

Sermon – 07/05/2006 pm

Marriage Violations

Study Text: Deuteronomy 22:9-30

The topic for discussion on talkback radio was ‘what should I call my spouse’? Because these days many co-habit rather than marrying a person for life, they do not like to be called husband and wife. They prefer to speak about their ‘partner’. But this is confusing for we have business partners, sporting partners and the like. How do others know what sort of partner you are introducing! I felt like ringing up and offering the term life partner. This is what Christians in India often called their spouse. It is a meaningful term, but one I considered would not be appreciated by the radio host.

No matter how hard sinful men and women try to avoid the commitment of marriage, the Biblical standard, the command given by God at creation, and endorsed by Jesus, remains. In the beginning God made us male and female, and said *a man will leave his father and mother and cleave to his wife and they shall be one flesh* (Genesis 2:24). Any departure from this pattern is disobedience – it is sin that will bring divine punishment. Through Moses God gave laws, along with specified penalties, to regulate this sacred command of marriage.

In Israel the family unit was fundamental to society and the prosperity of the nation. Members of the community had the right to know who was married and who was not married. Moreover, inheritance was very important in Israel. Not only land, but spiritual blessings were inherited. Family lines were carefully preserved (Deuteronomy 25:6).

Marriages were arranged, with the girl’s father determining who she married. Her husband was supposed to love and provide for her, but her father may be called upon to defend her if the husband was abusive as seen in this passage. Moreover the community leaders were responsible for upholding marriage and administering the penalties for marriage violation as prescribed in the law.

Marriage was actually a reflection of the covenant relationship between God and his people. Like a jealous husband, God watched over his bride or his people. ‘The covenant relationship between the Lord and Israel forms the theological background for the relationship between husband and wife. The symbolical aspects of marriage may well have dictated severe penalties for sexual offences’ (Harman).

Moses is explaining the seventh commandment; *you shall not commit adultery* in this passage. Keep in mind the principles just outlined as we examine the specific case of marriage violation and sexual immorality dealt with by Moses and the penalties prescribed. The matters concern adultery, sex before marriage and rape.

Adultery

If a man was found sleeping with a married woman, both of them were to be put to death under Mosaic Law. *You shall purge this evil from Israel* (22:22, Leviticus 20:10). Such violation of the marriage covenant was not to be tolerated.

Just who was to carry out the punishment is not stipulated here. Proverbs 6:34 warns against the fury of a jealous husband. We have already seen the role of the avenger of blood when someone was murdered. Maybe there was an avenger of marriage. Maybe the husband took the lead in stoning his wife and her lover.

Betrothal or engagement to be married was taken seriously in Israel. It was actually marriage but not yet consummated (22:24). Joseph, as we know, was betrothed to Mary when she was found to be pregnant with the Lord Jesus. He had in mind to divorce her (Matthew 1:19). Not only was a betrothed girl to remain a virgin until married, but if found sleeping with another man before marriage she was to be stoned along with that man at the city gate – the same punishment as for adultery.

If a woman was found not to be a virgin at marriage she likewise was to be put to death. She was taken to the door of her father's house and stoned by the men of the city for playing the harlot in her father's house (22:21). This special case is dealt with at length for it arises from an accusation by her husband. She was not found sleeping with another man.

I took this woman and when I came to her I found she was not a virgin (22:14). This accusation may be true or false. If true it was a serious violation of the marriage covenant and the penalty was death. If on the other hand the accusation was false this was also a serious matter and the penalty was severe.

The woman's parents were called in to produce evidence of her virginity at the time of marriage. Blood stained cloths, either from the breaking of the hymen or more likely menstruation, were to be produced as evidence of her pre-marital virginity. What was needed was evidence that at the time of marriage the woman was not pregnant but was menstruating. If she was not a virgin at the time of marriage she was guilty of sexual immorality. But in addition she was also threatening the family line and inheritance. In Israel it was important to know the paternity of any child in order to keep the blood lines pure and the inheritance in order. Illegitimate sons had no inheritance rights. Guilty of sex before marriage and threatening the family line, this woman was to be stoned at the door of her father's house.

Because of sexual immorality and IVF, the paternity of many children in our society is unknown. We recently has the case of a member of parliament claiming a young man as his son, an illegitimate son he did not know about – notice that the word illegitimate has dropped out of usage these days. But then DNA testing showed that he was not his son after all.

In all this confusion is it not possible that children of the same father could meet and get married? Such a situation would have been an abomination in Israel. Is it any less an abomination on our society? Yet many proudly declare how progressive we are redefining the family, and that the terms husband and wife and illegitimate are a thing of the past.

What if the parents had evidence that their daughter was a virgin at marriage? The husband was declared guilty of accusing his wife falsely and of bringing a bad name on a virgin in Israel (22:19). The elders of the city were to take that man and punish him – probably a whipping – and also to fine him 100 shekels of silver. This was no small amount. It was twice the bride price (22:29) and six times the amount Hosea paid to get his wife back (Hosea 3:2). Moreover, he was not allowed to divorce all his days. Since he had given his wife a bad name he had to live with her and save her from disgrace. Women were well protected under the law in Israel.

Rape and Seduction

Our legal system struggles to deal with accusations of rape. Firstly there is the matter of consent. How can this be defined? Secondly there is the matter of penalties for those convicted of rape. We have the sentences increased in recent years, in some cases even beyond that for murder. The law God gave through Moses was simple and severe.

If a man finds a betrothed woman in the countryside and the man forces her and lies with her then only the man who lay with her shall die (22: 25). It was assumed that the woman being raped would cry for help, but if she was in the country no one would hear her. The woman was therefore exonerated while the man who raped her was sentenced to death. The rape was tantamount to adultery and the penalty the same. It was just that one party only was guilty.

If a man finds a young woman who is a virgin, who is not betrothed, and he seizes her and lies with her and they are found out (22:28). Is this another case of rape? The terminology is different here. Whereas he ‘forced’ the betrothed woman here it is ‘seize’ or ‘grab’. And what’s more they are discovered. This indicates seduction rather than rape. What was to be done in this case? The man was to pay her father 50 shekels of silver (the bride price) and take the young woman as his wife and never divorce her. The father could veto the marriage if he wished (Exodus 22:17).

What about the case of rape of a woman who is not betrothed? This case is not specifically dealt with here, maybe because it was highly unlikely. It would have been rare for a young unmarried woman to ever be alone, especially in the countryside in this society. Amnon was able to rape Tamar but she was his half sister – a disgraceful thing in Israel (II Samuel 13). In the ensuing corruption in the royal household, Amnon was killed on the order of Absalom, Tamar’s brother.

Conclusion

Adultery, sexual intercourse of a man with a married or betrothed woman was punishable by death in Israel. Both parties were to be stoned, except in the case of rape when only the man was put to death. This was still the law in New Testament times.

The Pharisees knew this law well. They brought to Jesus a woman caught in adultery – in the very act – declaring that Moses commanded such a woman must be stoned (John 8:5). But where was the man who must have been with her? And why did they not stone her themselves – they were the one upholding the Law (the Romans as we know did not permit the Jews to exercise the death penalty). What did they expect Jesus to do? They were actually testing Jesus. They were hypocrites.

Jesus challenged them to examine their own hearts before judging the woman. In guilt they all went off. It was left to Jesus to judge her. He said *Neither do I condemn you; go and sin no more.* She escaped the death penalty because of the grace and forgiveness of Jesus. Jesus died to forgive sinners like this woman, and like you and me. Go and sin no more.

Rev. Dr. Dennis K. Muldoon