

WHAT TO MAKE OF THE OLD TESTAMENT LAW

I. An Old Testament Theological Summary of Old Testament Law

1. The Old Testament laws were given to a “saved” people. Quite significantly, the preamble of the Decalogue indicates that God demonstrated his grace toward Israel before he ever demanded obedience from her: “I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery” (Exod 20:2). Grammatically speaking, one great indicative preceded the ten great imperatives. Therefore, the obedience called for by the law represented the people’s response of love and loyalty to God for the salvation they had *already* received as a gift from him.
2. The Old Testament laws functioned as stipulations of an ancient Near Eastern covenant. At Sinai, God offered Israel a treaty in which he, their gracious deliverer and suzerain king, would make them his special people and holy nation. He brought them *to himself* to be “a kingdom of priests.” In the context of this covenant relationship, Israel would be responsible to obey God and follow his ways. Israel agreed to this arrangement, and God proceeded to give them the laws of the Old Testament.
3. The laws were formulated and issued by God himself, not by human priests or legislators. As such, the laws reflect the heart and mind of God (even today, when the Old Covenant is legally “obsolete”). They reveal his thinking, his nature, his character, his values, his wisdom, his priorities, and his ways. A person can learn volumes about God by reflecting on the laws he gave Israel. Taken together, they offer a treasure trove of theological insights about him.
4. The laws were characterized by the most impressive adjectives available to the Old Testament writers. Specifically, God’s laws were described as good, right, fair, just, wise, true, righteous, trustworthy, perfect, wonderful, and sweet. They were not perceived to be harsh, burdensome, or oppressive. They were not regarded as unjust, misguided, illogical, rash, or foolish. Rather, the laws were intelligible, uncomplicated, and—by God’s own description—not too difficult or beyond the reach of Israel’s obedience. Moses even predicted that other nations would admire these laws and consider them to be both good and wise when they saw Israel putting them into practice.
5. The laws were for the *benefit* of the person; they were not *against* him. Rather, they were intended to make one’s life better, fuller, richer, deeper, more meaningful, and more joyful—even to the point of reviving the soul. The laws were intended by God to help a person be successful and prosperous in all that he did. They were intended to keep a person from stumbling, getting into trouble, going the wrong way, or becoming arrogant, full of pride, and defiled. Following the laws made a person wiser. In fact, the laws themselves were seen as a person’s counselors, giving him light, wisdom, peace, comfort, and guidance for life.
6. Many of the laws were meant to be paradigmatic. Their precise verbal formulations did not intend to exhaust their applications. Rather, they expressed larger theological values and principles by codifying specific examples. For instance, the law about parapets (Deut 22:8), the treatment of the blind and the deaf (Lev 19:14), the use of accurate weights and scales (Lev 19:36), and the law about returning an enemy’s lost ox or donkey (Exod 23:4) all had broader applications than their texts actually specified. Consequently, neither the law nor any part of it was identical with the entire eternal moral law of God; it was only *reflected* in the Old Testament law. The Old Testament law was one *application* of God’s eternal moral law, tailored to a specific historical situation.
7. Godly people had a positive relationship to the laws. They wanted to learn them, obey them, teach them to their children, and talk about them throughout the course of the day. They loved them, delighted in them, meditated on them, and inclined their hearts to follow them. They pondered

carefully how to work out their deeper implications in practical ways in everyday life. As a result, God delighted to teach the laws to his people in the context of a dynamic personal relationship with them. His laws were not intended to be followed grudgingly, mechanically, or legalistically. (In fact, they could be externally “kept” but not truly fulfilled.) Rather, the laws were to be obeyed with all one’s heart—humbly, thoughtfully, and joyfully.

8. The laws did not focus on external obedience alone, but inner purity as well. God’s concern for the “internal holiness” of his people was reflected in such laws as the avoidance of coveting (Exod 20:17; Deut 5:21), circumcision of one’s heart as well as one’s flesh (Deut 10:16), not giving to the poor with a grudging heart (Deut 15:10), loving God with all one’s heart (Deut 6:5), loving one’s neighbor as oneself (Lev 19:18), and treating one’s enemies as valuable (Exod 23:4-5). Yet even where internal holiness is not specified in the code, it is assumed (cf. Jesus’ handling of the law in the Sermon on the Mount).
9. The laws varied as to required obedience. Some laws could be suspended temporarily if a providential situation called for it. In Daniel’s day, for example, the sacrificial laws, the tithing laws, celebrating the Passover, etc., could be suspended during the Exile. On the other hand, some laws were to be obeyed at all cost, regardless of the situation (e.g., the prohibition against idolatry).
10. The law was not a way of personal salvation, or even a hypothetical way of salvation. Rather, forgiveness for sins and reconciliation with God was granted *freely*—apart from compliance to the law—to the person who came to God with a “broken and contrite” (i.e., repentant and submissive) heart (Ps 51:17). The law showed a person who had *already* been accepted by God how to live out his or her love for God.
11. One benefit of the law was that it functioned to expose sin. By its very nature, the law highlighted moral deficiencies in people. As such, it also *positively* revealed God’s definition of right and wrong. This is considerably different from contemporary law codes, which typically distinguish only between legal and illegal actions, or permissible and impermissible actions. A truly *moral* dimension is often missing from today’s laws, relegating such a dimension instead to other sectors of society, such as religious institutions, ethics boards, etc. God’s law, however, is concerned with what is morally right and wrong—as *he* defines it.
12. The sacrifices, quite significantly, were not a way to secure forgiveness for *intentional* sins. God could not be “bought off” with a sacrifice. Forgiveness for the individual (or the entire nation) was available only through genuine human repentance and divine lovingkindness. Individuals had to surrender their revolt against God in order to experience his mercy. The *ethical* aspects of God’s law always superseded the *ceremonial* aspects. Obedience was always better than sacrifice. A broken and contrite heart the Lord would never despise. Cultic sacrifices apart from a life of justice, mercy, humility, and contrition, however, he *did* despise (cf. Isa 1:10-17, 29:13-14, 58:1-8; Jer 6:20; Hos 6:6; Joel 2:13; Amos 5:21-27; Zech 7:4-6).
13. Given the specificity and cultural particularity of so many Old Testament laws, as well as the sheer expansiveness of their subject matter, the entire legal corpus of Israel was occasionally summarized to highlight its essential underlying concerns (e.g., the eleven principles of Ps 15:1-5; the six commands of Isa 33:14-16; the four descriptions of Ps 24:3-6; the three commands of Mic 6:8; the two commands of Isa 56:1; the one command of Amos 5:4; and the one command of Hab 2:4). Most famously, the laws were later summed up by Jesus in this single statement: “Love God with all your heart (cf. Deut 6:5), and love your neighbor as yourself (cf. Lev 19:18)” (Matt 22:37-39).

II. A New Testament Theological Summary of Old Testament Law

1. The Old Testament law is a good and delightful gift from God. It is part of God's gracious revelation to humanity of his character, his nature, his values, and his ways. Additionally, the universal moral norms of the law definitively establish for humanity what is right and wrong.
2. Jesus called his followers to return to the lofty moral and ethical standards of Old Testament law, from which the Jews had strayed. The Jews had become sidetracked by focusing on the minutiae of their own traditions regarding the law, and many of those traditions missed the point of, or even nullified, the laws themselves.
3. Since God's law (like the natural law written on everyone's heart) shows human beings what is right and wrong, it is of great value. Nevertheless, because of humanity's bent toward evil, the law (and trying to live according to its good standards) results in futility and rebellion. When confronted with God's good standards, humanity's natural bent toward evil rises up in pride and tries to exert its independence from God.
4. Men and women's unsuccessful attempts to live according to the good standards of God's law often drive them to conviction of sin and spiritual despair. This conviction and despair, combined with a proclamation of the gospel, often bring them to an awareness of their need for God's freely given grace and mercy, which have been made available through the finished work of Jesus Christ on the cross and in his resurrection and ascension back to the Father.
5. It is impossible to secure justification and reconciliation with God by attempting to live in obedience to the law. Salvation is by grace alone through faith alone in Christ alone. It is the gift of God, lest anyone should boast (Eph 2:8-9). If a right standing with God could be attained through the law, then Christ died for nothing (Gal 2:21). Quite significantly, Jesus was crucified by people who were radically devoted to the law. That such individuals could execute the Son of God while appealing to the law of God indicates their perversion of it, both in terms of cognition and application.
6. Christ's followers, who have been reconciled to God by faith, and indwelt by his Holy Spirit, now seek to conduct their lives in a manner worthy of the gospel (Phil 1:27). This new manner of life is marked by loving obedience to Christ, loving service to others, and a demonstration of the fruit of the Spirit, which is always consistent with God's moral character as revealed in the law. Because believers are now joined to Christ in vital union, and God's law is now written on their hearts, they have a new power for obedience, a new motivation for holy living, and a new disincentive to sin. Indeed, for believers to willingly violate the moral norms of the law is to involve the members of Christ himself in wickedness (1 Cor 6:15).
7. With the condemnation of the law now lifted from those who are in Christ, the New Testament writers frequently appeal to various Old Testament laws (sometimes even beyond the Decalogue) to define normative Christian behavior and church practice. Such appeals are nowhere seen to be a violation of the gospel. Rather, the sound doctrine of the Christian faith encompasses the same ethical perspective as Old Testament law and does not hesitate to point out sins that are contrary to it. The moral norms of the law thus remain for New Testament Christians. The grace of God has appeared, training believers to renounce ungodliness and worldly passions, and to live self-controlled, upright, and godly lives in the present age (Titus 2:11-12).
8. Today's followers of Christ will find much value in reflecting on the ancient laws that have been "taken off their backs and put into their hands." By focusing on what the laws reveal about God and his ways, Christians have access to a treasure trove of theological insights about God that can enrich their devotion to him and provide an ethical context and moral framework for the outworking of their salvation. Since Christ perfectly kept (and *is* the fulfillment of) the law, knowing the law more fully

will give Christians some key insights as to why God the Father was so well pleased with his Son, and what it means to “walk as Jesus did” (1 John 2:6) and be “imitators of God” (Eph 5:1).

9. Gentile followers of Christ are not to seek to become Jewish by practicing those Old Testament laws that regulate, not moral or ethical standards, but outward customs and rituals that distinguished Jews from Gentiles under the old covenant (e.g., Gal 5:1-12). They are truly free from these laws, as the old covenant is providentially obsolete (Heb 8:13) and superseded by a better covenant (Heb 7:22). Gentile Christians, however, should be considerate of the sensitivities of their Jewish Christian brothers with whom they fellowship when it comes to the most repugnant outward customs that Jews avoided under the old covenant (e.g., not eating food sacrificed to idols, refraining from blood, etc.). Love—not law or license—is the motivation that governs such relationships.
10. Love is the fulfillment of the law—love for God and love for neighbor. When asked directly which is the greatest commandment in the law, Jesus cites both Deuteronomy 6:5 and Leviticus 19:18, saying, “You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the great and first commandment. And a second is like it: You shall love your neighbor as yourself. On these two commandments depend all the Law and the Prophets” (Matt 22:37-40).

III. The Spectrum of Applicability

Having established a biblical theology of the law, we can now ask the question, “Are the Ten Commandments binding upon all Christians today?” If so, what about the fourth? What about the geographic component of the fifth? What about the laws *beyond* the Decalogue? Leviticus 19:11—yes? Leviticus 19:10, 19—no? Deuteronomy 22:5—yes? Deuteronomy 22:8, 9, 11, 12—no? Leviticus 11:1-47? (Pig? rabbit? shrimp? lobster?) May we pick and choose?

Church history and modern church scholarship have produced numerous theological formulations attempting to resolve the thorny issue of the relationship between the Old Testament law and the Christian. The following schools of thought are representative positions, arranged sequentially according to their valuation of the law’s applicability to Christian’s today—from lowest to highest.¹ Theses summaries do not do justice to the full scope and complexity of the various views; they merely serve as an introduction.

A. Marcionite Theology

Marcion, a second-century Gnostic heretic, viewed the “strict and harsh” God of the Old Testament as different from and inferior to the “good” God revealed by Christ in the New Testament. Consequently, he jettisoned the entire Old Testament—with its “Jewish” law—from his canon. The laws of Moses were deemed morally and ethically inferior to New Testament standards and therefore unworthy of the Christian’s time and attention.

B. Classic Liberal Theology

Christian liberalism holds that while the Bible may contain some important truths, helpful insights, enlightened ethics, and trustworthy history, it is not, in the end, infallible or divinely inspired. It contains an assortment of errors, myths, legends, contradictions, and embarrassments; therefore all of it is negotiable in terms of a standard for living. Today’s Christian communities must sort through the laws of the Old Testament and decide on a case-by-case basis which ones should be obeyed and which ones can be ignored.

¹Descriptions adapted from David A. Dorsey, “The Law of Moses and the Christian: A Compromise,” *JETS* 34 (1991): 322-24. For another helpful summary, including a critique of each of the major views, see Joe M. Sprinkle, *Biblical Law and Its Relevance: A Christian Understanding and Ethical Application for Today of the Mosaic Regulations* (Lanham, MD: University Press of America, 2006), 1-27.

C. Dispensational Theology

This more conservative approach holds that God laid out different programs for his people in different ages, and that all particulars belonging to the “dispensation of law” (Exod 20-Mal 4) are no longer binding upon God’s people in this present “dispensation of grace.” Christ has abrogated all the laws, including the Ten Commandments (cf. Heb 8:13). Christians are therefore under no obligation to any part of the Old Testament law, only to the law of Christ (cf. Gal 6:2). Lutheran theology, with its sharp law-gospel dichotomy, arrives at a similar conclusion, though it also presents some nuanced features of its own. New Covenant theology also shares some commonalities with the views of Dispensationalism, though it seeks to stake out common ground with Reformed theology and serve as a bridge between these two approaches.

D. Reformed Theology

In contrast to Dispensational theology, Reformed (or Covenant) theology sees greater continuity between the testaments, maintaining that redemptive history comprises a single covenant of grace that has continued from Abraham through Moses and into the church age. Christians are therefore obligated to live in obedience to the laws given at Sinai. Many of the stipulations are no longer applicable, however, because of the new circumstances created by the coming of Christ. The 613 laws, it is argued, fall into three categories: moral, civil, and ceremonial. The finished work of Christ has rendered both the civil and ceremonial laws inoperative, but the moral law of God—especially as reflected in the laws of the Decalogue—is binding upon all God’s people at all times. Reformed theology promotes three uses of the law today—a civil use, a pedagogic use, and a didactic use.

E. Seventh-Day Adventist Theology

Adventists, proceeding from a Reformed or Covenantal perspective, protest that it is inconsistent to accept the Ten Commandments for all times and then reject or modify the fourth (Sabbath) commandment. The entire Decalogue, including the injunction to observe the seventh day, is therefore binding upon all Christians at all times. Additionally, Seventh-Day Adventists believe that the dietary laws issued by God at Sinai should also be observed today, though some of their theologians will say that this is for health reasons, not because the ceremonial laws are still legally binding upon Christians.

F. Christian Reconstruction Theology

Also called Theonomy, this offshoot of Reformed theology argues for the normativity of not only the moral laws but the civil laws as well. Advocates of this view maintain that their Reformed brethren have erred in discarding the judicial laws. The ceremonial laws have indeed been fulfilled in Christ, but the civil laws are intended for all governments at all times. This would include, for example, the enforcement of capital punishment in all cases for which it is prescribed by Moses, including blasphemy, apostasy, idolatry, witchcraft, Sabbath-breaking, homosexuality, striking one’s parents, and the incorrigibility of children. Theonomists believe that Christians should work toward establishing a theocratic state in the world today.

G. Armstrong Theology

The World-Wide Church of God, until recently, advocated an even higher degree of continuity. Herbert W. Armstrong argued that only a few of the laws, such as the sacrificial regulations, are no longer valid because they were fulfilled in Christ. The great majority of the laws, however, still apply to the church, including Sabbath observance, the keeping of all Jewish feasts and holy days, and observance of all the dietary laws and other ceremonial laws. Some of the modern Messianic movements share commonalities with both Christian Reconstructionism and Armstrongism when it comes to Old Testament law, but—like Dispensationalism—they argue for a sharp distinction between Israel and the church.

Non-Christian traditions, of course, have little interest in the details of this highly nuanced discussion. On the other hand, skeptics and secular progressives enjoy using the underlying cause of the debate against anyone who would contend for the abiding value of Old Testament law in modern society. (Cf., the scene from “West Wing” mocking the use of Old Testament law in American public policy.) One could even argue that the ferocity of the in-house debate has rendered Christians unprepared to engage, neutralize, and deflect the larger arguments leveled against Old Testament law by today’s cultured despisers of the faith.

Ultimately, the present-day neglect of preaching Old Testament law is inconsistent with our evangelical heritage. Lutheran and Reformed theologies have always agreed that Old Testament law should be proclaimed in order to restrain evil in the public square, and to drive guilt-ridden, law-breaking sinners to the mercy of Christ for salvation.² Additionally, historic Reformed theology has typically promoted a “third use of the law,” in which believers are directed to consider the Old Testament legal corpus (especially the Decalogue) as a rule of life that guides believers in the will and ways of God.³ This third use of the law has not been without its historical controversy, but many today—even those of a more Dispensational bent—have begun to see the value of “principlizing” the Old Testament laws for Christian preaching and teaching.⁴ This practice is a welcome trend, for when used properly, the law is “good” (1 Tim 1:8).

IV. Transcending the Applicability Impasse (Cf. My ‘BETA’ Method)

- Aim for the theological insights!
- This “theocentric” approach asks, “What does this law teach us about God and his ways?”
- Customs change. Cultures change. Covenants change. But God (i.e., his character) never changes.
- Therefore, we aim for true theological insights that can be derived from God’s law.
- But how do we do this? Use the acronym B.E.T.A.

Step 1: Back-read the Law from a New Testament Context

The first step of the BETA method is to back-read a particular law from a New Testament context. This step is a cognitive theological framework for approaching each of the laws in the canon, and it contains three hermeneutical commitments. The first commitment is to recognize the *discontinuity* of Old Testament law. The Christian interpreter reminds himself: “Unless specifically repeated and apostolically directed to all Christians in the New Testament, this Old Testament law may not be my law *in its present form*. In fact, its historical, cultural, and geopolitical particularity may prevent me from obeying it literally even if I wanted to do so.⁵ Furthermore, I am looking back over the shoulder of the Israelite into an ancient treaty

²See, e.g., Louis Berkhof, *Systematic Theology*, new comb. ed. (Grand Rapids: Eerdmans, 1996), 612-15.

³*Ibid.*, 615.

⁴See, e.g., John Goldingay, *Approaches to Old Testament Interpretation* (Downers Grove, IL: InterVarsity Press, 1981), 51-55; Hetty Lalleman, *Celebrating the Law? Rethinking Old Testament Ethics* (Waynesboro, GA: Paternoster, 2004), 43-80; Walter C. Kaiser, Jr., *Toward Rediscovering the Old Testament* (Grand Rapids: Zondervan, 1987), 155-66; Tremper Longman III, *Making Sense of the Old Testament: Three Crucial Questions* (Grand Rapids: Baker, 1998), 103-23; Joe M. Sprinkle, *Biblical Law and Its Relevance: A Christian Understanding and Ethical Application for Today of the Mosaic Regulations* (Lanham, MD: University Press of America, 2006), 20-27; Christopher J. H. Wright, *An Eye for an Eye: The Place of Old Testament Ethics Today* (Downers Grove, IL: InterVarsity Press, 1983), 19-64; Richard E. Averbeck, “Law” in *Cracking Old Testament Codes: A Guide to Interpreting the Literary Genres of the Old Testament*, ed. D. Brent Sandy and Ronald L. Giese, Jr. (Nashville: Broadman & Holman, 1995), 113-38; Robert D. Bergen, “Preaching Old Testament Law,” in *Reclaiming the Prophetic Mantle: Preaching the Old Testament Faithfully*, ed. Georlge L. Klein (Nashville: Broadman, 1992), 51-69; David A. Dorsey, “The Law of Moses and the Christian: A Compromise,” *JETS* 34 (1991): 332-34; J. Daniel Hays, “Applying the Old Testament Law Today,” *BSac* 158 (2001): 30-35; Garrett, “Preaching the Law,” 12-24; and Stuart, “Preaching from the Law,” 87-100.

⁵For a fairly complete list of Old Testament laws that cannot possibly be kept literally by most people throughout the world today, see Dorsey, “The Use of the OT Law in the Christian Life,” 5-10.

that is providentially obsolete and now superseded by a better covenant. My justification before God is not found in trying to keep this or any other law. My gracious acceptance by God is based on the merits of Christ alone.”

The second commitment is to recognize the *continuity* of Old Testament law. The Christian interpreter reminds herself: “Even if this Old Testament law is not my law in a *covenantal* sense, it is still my law in a *moral* sense. It is my God who gave it, and God never changes. Therefore, this law—properly understood—teaches me something about the nature and ways of God because every law reflects the character and values of the one who gave it. The giver of this law is the one I seek to know, love, imitate, and serve better. In fact, his law is now written on my heart. His Spirit lives inside me, and that Spirit will produce goodness in my life. Goodness is defined by the character of God, whose grace not only saves me but empowers me to live a godly life, walking as Jesus walked.”

The third commitment is to recognize the ultimate *fulfillment* of Old Testament law in Christ. The Christian interpreter reminds himself: “Christ has indeed come, and it is futile and intellectually dishonest for me to pretend otherwise. Therefore, even before I begin my interpretation, I know that this particular law—when I have finished studying it—will somehow point to, illuminate, or otherwise find complete expression in Christ, who reveals the Father. I may have some preliminary intuitions as to what those connections will be, so I will make note of them now, and *set them aside for later consideration* so that my exegesis will confirm, replace, strengthen, or supplement them.”

Step 2: Examine the Law in Its Old Testament Context

The second step of the BETA method is to examine a law in its Old Testament context. This approach focuses on the individual “trees” located within the “forest” of Scripture. Its primary task is to uncover what the *author* meant in any given text. Its main concern is to understand how the original audience heard the passage when the people first received it. Here we pay attention to:

- Grammatical Context
- Literary Context
- Historical Context
- Cultural Context
- Geographical Context

Step 3: Theologize the Law to Its Universal Context

The third step of the BETA method is to theologize a law to its universal context. God is the ultimate universal, and he does not change (Mal 3:6). He is eternal and immutable. Therefore, de-particularizing a certain law using the BETA method is not a quest to find a certain *principle* but a certain *person*—the person of God. The quest is for a true theological insight. To discover a clue about the person of God in one of his laws is to discover something about the character of Christ as well, for “in him all the fullness of God was pleased to dwell” (Col 1:19), and “he is the radiance of the glory of God and the exact imprint of his nature” (Heb 1:3a). For the Christian interpreter, **theo-centricity leads naturally to Christ-centricity**; they are not mutually exclusive considerations!

In order to theologize a particular law to its universal context, the Christian interpreter asks such questions as, “What does this law teach me about God and his ways? What does it reveal about God’s heart, mind, personality, attitudes, priorities, values, concerns, or teaching strategies? What kinds of attitudes and moral standards does he want to see in those who serve him?” As a safeguard, the interpreter should verify any theological insights derived from this particular law with other Scripture.

Step 4: Apply the Law to the Present Context

The fourth and final step of the BETA method is to apply a law to the present context. The Christian interpreter asks a series of questions, such as: “In light of what I have discovered about God and

his ways in Step 3, how should my life be different as I seek to live as a godly person? What specific steps might the Holy Spirit want me to take this week in order to fulfill the spirit, intention, and deeper implications of this law—loving God and loving my neighbor as myself? What modifications might be needed in my thoughts, words, actions, or attitudes in order to fulfill the intention of this law? How did Jesus keep this particular law? Do we have a record in the New Testament of any occasion where we see Jesus living, proclaiming, or fleshing out the deeper implications of this law? How might the Lord want me to keep this law today, and ‘walk as Jesus walked’?” To prevent these questions from becoming overly academic, legalistic, or introspective, one should ask them prayerfully before the Lord in all earnestness and sincerity. While the non-communicable attributes of God discovered in this step cannot be replicated in one’s life, the communicable attributes certainly can be.

V. Example—Seduction of a Young Woman (Exod 22:16-17)

We will conclude our study with an example of the BETA Method in action, applying it to Exodus 22:16-17, the law involving the seduction of a young woman. Our analysis of the law begins with a review of its contents in several English translations, noting the similarities and differences.

“If a man seduces a virgin who is not betrothed and lies with her, he shall give the bride-price for her and make her his wife. If her father utterly refuses to give her to him, he shall pay money equal to the bride-price for virgins.” (ESV)

“And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife. If her father utterly refuse to give her unto him, he shall pay money according to the dowry of virgins.” (KJV)

“If a man seduces a virgin who is not pledged to be married and sleeps with her, he must pay the bride-price, and she shall be his wife. If her father absolutely refuses to give her to him, he must still pay the bride-price for virgins.” (NIV)

“If a man seduces a virgin who is not betrothed, and lies with 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.” (RSV)

Step 1: Back-read the Law from a New Testament Context

- Remember discontinuity
- Remember continuity
- Remember Christocentricity

Step 2: Examine the Law in Its Old Testament Context

This case involves the seduction of a young woman (“virgin” in most translations) who is not yet engaged to be married. To better understand the ruling, three points of clarification need to be made.⁶ First, the offense is seduction, not rape. The Hebrew word *pāṭā* means “to beguile, seduce, deceive, coax, allure” (cf. 1 Kgs 22:20, 21; Judg 14:15, 16:5; Hos 2:14). In this context it means to “persuade a virgin to have sexual intercourse by deceiving her and taking advantage of her inexperience.”⁷ The CEV accurately

⁶Many of the exegetical observations, theological insights, and suggested applications are adapted from Dorsey’s unpublished volume on Old Testament law.

⁷Noel D. Osborn and Howard Hatton, *A Handbook on Exodus*, UBS Handbook Series (New York: United Bible Societies, 1999), 529.

renders the sense of v. 16 as “talks her into having sex.” The young man charms or coaxes the young woman—by persuasion or deception, but not by coercion—to have sex with him.⁸

Second, the law probably applies to any unengaged young woman, not just technical virgins.⁹ Many commentators take *beṭūlāh* in vv. 16-17 to mean “virgin,” explaining that the law specifically deals with the seduction of virgins, and the rationale for requiring the seducer to pay the “bride-price for virgins” (presumably a much higher price than for non-virgins) was to compensate the girl’s father for his financial loss; he would no longer be able to get that price for his now deflowered daughter. But the word *beṭūlāh* in the Hebrew Bible has a broader semantic range. It often simply means “young woman of marriageable age” rather than a technical “virgin.” For example, Joel 1:8 declares, “Mourn like a young woman (*beṭūlāh*) for the husband of her youth.”¹⁰ Here the *beṭūlāh* was clearly married and therefore assuredly not a virgin. Accordingly, the law in Exodus 22:16-17 may simply be saying that the seducer of *any* unengaged young woman must pay the customary bride-price and marry her, if her father agrees to it. If her father refuses to permit the marriage, the seducer must still pay the customary bride-price for young women.

The third clarification involves the meaning of the Hebrew word *mōhar*, generally translated as “bride-price.” This translation may wrongly convey the notion of purchasing of a bride. The word might better be rendered “engagement gift.”¹¹ A suitor was expected to give the girl’s family a generous *mōhar* as part of their betrothal agreement. Based on rabbinic tradition, this gift was significant, probably averaging about 50 shekels of silver depending on such ignoble factors as the young woman’s attractiveness, her family’s social status, his family’s social status, and the number of suitors competing for her hand.¹² The money would be kept by the father (and sometimes invested to make additional money) until the wedding, at which time it was given back to the couple as part of the bride’s dowry (cf. Gen 31:15).¹³ Nahum M. Sarna notes, “The *mōhar* was predicated on the woman’s premarital virginity, which was expected on moral and social grounds and was essential to the marriage contract. Thus, the deflowering of the girl caused her a loss of social status and resulted in her father’s forfeiture of the *mohar*.”¹⁴

Whatever the original rationale for the giving of a *mōhar*, by the days of Moses young men throughout the ancient Near East were giving “bride-prices” or “engagement gifts” simply because they were customary and expected to be given (like the modern practice of giving engagement rings). This rather expensive gift demonstrated the seriousness of the suitor’s intentions and the depth of his commitment to the young woman. It also enabled the bride’s family to provide her with a sizeable dowry. The dowry, which belonged to the bride, not the groom,¹⁵ was her insurance, giving her a measure of personal wealth

⁸See Nahum M. Sarna, *Exodus: The Traditional Hebrew Text with the New JPS Translation*, The Jewish Publication Society Torah Commentary, vol. 2 (Philadelphia: Jewish Publication Society, 1991), 135.

⁹Contra Joe M. Sprinkle, *The Book of the Covenant: A Literary Approach*, Journal for the Study of the Old Testament Supplement Series 174 (Sheffield: Sheffield Academic, 1994), 156.

¹⁰The word *beṭūlāh* is often used of unfaithful Israel (Deut 22:19; Jer 14:17; etc.); therefore, the specific meaning “virgin” would be unlikely and oddly inappropriate in such instances. When a Hebrew writer wished to indicate that a girl was a technical virgin, he would often use the word *beṭūlāh* followed by an expression such as “whom no man has known” (e.g., Gen 24:16; Deut 32:25; Judg 21:12). On the other hand, the masculine plural *beṭūlīm* does refer to virginity (cf. Lev 21:13; Deut 22:14, 15, etc.).

¹¹Benno Jacob, *The Second Book of the Bible: Exodus*, trans. Walter Jacob (Hoboken, NJ: Ktav, 1992), 700. Jacob suggests that the word should be translated “proposal gift” and that it was not a “purchase sum” but represented a step the suitor had to take with the father in the marriage proposal.

¹²These are factors that determine the amount of the engagement gift in modern Palestinian villages; cf. Abdulla M. Lutfiyya, *Baytin: A Jordanian Village: A Study of Social Institutions and Social Change in a Folk Community* (London: Mouton & Company, 1966), 131. For the figure of 50 shekels, see Deut 22:29; *m. Bekh.* 8:7; *m. Arak.* 3:4; *b. Ket.* 10a; 38b; Sarna, *Exodus*, 135; Jacob, *Exodus*, 701. Sometimes (as in the case of David and Michal, Jacob and his two wives, and Othniel and Caleb’s daughter) the engagement gift could be services rendered or heroic deeds. In modern Palestinian villages, the engagement gift usually consists of a considerable sum of money, but occasionally it takes the form of land or services; cf. Lutfiyya, *Baytin*, 133.

¹³See Reuven Yaron, *The Laws of Eshmunna*, 2nd ed. (Leiden: Brill, 1988), 175. The dowry was usually a considerable amount of money or goods that the bride’s family gave her as a wedding gift. It belonged to the bride, not her husband. Like modern bridal showers, the dowry helped the new couple get established financially; cf. *m. Ket.* 3:7.

¹⁴Sarna, *Exodus* 135.

¹⁵*Ibid.* Sarna notes that in Elephantine, the bride-price was paid to the father but was counted among the bride’s possessions. In Islamic custom the bride-price is given to the wife as a gift, and belongs to her, not her father (Lutfiyya, *Baytin*, 133).

and security to fall back on in case she were widowed or divorced. It also provided the newlyweds with a measure of financial security—a “nest egg” for difficult times. Without a bride-price, the bride’s family might be unable to provide a sizeable dowry, which would mean that the bride would enter her marriage basically impoverished and powerless.

We are not told in this law how the couple comes to be exposed. Pregnancy, of course, would reveal the young girl’s secret in time. Being “caught in the very act” could also trigger the provisions of the law. A “guilty conscience” might also be enough to lead the couple to turn themselves in for confession and relief. In any event, we might paraphrase the ruling of Exodus 22:16-17 as follows: “If a man prevails upon a young, unengaged woman and persuades her to have sexual intercourse with him by deceiving her and taking advantage of her naïveté or inexperience, he is required by divine law to give the customary (and rather expensive) engagement gift, and she shall become his wife. If, however, the young woman’s father absolutely refuses to give her to him in marriage, he must still give the engagement gift.”

A warranted conclusion to be drawn about the intention of this law, then, would be the following: **The ruling in Exodus 22:16-17 seeks to protect the seduced young woman from the difficulties she would inevitably face whether she marries her seducer or not. It offers a reasonable and balanced solution to the problem (and its consequences), tempering justice with compassion, and showing sensitivity to all three parties mentioned in the text of the law.**

Specifically, we may consider the law’s provisions from the perspective of each of the three parties involved. First, the young woman is given the greatest consideration because she is the most vulnerable. In the ancient Near East, depending upon clan law and parental temperament, the young woman could be in danger of being killed by an enraged father for her fornication.¹⁶ She could possibly be cast off by the young man despite their bonding through sexual intimacy and despite her desire to marry him (cf. 2 Sam 13). Were she to marry her seducer, she would probably enter the marriage impoverished, having received neither a bride-price nor a dowry. Or she might be forbidden by her family *ever* to marry because of being sexually stained.

The law in Exodus 22:16-17 protects her from all these dire possibilities. She is not to be physically punished in any way. She may not be cast off by the young man; he must marry her unless her father—because of his own sentiments or his daughter’s—forbids the marriage. Assuming that her father is a decent man and is sensitive to his daughter’s feelings, the young woman has a say in whether or not she will marry her seducer. The young woman is to receive her bride-price whether or not she marries him. If she does not marry him, her shame of being seduced by a man other than her future husband is somewhat offset by receiving the full bride-price, which would ensure that she would receive a dowry even if a future suitor were unwilling to give a significant bride-price for her.

Second, the law also shows consideration to the young woman’s father. He has been dishonored, shamed, and deprived of being an integral part of choosing a husband for his daughter, which was the custom of the day. He has also been denied a bride-price for his daughter, making it more difficult for him to provide a significant dowry for her, which most fathers would in that culture wanted and felt obligated to do. The law rectifies this by restoring to the father his right to decide whom his daughter should marry, and by requiring the seducer to give the customary bride-price whether or not he marries the young woman.

Third, with regard to the seducer, the ruling treats him justly but with compassion. It requires him to take responsibility for what he has done and marry the young woman, unless her father forbids it. And it stipulates that whether or not he marries her, he must pay the bride-price, of which the young girl and her family have been deprived because of his irresponsibility. On the other hand, the law does not call for his

¹⁶According to Middle Assyrian Law 56 (which deals with a maiden who is not raped but willingly gives herself to a man), a father is allowed to treat his deflowered daughter “as he wishes,” which likely means that he is permitted to kill her. Later Roman law also seems to have allowed a father to kill his seduced daughter. See O. F. Robinson, *The Criminal Law of Ancient Rome* (Baltimore: Johns Hopkins University Press, 1995), 49-54.

execution and in fact requires no further physical punishment of him.¹⁷ If all parties are in agreement, he may marry the young woman, to whom he is obviously attracted. And whether or not he marries her, he can pay his dues to society and begin his life anew.

Step 3: Theologize the Law to Its Universal Context

This law is a window into the heart of God and offers several beautiful insights about his thinking, his nature, his values, and his ways. Generally speaking, we see that God's heart is compassionate toward the weak, the vulnerable, the disadvantaged, and the brokenhearted. We also see that God wants conflicts between his people to be resolved in ways that are equitable, reasonable, and satisfying to all parties involved whenever possible. He appears to be sensitive to the fact that cheap or unsatisfying resolutions to conflicts may effectively trivialize the original offense and wind up feeling just as painful. In Exodus 22:16-17 we learn specifically:

1. God holds young women in very high esteem. He desires for every young woman to enjoy a life of happiness, holiness, and well-being. In God's eyes, every young woman is a person of worth, whatever her status in society. For this reason, God feels compassion for the young woman who has been hurt or embarrassed, even if the harm was partially due to her own bad choices or naïveté. He considers her worthy of help, protection, and compensation for any suffering caused by another.
2. God wants every young man to control his sexual desires and refrain from having sexual relations with a young woman until he is married to her. If a young man should seduce a young woman, God would want the young man to marry her if this were acceptable to her and her family. If, however, marriage were unacceptable, God would still want the young man to make restitution to her and her family.
3. God is remarkably compassionate with people who are guilty of wrongdoing. He disapproves of their wrong behavior and holds them accountable for it, but he also reveals his love for them by seeking ways that they might rectify the harm they have done and thereby be restored.
4. God works with people in terms of their own culture (as illustrated here with the bride-price). God does not call his people to unilaterally reject the extrabiblical customs and institutions of their culture, but to evaluate those practices in the light of his values—following what they can, modifying what they must, and rejecting only what clearly violates his ways.
5. God is a good communicator and teacher. He works from the known (Israel's cultural practices) to the unknown (God's ways) in order to teach his people new truths about himself.

Step 4: Apply the Law to the Present Context

Ethical applications from these insights could go in various directions. Most obvious are the sexual implications, the proper interactions between young men and women, and the possibility of restoration for the disgraced. Four applications emerge:

1. In light of God's desire that a young man behave appropriately toward a young woman, and place her honor and well-being above his own sexual desires, each person should protect the dignity and well-being of those of the opposite sex and seek their highest good.
2. If you are a man, treat women as daughters of God who are highly esteemed by him. Seek their highest good above your own pleasure. In your interaction with women, remember that God is their champion.

¹⁷According to the Roman *Lex Julia*, a male who seduces and deflowers a virgin without the use of force is to be given the death penalty. See Elaine Fantham et al., eds., *Women in the Classical World: Image and Text* (New York: Oxford University Press, 1994), 306.

He wants them to experience happiness and well-being, and this should be your desire as well. He does not want a woman to be taken advantage of, and he will hold accountable any man who does her harm.

3. If you are a woman, know that you are a person of great worth to God. You may need to make modifications in your daily life as you seek to live, speak, and think in a manner befitting your lofty status. And, of course, you should also refrain from taking advantage of the sexual vulnerabilities of a man. Seek every man's highest good. Treat every man as you should, for God is his champion as well.
4. If you are a person guilty of wrongdoing, know that God loves you. He holds you responsible for what you have done because he loves you and deems you a person of worth and dignity. He yearns for you to be restored and to once again experience happiness and well-being.

Christiological applications might begin by focusing on the incredibly gracious treatment of women by Jesus in the Gospels, especially those with a less than honorable sexual history (e.g., Luke 7:36-50; John 4:1-42, 7:53-8:11, etc.). His desire was always the restoration of the fallen. To the shock and horror of some, Jesus valued such individuals and gave them a future and a hope despite their wretched past. Like Father, like Son!

One might also consider—by way of typological imagery only—the enormous price that Jesus paid, in agreement with the Father, to make “tainted sinners seduced by evil” his very own “bride.” The priceless nature of his gift demonstrated the seriousness of his intentions and the depth of his commitment toward us. He is the ultimate “suitor of our souls” who has unblemished integrity. In the Garden of Gethsemane he put our eternal well-being above his own comfort and desires. On the cross he paid the ultimate bride-price and honored the Father. In resurrection life he now enjoys a pure and holy covenant relationship with his church. And the reconciliation he accomplished is ultimately satisfying to all parties involved.

VI. Conclusion

Christians today will find much value in reflecting deeply on the ancient laws that God gave to Israel. By focusing on what those laws reveal about God and his ways, Christians will have access to a vast repository of theological insights that can enrich their devotion to God and provide an ethical context for the outworking of their salvation (cf. Phil 2:12). Since Christ perfectly kept—and *is* the fulfillment of—the law (cf. Rom 10:4), knowing the law more fully will give Christians some vital insights as to why the Father was so well pleased with his Son (cf. Matt 3:17; 17:5). It will also give them a moral framework for what it means to “walk as Jesus did” (1 John 2:6) and be “imitators of God” (Eph 5:1). Ultimately, **when I come to the law of God, I encounter the God of the law. My desire in this sacred meeting is to discover his character and then allow that character to shape my own by the power of the Holy Spirit. His law is not graceless, and his grace is not lawless.**