant Code as originating out of Elisha's circle.

witchcraft or copulation with animals.[43]

Legislation Similar to the Covenant Code

To begin a survey of the Deuteronomic Code's attitude toward woman, it would be useful first to compare similar legislation found in the Covenant Code. An excellent case in point is the tenth commandment (Exodus 20,17 and Deuteronomy 5,21). In Exodus the woman is included under the larger heading "house." Deuteronomy completely reverses the order: "Neither shall you covet your neighbor's wife; and you shall not desire your neighbor's house, his field, or his manservant, or his maidservant, his ox, or his ass, or anything that is your neighbor's." The wife comes first, in a class by herself, and then comes his property. "Deuteronomy interprets house as including only domestic property, so that the wife is not listed as one among other items in the household."[44]

The Bondwoman After Yahwehistic Influence

The situation of the Hebrew slave in Deuteronomy 15,12-18 is markedly improved over that in Exodus (21,2-11), especially for the bondwoman. When making provisions for the release of the slave, Exodus speaks only of the "Hebrew slave" (v.2) while Deuteronomy makes an addition: "If your brother, a Hebrew man, or a Hebrew woman, [emphasis mine] is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you" (Deuteronomy 15,12).

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[43]Lewy, Growth of Pentateuch, p. 97.

[44]G. Ernest Wright, Deuteronomy (The Interpreter's Bible; Nashville, Tenn.: Abingdon Press, 1952), p. 368. Wright mentions that the synonym for covet (desire eagerly, long for) is used for the second phrase, perhaps to emphasize the difference, whereas in Exodus "covet" is repeated.

As was previously seen, no provision was made for the "going out" of the woman slave in Exodus;[45] in fact it was stated that she was not to receive the same treatment as the male slave (Exodus 21,7).

The regulations regarding a wife and family of a slave in Exodus 21,3-4 are disregarded in Deuteronomy, which probably means that by this time, there were no slave-concubines.[46] In their place is the provision--true to the philanthropic spirit of the Deuteronomic legislation--to "not let him go empty-handed" (15,13).[47] The slave is to be provided for generously out of the master's flocks and supplies, since the Lord provided liberally for Israel when he led her out of Egypt.[48]

The reason given for the unprecedented concern for the slave is Yahweh's treatment of Israel when they were enslaved by the Egyptians. These laws show the first concern in history toward the condition of slaves and the first time that second thoughts are given toward the absolute control exerted over one's fellow man.[49] "This revolutionary provision illustrates the power which the Israelite knowledge of the nature and purpose of God, as inferred from the Exodus event, exerted over community ethics and legal forms."[50]

Obviously such changes do not take place in a vacuum. As

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[45]See above, p. 11.

[46]De Vaux, Ancient Israel, p. 86.

[47]Wright, Deuteronomy, p. 368.

[48]S.R. Driver, Deuteronomy (International Critical Commentary; N.Y.: Charles Scribner's Sons, 1916), p. 183.

[49]Wright, Deuteronomy, pp. 430 f.

[50]Ibid., p. 431.

Wright suggests, it was a result of Yahweh's formative word and action coming to bear on a fermenting society, which was able to better the position of woman (cf. Deuteronomy 15,17 where after relating the special provisions to be made for the departing slave, the writer adds, "and to your bondwoman you shall do likewise"). The society from which Deuteronomy springs is certainly more advanced; it regulates controls for an "age in which the power of a father over his daughter was no longer so absolute as it had been in more primitive times, and places the two sexes on a position of equality."[51]

Less Freedom for Man

An example of the father's declining control over his daughter is that afforded by the ruling on the man who seizes an unbetrothed girl and lies with her (Deuteronomy 22,28-29). In Exodus the man had to pay the mohar price (the price for a bride - an unspecified amount in Exodus) whether the father gave her to him or refused (Exodus 22,16-17). The Deuteronomic legislation forces the seducer to take the girl as his wife - taking the matter out of her father's hands - while paying to the father fifty shekels. Not only is the marriage obligatory, but he has "to forfeit the right to divorce her during the rest of his life."[52] The woman fares much better in this case. Not only does her father lose the right of deciding her fate, but her husband must relinquish the right to divorce her (which he would ordinarily have).[53]

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[51]Driver, Deuteronomy, p. 83.

[52]Ibid., p. 258. Cf. De Vaux, Ancient Israel, p. 36.

[53]Cf. George Adam Smith, Deuteronomy (Cambridge: University Press, 1950 [1st ed. 1918]), pp. 276-278.

Legislation for Woman not Found in Exodus

Among the laws pertaining to women which are peculiar to Deuteronomy, some are very old such as the one referring to the Levirate custom[54] (Deuteronomy 25,5-10) and the custom of testing the virginity of a newly married woman (Deuteronomy 22,13-21). Others, exhibiting a more humane and thoughtful spirit, came later;[55] these would include Deuteronomy 21,10-14 on the treatment of captive woman, Deuteronomy 24,5 permitting a newly married husband an exemption from the army and official business and Deuteronomy 22,25-27[56] which dealt with the seduction of women.[57]

Tokens of Virginity and a New Interpretation

The older legislation in Deuteronomy is usually an inclusion of earlier material with a reinterpretation. Such is the case with Deuteronomy 22,13-21. The custom of looking for "tokens of virginity" is a "procedure of a primitive-minded people;"[58] if she does not have them, she is to be stoned for having "wrought folly in Israel" (v.21). This phrase ("folly in Israel") which implies the sense of a national ideal or a national conscience does not appear elsewhere in Deuteronomy and may indicate that this is an earlier law interpreted by the Deuter-

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[54] See appendix.

[55] Lewy, Growth of Pentateuch, pp. 95 f.

[56] Also v.28 which was previously considered.

[57] Cf. Smith, Deuteronomy, pp. 266 f.

[58] Driver, Deuteronomy, p. 255, though he admits that the custom survives today in the Near East. Cf. Smith, Deuteronomy, p. 263.

onomic writer.[59]

The woman in this situation is given a certain amount of security against unfounded accusations since, if proven wrong, the man is fined one hundred shekels of silver--a compensation to the father for ruining his daughter's reputation[60]--and whipped. In addition, he loses the right to divorce her (v.19). A man would no doubt think seriously before rushing into a marriage merely to satisfy his passions when there was no possibility of obtaining a divorce.[61] This law is an example of a common Semitic custom to which the Hebrews added their own interpretation. The loss of the divorce right does not seem to characterize the custom among Israel's neighbors.[62] Hebrew law, while reflecting old Semitic customs, "has a character more progressive than is to be found among other Semites in so far as the Hebrew evidences a desire to protect and defend the woman and restrict the husband's power over her...."[63]

Two more laws peculiar to Deuteronomy are found in chapter 22,

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[59]The same phrase is also found in the "J" source: Genesis 34, 7 (Shechem had "wrought folly in Israel"); Joshua 7,15 ("shameful thing in Israel"); Judges 20,6 ("abomination and wantonness in Israel"), and 20,10 ("wanton crime...committed in Israel"). Smith, Deuteronomy, p. 265.

[60]Driver, Deuteronomy, p. 256.

[61]Which is the sense suggested here. After he "goes in to her," he "spurns her" (v. 13) meaning that he turns against her after he has satiated his carnal appetite. Driver, Deuteronomy, p. 254.

[62]Cf. Smith, Deuteronomy, p. 263.

[63]Neufeld, Marriage Laws, p. 78. Cf. ANET, pp. 171-174 for marriage regulation in Code of Hammurabi.

23-27. It is the case of a man seducing a betrothed virgin, which is tantamount to adultery in the Near East and treated practically the same.[64] If it happens in the city (vv. 23-24), both are to be stoned; if, however, it happens in the open country,[65] only the man is to be punished because, though she "cried for help there was no one to rescue her" (v.27). The woman is here given the benefit of the doubt, and it is clear that not only is the deed being measured but also the intention behind it.[66]

Concern for Captive Women

The unprecedented legislation concerning women taken captive (Deuteronomy 21, 10-14) is remarkable for its thoughtfulness and concern, contrasting with the bitterness and cruelty otherwise associated with war.[67] The woman taken is to have a month to herself before her captor "may go in to her and be her husband" and she be his wife (v.13). This is a period during which she may reconcile herself to her loss of family and accustom herself to her new surroundings.[68] If he is not pleased with her he may not treat her as a slave nor may he sell her for money, but he is to "let her go where she will" (v.14). This law

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[64]Driver, Deuteronomy, p. 257. Cf. De Vaux, Ancient Israel, p. 32 and ANET, pp. 171 and 181.

[65]Country: in the wide and probably earlier sense of uncultivated and therefore uninhabited land. Smith, Deuteronomy, p. 267.

[66]The law depends on the consent. Cf. Kornfeld, "Mariage," p. 920.

[67]Wright, Exodus, p. 461.

[68]Driver, Deuteronomy, p. 245.

was possibly the latest in a series of enactments on captive marriage. It greatly benefited the captive woman for whom such a marriage was a kind of salvation since it protected her from victimization and gave her a definite legal status.[69]

Restrictions on Divorce

There is no Old Testament oracle or law which institutes divorce[70] yet it was practiced. Though the husband's right of divorce is not disputed, it is subjected to regulations of which those in Deuteronomy are in favor of the wife.[71]

> Thus the law of Dt. provides three guarantees against rash or arbitrary divorce: a definite and substantial ground must be alleged; a proper legal instrument must be prepared; and the case (it is implied) must be brought before some public functionary, who would not only secure the due observance of the requisite legal formalities, but also take care that the grounds alleged were sufficient, and consider any defence that might be offered. The deed, moreover, in order that the divorce may be legally valid, must be delivered into the wife's hand, and she must be formally sent by her husband out of his house. It is evident that the time and expense involved in these formalities would tend to check a divorce suit being rashly instituted; the husband would have opportunity for reconsideration, and the intervention of a public magistrate would prevent proceedings being instituted upon wanton or frivolous grounds. The further provision in Dt. that a divorced woman who had married a second time, should not return to her former husband, would operate similarly as a deterrent from hasty divorce, or, if the divorce had actually taken place, it would lead the husband to consider the possibility of taking his wife back, while he was still at liberty to do so, viz. before she had bound herself to a second husband; it would also be of value in a different direction by checking, on the part of a woman desirous of returning to her former home, the temptation to intrigue against her second husband.[72]

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[69] Neufeld, Marriage Laws, p. 78.

[70] Smith, Deuteronomy, p. 277. Smith gives a comparison of divorce procedures among the Semites. Also De Vaux, Ancient Israel, pp. 34-36.

[71] Smith, Deuteronomy, p. 277.

[72] Driver, Deuteronomy, p. 272.

Thus the law of Deuteronomy 24, 1-4[73] tends to make divorce more difficult, both by reason of the new regulations which surround it and by the resulting consequences. This is the first time that he must find "some indecency in her" in order to begin proceedings for a divorce. He may have possibly been able to divorce her for any reason at all previously.[74] This law reveals an improvement in their attitude toward women, resulting from an upward moral trend.[75] By making divorce a more serious matter and by diminishing the chance of remarriage which tempted men to dispose of their wives for small reasons, Deuteronomy was forbidding that "easy passage of a woman between one man and another, which seems to have often happened in Israel, and which meant the degradation or defilement of the woman herself."[76]

A last law to be considered in Deuteronomy is that of 24,5 (analogous to that of 20,5-7) which arises out of a concern for a man's domestic relations and an unwillingness to interfere with them unless necessary.[77]

> When a man is newly married, he shall not go out with the army or be charged with any business; he shall be free at

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[73]The language and construction prove that this (as 22,13-21) may be an older law unto which Deuteronomy added the concluding phrases. Smith, Deuteronomy, p. 276.

[74]And he still often did for there was a wide range of interpretations from different rabbis. Cf. Driver, Deuteronomy, pp. 270 f. According to De Vaux, "the rigorist school of Shammai admitted only adultery and misconduct as grounds for divorce, but the more liberal school of Hillel would accept any reason, however trivial, such as the charge that a wife had cooked a dish badly, or merely that the husband preferred another woman." Ancient Israel, p. 34.

[75]Neufeld, Ancient Hebrew Marriage Laws, p. 176.

[76]Smith, Deuteronomy, p. 278.

[77]Driver, Deuteronomy, p. 273. Cf. ANET, p. 171, where extensive regulations are laid down in case of a captured husband.

home one year, to be happy with his wife whom he has taken. It may also be an attempt at stabilizing marriage by safeguarding what is usually the most difficult period of adjustment in the marriage of a young couple.

The Holiness Code

It is difficult to draw conclusions from the Holiness Code regarding the attitude toward woman. There is almost no relevant material which is similar to pertinent legislation in the covenant or Deuteronomic Code. Practically all that the code says about woman is contained in the series of sexual prohibitions contained in 18,6-23 and 20,10-21, the latter duplicating many taboos of the previous listing. It is difficult to assign a date to these laws.[78] There is a wider range of forbidden relationships in Leviticus than in Deuteronomy (cf. 22,30; 27,22-23) and this may have happened as a result of the "one flesh" idea of marriage taking root--the idea that their relationship was analogous to that bonded by blood. Consequently, affinity as well as consanguinity came to be regarded as impediments to marriage.[79]

An interesting as well as striking innovation occurs in Leviticus 19,3. Here, contrary to the order in both Exodus and Deuteronomy, the mother comes before the father:

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[78]Martin Noth, Leviticus, tran. by J. E. Anderson (Philadelphia: Westminster Press, 1965), p. 147. See above p. 9.

[79]David R. Mace, Hebrew Marriage (N.Y.: Philosophical Library, 1953), p. 198. Cf. De Vaux, Ancient Israel, pp. 31 f.

> Every one of you shall revere his mother and his father, and you shall keep my sabbaths.

This may indicate a greater realization of the mother's importance later on.[80] The verse is probably late since the sabbath commandment contained in it (if it is an original unit) indicates a late date.[81]

One last consideration which may indicate a greater esteem for marriage in Leviticus is the position of the commandment against adultery. In both the Covenant Code (Exodus 20,14) and the Deuteronomic Code (Deuteronomy 5,18), the condemnation of adultery is placed between the prohibitions of murder and stealing, acts which hurt one's neighbor. In Leviticus 18,20 it is placed among the sins against marriage; it makes a person "unclean."[82] By adding a religious sanction against adultery, the matter was raised above ordinary material considerations, and woman could not help but be the beneficiary, since her status was so closely bound up with marriage.

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[80]Noth suggests the possibility of a loosening of the family arrangements in connection with the end of the old pre-exilic Israel resulting in a special respect for parents, particularly the mother. Leviticus, p. 170. Another interpretation is that of Lewy who believes that Leviticus 19 is based on the prophetess Huldah's sermon on the ten commandments and therefore betrays throughout a feminine viewpoint. Growth of Pentateuch, pp. 48-50. Neufeld also mentions that a high social position of woman is indicated by the fact that she is required to bring sacrifices for purification (Leviticus 12,15,19-33) and also is free to take a Nazarite vow--considered a great privilege (Numbers 6). Ancient Hebrew Marriage Laws, p. 236.

[81]The plural "sabbaths" and especially "my sabbaths" occur particularly in the book of Ezechiel and outside of that, only in late O.T. writings. Noth, Leviticus, p. 140.

[82]De Vaux, Ancient Israel, p. 36.

CHAPTER II

PROVERBS

The Book of Proverbs is made up of several different collections,[1] a fact indicated by the introductory headings at the beginning of the different sections, as well as the diverse form and content.[2] Some of the sections have smaller collections within themselves. Thus in Section II there are two smaller collections using different forms of parallelism.[3] Section II and Section V are believed by most scholars to be the oldest collections of the book.[4] There are many similarities between these two sections, especially evident among the proverbs

[1]The collections, taken from Eissfeldt, are as follows: Section I, 1,1-9,18; Section II, 10,1-22,16; Section III, 22,17-24,22; Section IV, 24,23-34; Section V, 25-29; Section VI, 30; and Section VII, 31. Old Testament, pp. 471 f. Section III, not mentioned in the present discussion, is taken up later.

[2]Cf. R.B.Y. Scott, Proverbs·Ecclesiastes (Anchor Bible; Garden City, N.Y.: Doubleday and Company, Inc., 1965), pp. 3-9 for the different headings and content of each section. Cf. Charles Foster Kent, The Wise Men of Ancient Israel and Their Proverbs (N.Y.: Silver, Burdett and Company, 1895), pp. 66-71.

[3]John L. McKenzie, Dictionary of the Bible (Milwaukee: Bruce Publishing Co., 1965), p. 701; though Eissfeldt (Old Testament, p. 472) believes there are a number of smaller collections within chs. 10-22 because of the frequent occurence of verses and half-verses.

[4]So W. Baumgartner, "The Wisdom Literature," The Old Testament and Modern Study (Oxford: Clarendon Press, 1951), p. 213; also McKenzie, Dictionary, p. 701. A different view is offered by John Paterson who believes that chs. 25-29 are post-exilic. The Book that Is Alive: Studies on the OT Life and Thought as Set Forth by the Hebrew Sages (N.Y.: Charles Scribner's Sons, 1954), p. 72. Eissfeldt, (Old Testament, p. 475) because of the title ("from the men of Hezekiah"), estimates the collection to stem from around 700 B.C.

of chapters 28 and 29 of Section V.[5] There is substantial agreement that Section I (chs. 1-9) is the latest collection.[6] Scott opinions that it is an introduction to the rest of the book.[7] Because of its lateness it will not be used in the present discussion, as also Section VI (chapter 30) and VII (ch. 31,10-31).[8] The other section, IV (24,23-24) does not contain any material relevant to the present topic.

A great help in more recent attempts at dating the collections in Proverbs has been the discovery of parallel writings from Israel's neighbors.[9] It is well known that Israel's sages were part of an international wisdom movement and that they borrowed much of their material from other Near Eastern cultures,[10] especially the

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[5]Scott, Proverbs, p. 21.

[6]Baumgartner mentions that this judgment, previously "drawn from language and subject-matter," has now been "confirmed by type analysis" which finds here larger units and even traces of other literary types; he places the earliest possible date at 400 B.C., the latest, 200 B.C. "Wisdom Literature," p. 212. So also McKenzie, Dictionary, p. 701, and Paterson, Book That is Alive, p. 72. Kent however believes it to be of pre-exilic origin. Wise Men of Ancient Israel, p. 71.

[7]Scott, Proverbs, p. 15.

[8]There is much uncertainty concerning the date of these last two sections, though ch. 31 is placed after the exile by Kent. Wise Men of Ancient Israel, p. 72. R. Tournay believes it to be pre-exilic, arguing from the imperfect attempt at alphabeticism which was perfected a century later in Lamentations, "Recherches sur la chronologie des psaumes," Révue Biblique 66 (1959), pp. 183-190.

[9]Cf. C. I. K. Story, "The Book of Proverbs and the Northwest-Semitic Literature," Journal of Biblical Literature 64 (1945), pp. 319-337, who compares Proverbs and the Ugaritic literature. He also gives a general background on what has been done on the book of Proverbs. Cf. Baumgartner, "Wisdom Literature," pp. 210-212.

[10]Cf. Scott, Proverbs, pp. xxv-lii for an excellent presentation of the Hebrew wisdom movement in the O.T., especially pp. xl-lii

Egyptian.[11] These findings (especially the teaching of Amen-em-ope) have forced scholars to realize that the wisdom movement is indeed very old.[12] W. E. Albright reinforces this trend by citing some of the more ancient wisdom ideas from which Israel may well have borrowed.[13] Besides the Wisdom of Amen-em-ope which is a clear example of borrowing, other Egyptian writings dating from the third millenium B.C. were influential on Hebrew wisdom literature. Outstanding among

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for a discussion of Israel's part in the international wisdom tradition. Cf. S. C. Malan, Notes on the Proverbs (London: Williams and Norgate, 1893), for an interesting comparative study of wisdom writings from Buddhist, Chinese, Japanese, and other cultures. He gives parallels from these other writings on each verse of Proverbs. Cf. M. Noth and D.W. Thomas (ed.), Wisdom in Israel and in the Ancient Near East (Leiden: E.J. Brill, 1955)--same as Supplements to Vetus Testamentum III--for some excellent articles on this topic, compiled by some of the best Old Testament scholars. Cf. J. Coert Rylaarsdam, Revelation in Jewish Wisdom Literature (Chicago: University of Chicago Press, 1946), who makes an attempt to show how Israel nationalized the wisdom movement by her inroads into it.

[11]The most obvious example of this in Proverbs is chaps. 22, 17-24,22, where there are obvious parallels with the Egyptian wisdom of Amen-em-ope. Eissfeldt, Old Testament, p. 475. Cf. ANET, pp. 421-424. Cf. Paul Humbert, Recherches sur les sources Egyptiennes de la litterature sapientiale d'Israel (1929), and W.O.E. Oesterley, The Wisdom of Egypt and the Old Testament (London: 1927). [These were unavailable.] Cf. R.N. Whybray, Wisdom in Proverbs (Naperville, Ill.: Alec R. Allenson, Inc., 1965). Whybray shows similarities in concepts between Egyptian instructions and Proverbs 1-9.

[12]Cf. Eissfeldt, Old Testament, pp. 81-84 and Harry Ranston, The Old Testament Wisdom Books and their Teaching (London: The Epworth Press, 1930). Ranston shows the relationship between the prophetic literature and the wisdom movement.

[13]Cf. "Canaanite-Phoenician Sources of Hebrew Wisdom," Supplements to Vetus Testamentum III (1955), pp. 1-15. He believes that Amen-em-ope belongs in the second millenium (ci. 12th century) thus pushing back the date for the older collection (10-22 and 25-29) considerably. Albright also believes that it is "possible that aphorisms and even longer sections go back into the Bronze Age in substantially their present form" (p. 5). According to McKenzie, most modern critics date 25-29 around 700 B.C. Dictionary, p. 702; others date parts of 10-22 at the same period, e.g., Scott, Proverbs, 17 f.; still others date this section ci. Solomon's time, so McKenzie, Dictionary, p. 701.

These are the teaching of Ptah-hotep (circa middle of third millennium B.C.), the teachings of K-Gemni (circa beginning of second millennium B.C.), and the teachings of Merika-re (circa 1450), as well as those of Dirauf (before 1300 B.C.) and the wisdom of Anii (circa 1000 B.C.).[14] There is thus a strong case for dating the oldest of the collections in the second millennium, and it is on this assumption that the writer will now attempt to show a progression in the appreciation of woman from the oldest proverbs to those of the time of the monarchy.[15] The older proverbs will be taken first (Sections II and V--though almost all are from Section II), followed by those similar to the teachings of Amen-em-ope (Section III).[16]

Proverbs 10,1-22,16

The proverbs of Section II have very little to say that indicates a positive attitude toward woman. A few exceptions can be cited; even these, however, are usually nebulous and they are far outweighed by the number of "quarrelsome woman" proverbs. One of the exceptions is 11,16:

> A gracious lady gains respect,
> But aggressive men grasp riches.[17]

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[14] O.S. Rankin, Israel's Wisdom Literature (Edinburgh: T. and T. Clark, 1936), p. 7.

[15] Cf. W.A.L. Elmslie, Studies in Life from Jewish Proverbs (London: James Clarke and Comp., n.d.). Cf. R. Gordis, "The Social Background of Wisdom Literature," Hebrew Union College Annual 18 (1943-44), pp. 77-118 [unavailable].

[16] The division of the material is taken from Eissfeldt, Old Testament, pp. 471 f.

[17] The quotes from Proverbs in this chapter are all taken from Scott, Proverbs.

This is the sole instance of women being contrasted with men in Proverbs.[18] The saying is somewhat impartial, though the fact that she "gains respect" is not to be belittled.[19]

The Good Wife

There are three sayings in Proverbs which do not disparage woman; however they cannot be said to be complimentary to woman as a class or to herself as a person. An example is offered in 12,4:

> A worthy wife is her husband's crown,
> But like rot in his bones is a wife who shames him.[20]

Not to be taken by herself, she stands or falls according to how she complements her husband. She is his possession.[21] If she is good, she brings him happiness at home and respect abroad; if bad, she destroys his happiness and power.[22]

The second and third proverbs (18,22 and 19,14) are very similar, both of them ascribing the find of a good wife to the Lord:

> A man who has found a good wife has found happiness,
> And has been granted a mark of God's favor (18,22).

> A home and wealth are inherited from one's forebears,
> But a sensible wife is from the Lord (19,14).

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[18] C.H. Toy, Proverbs ("International Critical Commentary"; Edinburgh: T. and T. Clark, 1916), p. 228.

[19] The saying "relates to the struggle for riches and social position," contrasting the methods and results between "upright gentleness and immoral force." Toy, Proverbs, p. 228.

[20] Cf. ANET, p. 413d.

[21] The term used for "husband" is ba'al. De Vaux, Ancient Israel, p. 26. See above, p. 11.

[22] Ibid., p. 243.

A good wife is appreciated; she brings happiness, and this is from the Lord. There may be a hint that it is difficult to find a good wife, or at least that one does not inherit one but has to search her out. When one does have a favorable outcome from the "incalculable risk of marriage," it is a sign of the Lord's favor.[23]

Pretty Women and Harlots

The following two proverbs are unique in different ways. The first one, probably a colloquial saying,[24] is unlike the other proverbs of this section which are more concerned with the difficulty of living with a contentious woman.

> "Like a gold nose ring in a wild pig's snout
> Is a pretty woman who lacks good manners" (11,22).

The second saying is unusual in that it is the only one in Section II (10,1-22,16) which mentions the subject of "harlots" or "strange women," in contrast with the emphasis on it in Section I (chapters 1-9).[25] A reference to this vice in this section is explainable since the book's final revision came in the Greek period.[26]

> The speech of harlots is a deep pit,
> He with whom the Lord is angry falls into it (22,14).

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[23]Scott, Proverbs, p. 114. Or as A. Cohen says: "To possess a wife of merit is not a matter of course, but a gift from God." Proverbs (London: Soncino Press, 1962 [1st ed. 1946]), p. 127.

[24]Because of its "earthy humor, in marked contrast to the moralizing context." Scott, Proverbs, p. 88.

[25]Ibid., p. 129. The only other time "harlot" is used in the older proverbs is in 29,3, where the man who chases after prostitutes is one who dissipates his wealth and loses his strength, but "he commits no crime in the eyes of the law." De Vaux, Ancient Israel, p. 37.

[26]Toy, Proverbs, p. 419.

The Quarrelsome Woman

The overall impression of woman that one receives from the older proverbs is that of someone who constantly quarrels and is therefore difficult to live with. In Section II there are four sayings involving her in which there is mention of grumbling or quarreling. There are then two similar sayings in Section IV (25-29), one of them identical with one in Section II.

> Better a dry crust with an easy mind,
> Than a houseful of feasting and quarreling (17,1).

> A stupid son is the despair of his father,
> And a wife's grumbling is a constant dripping (19,13).[27]

Very similar is 27,15:

> A constant dripping on a day of winter rain--
> That is what a quarrelsome woman is like;

Still on the same general subject, the simile now changes:

> It is better to live in a corner of a flat roof,[28]
> Than with a quarrelsome woman in a well-stored house (21,9).[29]

Identical with 21,9 is 25,24; similar to them both is 21,19:

> It is better to live in a desert land
> Than with a quarrelsome and discontented wife.

It seems as though the writer was preoccupied with the problem of the contentious woman. Small wonder that when someone found himself with

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[27]Literally "a dripping leak" (which would force one out of the house). Scott, Proverbs, p. 117. An Arab proverb lists three things that make a house intolerable: tak (leaking through of rain), nak (a wife's nagging), and bak (bugs). Toy, Proverbs, p. 373.

[28]I.e., in a small room or shelter such as guests used. There is irony in the master's banishment there by his wife's tongue. Scott, Proverbs, p. 125.

[29]Albright, "Canaanite-Phoenician Sources," pp. 10-12, believes that the "well-stored house" is a "beer parlour."

a good wife, he took it as a special favor from the Lord (cf. 18,22; 19,14).

The Mother

Proceeding to a different topic in Section II, that of the parent-offspring relationship, the mother seems to be on an equal plane with the father. A foolish son is a vexation to his father and bitterness to her who bore him (17,25). A son who corrects his father and has no patience with his mother is shameful (19,26), and one who curses his father and mother will find his lamp out in the dark of night (20,20).[30]

A peculiarity of the son's relationship to his parents is that the mother seems to receive the harsher part of the alternative between a wise son and a foolish one. So in 10,1:

> A wise son makes a happy father,[31]
> But a foolish son is a grief to his mother.

Similarly, in 15,20, the first line is identical to that of 10,1, but the second reads: he is an "oaf who shows contempt for his mother." The position of "father" and "mother" in the sentence may not in itself be indicative of priority. As Toy suggests, it may be poetical variation, the one parent standing for both.[32]

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[30]Cf. ANET, p. 429d.

[31]This appears to be a folk saying with a contrasting parallel added on; for an Egyptian parallel, see Ptah-hotep, ANET, p. 413a. Scott, Proverbs, p. 83.

[32]Toy goes on to point out that the lack of interest in female children is partly due to their relative seclusion (Proverbs being mainly interested in the "outward world of society"). Proverbs, pp. 197 f.

and of her influence and importance.

One is left to explain the silence relative to woman in those passages in which only one parent is mentioned.[38] Perhaps it is only a case of literary variation[39] but it happens consistently (13,1; 15,5; 17,6; 20,7) and when the mother is mentioned, it is done in a slightly negative fashion (10,1; 15,20; 29,15). According to the period of time to which these proverbs are assigned, it would not be unusual for the woman to occupy a low standing, at least a lesser position than man. Therefore it is possible to see in these proverbs an indication of woman's inferior status.

Proverbs 22,17-24,22 (Section III)

The sayings in this section are similar in structure and subject matter to the Instruction of Amen-em-ope.[40] There is a greater probability that Proverbs was based on Amen-em-ope's teaching than vice-versa.[41] Eissfeldt proposes 1000 B.C. as the probable date for the Egyptian composition,[42] which would place Proverbs 22,17-24,22

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[38]The writer has not found any explanation in the works he has perused.

[39]As Toy seems to suggest. See above, p. 32.

[40]Especially Prov. 22,17-23,11. Scott, Proverbs, p. 20. Cf. Eissfeldt, Old Testament, p. 474, for literature on the teaching of Amen-em-ope.

[41]Out of the eleven sayings in this section (22,17-23,11) ten are borrowed, sometimes word for word, from Amen-em-ope. Eissfeldt, Old Testament, pp. 474 f. There are those, Eissfeldt continues, who believe that Amen-em-ope derived material directly or indirectly from Proverbs. McKenzie, on the other hand, suggests that both may be borrowing from a common source. Dictionary, p. 701.

[42]Eissfeldt, Old Testament, pp. 474 f. Cf. Albright, "Canaanite-Phoenician Sources," p. 6, who places their composition between the 12th and 10th centuries.

While the sayings which mention both parents seem to treat them equally, the same cannot be said for those in which only one parent is mentioned.[33] In these it seems as though the father does the instructing. So in 13,1 a "wise son hears his father's instruction," [34] and in 15,5 a fool is "contemptuous of his father's training."[35] The one instance wherein the mother is mentioned in connection with the training of the child is one in which there is talk of "spoiling him," and mothers certainly do that: "the boy who gets his own way will shame his mother" (29,15).

Still within Section II, a similar silence is observed concerning the mother in those proverbs in which a very positive relationship is expressed between parent and child.

> Grandsons are the garland of old men,
> And fathers are the pride of their sons (17,6).[36]

De Vaux, with a slightly different translation of the first line (children are the "crown of man"), seems to indicate that this may have been a time in ancient Israel when a large family was a prized possession.[37] A similar thought is expressed later:

> When a man lives a virtuous and honest life
> His sons are fortunate in their inheritance (20,7).

Again there is no mention of the virtuous housewife (cf. 31,10-31)

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[33]This is usually the father.

[34]This is the RSV rendering. Scott has: "A wise son values correction." Proverbs, p. 93.

[35]Cf. Ptah-hotep, ANET, p. 414b. Scott, Proverbs, p. 102.

[36]Toy, however, believes that the mother and daughter are to be included here. Proverbs, p. 338.

[37]De Vaux, Ancient Israel, p. 41.

rather early, though later than the older material considered thus far. One could therefore expect to find some change in the attitude toward woman.

The Mother

There is a change as well as a seeming improvement in the approach toward woman in this section. In 23,22-25,[43] the tone is, on the whole, more positive and the mother receives better consideration than previously.

> Listen to the father who begot you,
> And do not despise your mother when she is old (v. 22);
>
> The father of a just man is filled with joy,
> And the begetter of a wise man is happy on his account (v. 24);
>
> So may your father be happy,
> And the mother who bore you rejoice (v. 25).

Though the theme is somewhat common,[44] none of the other sayings approach the exuberant and positive expression voiced here.[45] It is the first time that the mother is asked to take part in the joy over a wise son. The other, earlier sayings mention her sorrow and bitterness over a foolish son (10,1; 17,25), and his scorn of her (15,20).

The Adulteress

Another development in this later section is the mention of

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[43] Omitting v. 23 which Scott places after v. 21 as the fifteenth of the thirty precepts (the present verses under consideration being the sixteenth). Proverbs, p. 143. Toy says that v. 23 is wanting in the Greek, and he believes that it belongs more naturally after v. 19. Proverbs, p. 435.

[44] As Scott mentions (cf. 1,8; 10,1; 15,20; 29,3; etc.); however he does not make any distinction between them. Proverbs, p. 143.

[45] With the exception of 1,8 which is not being considered since it belongs to the latest section.

adultery. The oldest parts rarely refer to it, but here (23,27), it is ranked side by side with prostitution.[46]

> For a harlot is a deep pit,
> And a strange woman[47] is a narrow well.[48]

Both classes of unchaste women are brought in, married and unmarried. The narrowness of the well would suppose a more difficult time of getting out.[49] There would, of course, be more intricacies involved in adultery than with harlotry. The harlot is free to do as she pleases, while a married woman belongs to her husband and his rights are violated if she has relations with another man. Complications and trouble ensue from adultery; hence the seeming preference for harlotry, more evident later on.[50] This could be evidence of a greater recognition of a man's property rights or, and even more likely, that the institution of marriage is being strengthened and stabilized. With such a development, adultery would be a more serious offense since it undercuts the foundation of marriage.

Taken by themselves, the oldest proverbs (those of Sections II and V) do not indicate a bright perspective on woman.[51] There is no saying which unequivocally praises her for herself. Of the few

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[46] De Vaux, Ancient Israel, p. 361.

[47] I.e., "adulteress." Toy, Proverbs, p. 437.

[48] Cf. ANET, p. 420b.

[49] Ibid.

[50] Cf. Proverbs 6,26; also in chs. 1-9, there are repeated warnings against the "adventuress" and the "loose woman."

[51] This is more clear when they are considered in conjunction with the later proverbs, as is done in the next paragraph.

instances in which something positive is said of her as a wife, two of them (12,4; 18,22) look at her from the standpoint of her husband, the other two are slightly evasive of conclusions (11,16; 19,14).[52] Most noticeable is the attention given to her "quarrelsome" quality and the difficulty which it entails in living with her (17,1; 19,13; 21,9,19; 27,15).[53]

Though the evidence is sparse, indications are that woman had attained a higher standing in the proverbs of Section III. There is the possibility of a stronger bond of marriage (always beneficial to the wife) indicated by 23,27,[54] though this cannot be drawn on too heavily for support. Also somewhat precarious is the contrast in the attitude toward the mother. Whereas she receives the harsh end of the son's disposition in 10,1 and 15,20,[55] the same is not true in 23,23. But quite obvious is the more positive attitude and greater respect evidenced toward her in 23,22-25,[56] in contrast to the earlier silence (13,1; 15,5; 17,6; 20,7).[57]

The evidence drawn from Proverbs regarding the earlier and later attitude toward woman seems to agree favorably with similar attitudes displayed in the Covenant and Deuteronomic Codes. There is, of course, little direct comparison that can be made between the codes and Proverbs. One instance to be noticed is that the word ba'al, a word for "husband" which denotes "mastery over," or "possessor,"[58]

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[52]See above, pp. 28-30. [53]See above, pp. 31 f.

[54]See above, p. 36. [55]See above, p. 34.

[56]See above, p. 35. [57]See above, p. 34.

[58]See above, pp. 10 f. Cf. De Vaux, Ancient Israel, p. 20. Cf. Johs. Pederson, Israel, its Life and Culture (London: Oxford University Press, 1926) I-II, pp. 62 f.

is used in 12,4 of Proverbs where she is his "crown."[59] This idea of the husband is prevalent in the Covenant Code.[60] The "silence" mentioned toward the mother in Proverbs would also not be unusual at a time when she occupied a quite inferior place alongside her husband. On the other hand, the disposition toward woman in Proverbs 23,22-25, though earlier, is reminiscent of her favorable treatment in Deuteronomy.[61] The equalizing tendency is already there; she is mentioned right beside her husband with no preference given to either one.[62]

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[59]See above, p. 29. [60]See above, pp. 10-14.

[61]See above, pp. 15-23. [62]See above, p. 35.

CHAPTER III

THE CANTICLE OF CANTICLES

Introduction

No other book of the Old Testament has received such a variety of interpretations as the Song of Songs.[1] It is not the purpose here to give a resume of them or to try to justify the one proposed.[2] More and more competent scholars are finding that its interpretation as a collection of love songs is the only one capable of doing justice to the contents of the book as a whole.[3] Therefore, it is human

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[1]H.H. Rowley, "The Interpretation of the Song of Songs," in The Servant of the Lord (London: Lutterwoth Press, 1952), p. 197. Cf. Eissfeldt, Old Testament, pp. 483-85 for extensive literature on the book; he also has a fine treatment (not as thorough as Rowley's but more up to date) of the Song in regard to its contents, form, date and place of origin.

[2]Cf. Rowley, "Interpretation," pp. 195-245, who does an excellent study on the history of the Song's interpretation. It makes interesting as well as informative reading. Eissfeldt, with whom the writer concurs, seems to give credence to Audet's view ("Le sens du Cantique des Cantiques," Revue Biblique 62, 1955, p. 216) which suggests two recensions, one in the north and one in the south. Old Testament, p. 490.

[3]Cf. Rowley, "Interpretation," pp. 221 f. for a complete listing of the scholars who support this view. Interestingly enough, the allegorical interpretation of the Song, long discarded in Protestant circles, may find new life as a result of the attempts made to prove that the Song's origin is mythological and cultic. While Eissfeldt disagrees with this attempted interpretation of the Song (cf. Meek, "Canticles and the Tammuz Cult," American Journal of Semitic Literature 39, 1922-3, pp. 1-14 unavailable), he agrees that the "relationship between love-poetry and religious diction may appropriately make more intelligible the fact--certainly in other respects so

love that is the theme of the book, not the love between Yahweh and Israel.[4]

Date and Interpretation

Its interpretation as a collection of love songs adequately explains some of the book's strange characteristics.[5] Such a collection would assume more than one author and would explain the repetition of verses[6] as well as major themes. J.-P. Audet's proposal of two recensions,[7] one originating in the north, characterized by a pastoral theme and using rustic imagery, the other in the southern kingdom, utilizing urban imagery and the "royalty" theme, seems to do justice to the text.[8] The probability of this theory provides further help in assigning a date to it. Tirzah, the capital of the north in the early ninth century (before Omri built Samaria), is mentioned in

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remarkable--namely that a collection of quite realistic love songs could be applied to the relationship between Yahweh and Israel and so be taken up in the canon." Old Testament, p. 489.

[4]Cf. A.M. Dubarle, "L'amour humain dans le Cantique des Cantiques," Révue Biblique 61 (1954), pp. 67-86 and A.M. Dubarle, "Le Cantique des Cantiques," Révue des Sciences philosophiques et théologiques 38 (1954), pp. 92-100 for a study of some of the contemporary theories on the Canticle.

[5]Eissfeldt, Old Testament, pp. 486 f.

[6]See Eissfeldt, Old Testament, p. 490.

[7]Eissfeldt seems to agree with this proposal. Old Testament, p. 490. See above, footnote 2, p. 39.

[8]Audet, "Le sens du Cantique," p. 216, digested in Theology Digest 5(1957), pp. 88-92. N.K. Gottwald, "Song of Songs," The Interpreter's Dictionary of the Bible (N.Y.: Abingdon Press, 1962), IV, 421, concurs, with the stipulation that only 3,6-11 requires an urban setting; the other poems correspond to the agricultural life of the north.

6,4 of the Canticle,[9] in conjunction with Jerusalem.[10]

A date for the origin of the love songs seems to be around the time of the united kingdom, possibly in the reign of Solomon, perhaps a little before or after.[11] The songs must have existed for a long time in the northern kingdom for Hosea to have been able to make the allusions he did with the assurance that all would understand them.[12] For the same reason they must have been in use long before Jeremiah in the south. It is obvious that the songs, born in a popular spirit, had a long folkloric history behind them before being committed to writing.[13] A further indication of their age is the use of many Hebrew words which are found nowhere else outside of the Canticle.[14] The songs gradually went out of use until the post-exilic sages picked them up, reworked them (contributing some of their own themes) and they became part of the Sacred Writings through their incorporation into the wisdom literature.[15] It was at this late time

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[9]This fact cannot be given too much weight since the word "Tirzah" may have been used simply because of its poetic effect. Tirzah means "to be pleasant" and it was well known for its beauty. S.M. Lehrman, "The Song of Songs," The Five Megilloth, ed. A. Cohen (London: Soncino Press, 1961), p. 23.

[10]Gottwald, "Song of Songs," p. 421.

[11]Audet, "Le sens du Cantique," p. 215. Gottwald, "Song of Songs," p. 421, also feels that the evidence is in favor of both the Solomon and Tirzah poems being from the tenth to ninth centuries.

[12]Audet, "Le sens du Cantique," p. 215.

[13]Ibid., p. 216.

[14]Which of course means many uncertain translations, evident in reading the RSV.

[15]Audet, "Le sens du Cantique," p. 216. This explains why there are so many late Aramaic words in it. On this, see Eissfeldt, Old Testament, p. 490.

that someone edited the various songs and put them into their present form.[16]

Near Eastern Parallels

For a true interpretation of the Song, one would have to encounter it in its natural, living setting.[17] It is not a book to be read but a collection of poetic love songs to be sung at festive gatherings, primarily weddings. For this reason the best commentaries on it are parallel love songs from ancient Egypt, Babylonia, ancient Greece, and even the modern Orient.[18] The following is an example of an Egyptian love song from the later Egyptian Empire (1300-1100 B.C.).

> The voice of the swallow speaks and says:
> "The land has brightened--What is thy road?"
> Thou shalt not, O bird, disturb me!
> I have found my brother in his bed,
> And my heart is still more glad,
> (When he) said to me:
> "I shall not go afar off.
> My hand is in thy hand,
> I shall stroll about,
> And I shall be with thee in every pleasant place."

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[16]Eissfeldt says this took place in the third century. Old Testament, p. 490.

[17]Jean-Paul Audet suggests that the present title which means "the most beautiful of songs," was probably not the original title; it was more probably the first line which reads: "O that you would kiss me with the kisses of your mouth!" This name was used for the Song as long as it remained in use at the ancient Jewish marriage celebrations from the beginning of the monarchial period to at least the Persian period. "Love and Marriage in the Old Testament," Scripture 10 (1958), p. 81.

[18]ANET, pp. 467-9. Cf. Lambert, "Divine Love Lyrics from Babylon," Journal of Semitic Studies 4 (1959), pp. 1-15 unavailable ; Theophile J. Meek, "Babylonian Parallels to the Song of Songs," Journal of Biblical Literature 43 (1924), pp. 245-252, as found in Eissfeldt, Old Testament, p. 488. Eissfeldt also gives literature pertaining to modern oriental parallels.

He makes me the foremost of maidens.
He injures not my heart.[19]

Meek believes that some of the Babylonian religious songs are taken from the liturgy of the Tammuz-Ishtar cult and that they belong with the Canticle because of their close resemblance.[20] He thinks that both are liturgies of the fertility cult, the only difference being that "one group has come from Babylonia and the other from Palestine, where numerous influences tended to obscure and efface its original character."[21] A few lines of Meek's translation follow:

How gorgeous she is; how resplendent she is.
She seeketh out the beautiful garden of thy (masc.) abundance.
Today my heart is joy (and) gladness.
O, come down to the garden of the king (which) reeks with cedar.
Thou, son, art a lover of my bosom.[22]

Though the Canticle cannot be classified as didactic literature,[23] it nevertheless functioned in an informal way to instruct the newly marrieds on their wedding day. Moreover, it gives witness to the state of consciousness of the people at that time.[24] It does this in regard to the relationship between man and woman and, more pertinent to the present topic, to the "place" of woman within the

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[19] ANET, p. 468. As in the Song, the lovers are called "my brother" and "my sister."

[20] They have a common theme and structure, many identical phrases and the lines manifest the same delight in love. Their intention is to "bring about the awakening of life in nature." Meek, Babylonian Parallels," p. 252. Cf. Beatrice Brooks, "Fertility Cult Functionaries in the Old Testament," Journal of Biblical Literature 60 (1941), pp. 227-253.

[21] Ibid. See above, footnote 3, pp. 39 f. [22] Ibid., p. 249.

[23] Cf. Audet, "Le sens du Cantique," p. 218 and Gottwald, "Song of Songs," p. 421.

[24] In the same way as a prayer witnesses to the state of consciousness of an individual. Audet, "Le sens du Cantique," p. 218.

relationship. The theme is human love which the Canticle extols "in courtship and marriage by letting the lovers speak for themselves."[25]

A Celebration of Creation

The Canticle of Canticles is a celebration of man. It is a hymn of creation, a new description of the Genesis account.[26] No where else is the praise of woman[27] sung so beautifully as in this song.

The Beauty of Woman

Woman in the Canticle receives rapturous praise, praise impossible to convey in ordinary language.

> I compare you my love,
> to a mare of Pharaoh's chariots.[28]
> Your cheeks are comely with ornaments
> your neck with strings of jewels (1,9-10).

The Canticle is a celebration of woman's physical beauty. It abounds in praise of her body.

> How graceful are your feet in sandals,
> O queenly maiden!

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[25]Gottwald, "Song of Songs," p. 421.

[26]Audet, "Le sens du Cantique," p. 220. Cf. Audet, "Love and Marriage," p. 220, where he compares the exaltation of man in the creation story (Gen 2,23-24) to the exaltation of the Canticle.

[27]Woman of course will be concentrated on here, leaving man, who is also highly praised, aside.

[28]She has the stateliness of a steed and the flashings of its trappings. Israel Bettan, The Five Scrolls (Cincinnati: Union of American Hebrew Congregations, 1950), p. 16. According to Lehrman, "Song of Songs," p. 3, the beauty of the Egyptian horse is used frequently as a comparison in Arabic poetry, as is evident in the following lines from the ANET (p. 469): "Would that thou wouldst come (to the sister speedily), Like a horse of the king, Picked from a thousand of all steeds, the foremost of the stables."

Your rounded thighs are like jewels,
the work of a master hand.
Your navel is a rounded bowl
that never lacks mixed wine.
Your belly is a heap of wheat,
encircled with lilies.
Your two breasts are like two fawns,
twins of a gazelle.
Your neck is like an ivory tower.
Your eyes are pools in Heshbon,
by the gate of Bath-rabbim.
Your nose is like a tower of Lebanon,
overlooking Damascus.
Your head crowns you like Carmel,
and your flowing locks are like purple;
a king is held captive in the tresses (7,1-5).

Such is the language of love. All is summed up in the last two lines of a similar outpouring in chapter four:

You are all fair, my love;
there is no flaw in you (4,7).

One of the marvelous qualities of the Canticle is its combination of an earthy appreciation of the woman's body and an unselfish, almost idyllic, appreciation of her beauty. In the following verses, the latter half of this combination comes to the fore; she alone is treasured above all the other maidens.

There are sixty queens and eighty concubines,
and maidens without number.
My dove, my perfect one, is only one,
the darling of her mother,
flawless to her that bore her.
The maidens saw her and called her happy;
the queens and concubines also,
and they praised her.
"Who is this that looks forth like the dawn,
fair as the moon, bright as the sun,
terrible as an army with banners?" (6,8-10)

The Canticle testifies to a recognition of the individual. There are maidens without number--one can well imagine the tremendous variety to choose from--and yet there is only one whom he prizes

(6,8-9). The love relationship makes it possible for him to discover her unique qualities. It establishes a true equality between them, giving to her a freedom of choice which can not be questioned.[29]

The Beauties of Love

The Canticle is a song of love, a lyrical praise of sexual beauty and fulfillment. Completely overtaken by love, the man exclaims to his beloved:

> You have ravished my heart, my sister, my bride,
> you have ravished my heart with a glance of your eyes,
> with one jewel of your necklace.
> How sweet is your love, my sister, my bride!
> how much better is your love than wine,
> and the fragrance of your oils than any spice!
> Your lips distil nectar, my bride;
> honey and milk are under your tongue;
> the scent of your garments is like the scent of Lebanon.
> A garden locked is my sister, my bride,[30]
> a garden locked, a fountain sealed.[31]
> Your shoots are an orchard of pomegranates[32]
> with all choicest fruits, henna with nard,
> nard and saffron, calamus and cinnamon,
> with all trees of frankincense, myrrh and aloes,
> with all chief spices--
> a garden fountain, "a well of living water,"[33]
> and flowing streams from Lebanon (4,9-15).

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[29]Dubarle, "L'amour humain," p. 84. See below, p. 48.

[30]Her beauty reminds him of a beautiful garden, colorful and fertile. She is closed off to others, as a locked garden, open only to its lawful possessor. "She is chaste and modest, just as gardens are walled in to prevent the intrusion of strangers (cf. Isa. V,5)." Lehrman, "Song of Songs," p. 16.

[31]"Water being scarce in the East, owners of fountains sealed them off with clay which quickly hardened in the sun. Thus sealed they became private property." Lehrman, "Song of Songs," p. 16.

[32]Not like an ordinary garden, she is "an orchard full of the most delicious fruit, so many are her charms." Lehrman, "Song of Songs," p. 16.

[33]"Source of all his joy, the inspiration of his existence." Lehrman, "Song of Songs," p. 17. For "woman is a well," see ANET, p. 438b.

The woman ("his sister, his bride") invites him to enjoy the pleasures that are his:

> Awake, O north wind,
> and come, O south wind!
> Blow upon my garden,
> let its fragrance be wafted abroad.
> Let my beloved come to his garden,
> and eat its choicest fruits (4,16).

He comes to her and they find mutual fulfillment:

> I come to my garden, my sister, my bride,
> I gather my myrrh with my spice,
> I eat my honeycomb with my honey,
> I drink my wine with my milk.
> Eat, O friends, and drink:
> drink deeply, O lovers! (5,1).[34]

The interior aspect of love is not lost sight of, despite the emphasis on the physical, bodily, expression. That it is to be valued above all else is quite evident in the following passage.

> Set me as a seal upon your heart,
> as a seal upon your arm;
> for love is strong as death,
> jealousy is cruel as the grave.
> Its flashes are flashes of fire,
> a most vehement flame.
> Many waters cannot quench love,
> neither can floods drown it.
> If a man offered for love
> all the wealth of his house,
> it would be utterly scorned (8,6-7).[35]

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[34] Cf. ANET, p. 468a: An Egyptian poem.

> All the birds of Punt, they alight in Egypt,
> Anointed with myrrh.
> The first one comes and takes my worm,
> Its fragrance is brought from Punt,
> And its talons are full of resin.
> My wish for thee is that we loose them together,
> When I am alone with thee,
> That I might let thee hear the cry
> Of the one anointed with myrrh.
> How good it would be
> If thou wert there with me
> When I set the trap!
> The best is to go to the fields,
> To the one who is beloved!"

[35] An Egyptian love song of similar sentiments:

Woman in the Canticle

The Canticle does not say that woman was highly regarded or that she was equal to man; such is not the language of love. The Canticle speaks for itself on its own level, that of love poetry. Even on this plane, one can validly ask, what was the people's attitude toward woman at this time? For it is possible to describe the consciousness behind the composition of the songs and their acceptance by the people.

Granted that the songs had some foundation in reality, woman must have been quite highly regarded at that time. In the Canticle she is called the "perfect one" and "the darling of her that bore her" (6,9). Her lover lavishes praise upon her beautiful body, from her "rounded thighs" to her head which crowns her like Mount Carmel (7,1-5; cf. 4,1-7). True, this is the language of lovers, but it is nonetheless a dialogue in which neither one dominates.

Most remarkable in the Canticle is the implicit equal footing on which woman is placed vis-a-vis man.[36] The language used is free

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The love of my sister is on yonder side,
A stream lies between us,
And a crocodile waits in the shallows.
But when I go down into the water,
I wade the current,
My heart is great upon the stream,
And the waves are like land unto my feet.
It is the love of her that makes me steady,
For it makes water-charm for me!
When I see my sister coming,
My heart dances,
And my arms open wide to embrace her,...
When the mistress comes to me. ANET, p. 468.

[36]It is significant in this respect that "queens" in 6,8 is the only instance in the Old Testament that the feminine of melek,

from anything which borders on coercion; she is free to follow him "in the tracks of the flocks" (1,8). In one of the most beautiful scenes, she acquiesces to his flowery praises (4,9-15) and beckons him to eat of the fruit he has described (4,16). If anything, the Canticle seems to express the "natural superiority" of woman by giving full scope to her feminine beauty and charms. "Terrible as an army with banners," she is asked to turn away her disturbing eyes (6,4-5). She is able to ravish his heart with one glance of her eyes (4,9). But her beauty, and thus their relationship, goes beyond the physical order.

Their relationship is characterized by a love, "strong as death" (8,6). She seeks him out in the streets of the city until she finds him and then "would not let him go" (3,1-4; cf. 5,6-8). Her heart thrills when he puts his hand to the latch of her chamber (5,4) and when he has gone, she is "sick with love" (5,8) because she cannot find him. But she does not give up for they belong to one another (6,3). Floods cannot drown love, neither can a man's entire wealth purchase it (8,7).

There is quite a gap between the Exodus legislation on woman and the exuberant praise of her in the Canticle. What little there is about her in Exodus is couched in slightly negative overtones; she is still the property of her ba'al, whether husband or master (Exodus 20,17; 21,2-12; 22,16-17)[37] and her treatment is not the same as that

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"king," is used in connection with Israel; no other woman received the title. De Vaux, Ancient Israel, p. 117. There can be no question of the man being her ba'al--such a word would be out of place in this song.

[37]See above, pp. 10-14.

of a man (21,7).[38] That this gap is not due simply to the difference between legislative and poetic language is evident in the marked improvement of her condition under the Deuteronomic laws.

It is in Deuteronomy that a man's wife is clearly distinguished from his ordinary possessions (Deuteronomy 5,21).[39] When laws specifically legislate in favor of the Hebrew bondwoman (15,12-18),[40] it is fairly certain that the lot of the ordinary free woman would be quite high. There is ample evidence of this in the concern for the rights of woman within marriage (24,1-4).[41] This concern to protect woman, whether physically (22,23-27; 22,28-29)[42] or psychologically (21,10-14)[43] is clear recognition of her individual importance which is so prominent in the Canticle (Canticle of Canticles 6,8-10).[44]

It is difficult to recognize any affinity between the earlier proverbs (Section II and V) and the Canticle, though the same is not true in regard to the later ones (Section IV). In the few proverbs which are kind towards her,[45] one of them refers to the husband as the ba'al (12,4).[46] The negative attitude towards woman, whether expressed (17,1; 19,13; 27,15; 21,9,19)[47] or inferred due to a lack of recognition (13,1; 15,5; 17,6; 20,7),[48] is quite foreign to the spirit of the Canticle. On the other hand, the later proverbs reflect a

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[38] See above, pp. 11 f.

[39] See above, p. 15.

[40] See above, pp. 15 f.

[41] See above, pp. 21 f.

[42] See above, pp. 19 f.

[43] See above, pp. 20 f.

[44] See above, pp. 45 f.

[45] See above, pp. 28-30.

[46] See above, p. 29.

[47] See above, pp. 31 f.

[48] See above, p. 33.

cooperative bond between the parents[49] which is reminiscent of the love relationship exhibited in the Canticle[50] (with some difference of language of course).

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[49]See above, p. 35.

[50]See above, pp. 46 f. and p. 49.

CONCLUSION

There is a progression in the attitude towards woman within the law codes. The Covenant Code looked at her as a piece of property, first as daughter and then as the possession of her husband to whom the property rights (formerly belonging to her father) had been transferred. This being true, she was not considered to be man's equal, and in fact, she had a low standing alongside him.

The Deuteronomic Code sought to correct many of the abuses contributing to the degradation of woman. Attempts were made to strengthen marriage by stiffening the divorce regulations, which meant a curtailment of man's freedom. Woman was no longer looked at as property, and her condition in general was much more favorable than that evidenced by the Covenant Code.

Though not as evident in Proverbs as in the law codes, there is nonetheless an increased respect for woman in the later proverbs considered than in the earlier. This conclusion is based on the one-sided, negative spirit of the earlier sayings in contrast to the favorable picture presented in the later ones.

Written at approximately the same period as the later proverbs, the Canticle of Canticles does not contain a progression within itself. Moreover, as love poetry, it is difficult to decipher what, exactly, it says regarding woman. One can, however, deduce some prerequisites for this type of love poetry, one of them being a recognition of woman's

inherent value. Though never stated categorically, the dialogue readily permits such an assumption.

Because of the different types of literature involved--proverbial teachings, love poetry and law--it is difficult to compare their attitude toward woman. One thing is quite evident; there is a similar consciousness behind the later proverbs, the Canticle and the Deuteronomic legislation. The similarity is primarily a greater respect and concern for woman, whatever be the motive. Since the Deuteronomic Code was preceded by the Canticle and the later proverbs, one can see that the legislation in woman's favor followed the actual practice and custom of the people. The laws probably did not add anything new but simply formalized existing practices.

There is, then, a progression in the attitude towards woman, a progression which is unmistakable in the law codes and which is reflected in Proverbs and the Canticle. These "reflections" not only prove that woman attained to a greater standing later on, but also suggest that this process took place first in popular culture and was then solidified in the law.

APPENDIX

THE LEVIRATE[1]

The institution referred to as "levirate" derives its name from the Latin "levir," which translates the Hebrew "yabam" meaning "brother-in-law."[2] The two recorded instances of it in the Old Testament (Genesis 38,6-7: the episode of Tamar and Judah; and the story of Ruth) do not correspond to the Deuteronomic law (Deuteronomy 25,5-10).

According to this law, if brothers are living together and one of them dies without leaving a child, one of the surviving brothers should take the widow to wife and the first-born of this new marriage would be considered by law as the son of the deceased. The brother-in-law can decline the obligation, however, by making a statement before the elders of the town, though it is considered a disgrace to do so. The widow, in such a case takes off his show and spits in his face, because he "does not raise up his brother's house" (Deuteronomy 25,5-10).

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[1]Cf. Millar Burrows, The Basis of Israelite Marriage (New Haven, 1938). [Unavailable]. Cf. Millar Burrows, "Levirate Marriage in Israel," Journal of Biblical Literature 59 (1940), pp. 23-33. He gives the Canaanite background on this custom from which the Israelitic idea probably arose. The latter differed in that the woman was not given over as a piece of property; rather, she remarried primarily to provide a son for the deceased and thus continue his name. Cf. P. Cruveilhier, "Le levirat chez les Hebreux et chez les Assyriens," Révue Biblique 34 (1925), pp. 524-546. He shows the Hebrew levirate to be morally superior to that of the Assyrians.

[2]De Vaux, Ancient Israel, p. 37.

In ancient times the duty of the levirate was much stricter than it is presented in the Deuteronomic law, and the application is also broader.[3] When Judah's brothers failed in their duty towards Tamar, she tricked her father-in-law into having intercourse with her (Genesis 38,6-18). According to Deuteronomy, only the brother-in-law had the obligation, provided that they were living together, and even then provisions were made for him to forego the duty (25,5-10).

There seems to be a steady decline in the levirate institution,[4] quite noticeable in Deuteronomy and even more so in Leviticus. In both of the lists which forbid unlawful sexual relations (Leviticus 18 and 20) there is the prohibition against "uncovering the nakedness" of a brother's wife (Leviticus 18,16 and 20,21). In the latter of the two instances, if the man does uncover her nakedness, "they shall be childless" (20,21).[5]

There is a possibility that the decline in the use of the levirate marriage witnessed to a growing independence of woman along with a more positive attitude towards her. She seems to be valued apart from her child-bearing function (especially true in the Canticle).[6] Whereas the levirate's purpose was originally to

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[3] De Vaux, Ancient Israel, pp. 37 f.

[4] This position is taken by Mace, Hebrew Marriage, pp. 109-117.

[5] "The rabbinical tradition interprets the term 'childless' as meaning, not that no children will be born of the marriage, but rather that the children will die before their parents do." Smith, Origin of Law, p. 76. Smith adds that this conflict with the Deuteronomic law is probably motivated by the "desire to root out every trace of ancestor worship."

[6] Cf. Mace, Hebrew Marriage, p. 184.

continue the family name and keep intact the family property, it was later primarily a question of keeping the property in the family.[7] By the time of the Leviticus legislation, the rights of inheritance may have been granted to widows.[8]

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[7]Cf. Deut 25,5 where the levirate is restricted to those brothers living together. Mace suggests that the breakup of family solidarity resulted in brothers' living apart, and rather than have a far-off brother sublet the property if he owned it, it would be better to forego the marriage. Thus the consolidation of property is deemed more important than the procreation of a son for the deceased, according to Mace, Hebrew Marriage, pp. 109 f.

[8]Cf. De Vaux, Ancient Israel, pp. 53-55. De Vaux mentions that "the contracts of Elephantine allow a childless widow to inherit from her husband." P.54.

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