



Biblical Law Permits Rape of Female Captives

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Most Christian missionaries are hypocrites when they criticize Islam for its laws on slavery. ¹ In Islamic Law Muslim men are permitted to have sexual relationships with their female slaves. In response to this Islamic Law we hear from the Christian Missionaries statements like "...Would you join a religion that permitted men to have sex with their slave-girls? ..." or "...Muhammad is a false and evil prophet since he permitted men to have sexual relationships with their female slaves...". In order to discredit Islam some more they even argue that Islamic law allows men to rape their female slaves [or captives]. However not a single authentic hadith or verse from the Holy Qur'an states that men are allowed to have sexual intercourse with their female slaves by force. Contrary authentic hadith and Quranic verses cancel out sexual abuse or rape of female slaves ². Most Christian missionaries however ignore hadith and quranic verses that do not suit their "evangelical" agenda. For this reason we shall confront them in this paperwork with their own Bible. The Bible, in contrast to Islamic Law, permits a warrior to rape his female captive, see:

Deuteronomy 21:10-14, King James Translation

[10] When thou goest forth to war against thine enemies, and the Lord thy God hath delivered them into thine hands, and thou hast taken them captive, [11] And seest among the captives a beautiful woman, *and hast a desire unto her*, that thou wouldest have her to thy wife; [12] then thou shalt bring her home to thine house, and she shall shave her head, and pare her nails; [13] And she shall put the raiment of her captivity from off her, and shall remain in thine house, and bewail her father and her mother a full month: and after that *thou shalt go in unto her*, and be her husband, and she shall be thy wife. [14] And it shall be, if thou have no delight in her, then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not make merchandise of her, *because thou hast humbled her*.

When Christian missionaries are confronted with this passage in debates, they reply:

Looking at the passage there is not even the hint of a rape. In fact, just the opposite is given. When a woman who is not a Jew is made a captive, and the Israelite falls in love with her because of her beauty, he is not allowed to touch her for those 30 days so that she may mourn the loss of her family. The intention of this law is to protect her against rape, and give her time to get used to the Jewish culture.

¹: In Islamic Law only prisoners of war could be enslaved

²: See: Hilmi M. Zawati: "Is Jihād a Just War? War, Peace and Human Rights under Islamic and Public International Law" (The Edwin Mellen Press, 2001), p. 43

This argument however is incorrect. First it denies the fact that a female captive would be forced into marriage by her captor [which is equal to rape] [3](#) . Secondly this argument is based on an inaccurate or *non-literal* translation of the *Hebrew text* in v. 11. A literal translation of the text reads:

[v. 11] "...and hast seen in the captivity a woman of fair form, "and hast delighted in her" , and hast taken to thee for a wife..." [Young's Literal Translation]

A literal translation of the Hebrew text reveals us that the biblical warrior "enjoyed" the captive woman. The expression "*and hast delighted in her*" is a reference to sexual intercourse by force. The renown Bible scholar Mathew Poole confirms this view. In his commentary on v. 11 Poole writes:

11.... "hast taken delight in her" ; which may be a modest expression for lying with her, and seems probable, because it is said, ver. 14 "that he had humbled her", to wit, by military insolence, when he took her captive, not after he had married her, for then he would have expressed it thus, "because thou hast married her", which had been more emphatical than to say, "because thou hast humbled her" [4](#)

Let us take a look again at Deut. 21:14: "...And it shall be, if thou have no delight in her, then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not make merchandise of her, because thou hast *humbled her*...." ["*initah*" from the root "*anah*"]

The Hebrew verb "*anah*" which is often translated as "*humbled her*" in this verse [v. 14] describes the harm done to the captive woman after the warrior "hast taken delight in her" [enjoyed her by sexual intercourse]. Classical reference books indicate that the verb "*anah*" signifies an act of violence. For example, the concordance of Madelkern offered the Latin equivalent "opprimere, vin affere" [5](#)

Another source also confirms this conclusion:

The general meaning of the Heb. Piel of “ana” is “humble” or “force into submission”. In other passages where it denotes forcing sexual relations upon a woman the RSV renders it “humble” [Gen. 34:2; Ezk. 22:10], “humiliate” [Dt. 21:14], “violate” [22:24, 29], or “force” [2. S 13:12, 14, 22, 32]. [10](#)

Mathew Poole also points out that the expression “humbled her” in Deut. 21:14 is a reference to sexual intercourse [rape] that took place earlier between the female captive and her captor, see:

Humbled her - i.e. lain with her , as this phrase is often used, as Gen. xxxiv.2; Deut. xxii. 24, 29.... [11](#)

More proof for this conclusion can be found in the fact that many early Jewish scholars permitted a soldier to have intercourse with his female captive. In the Talmud Bavli [12](#) we see in Kiddushin 21b the general agreement that a soldier is allowed one act of intercourse with a captive, but not on the battlefield. Another opinion is also mentioned by the Jews: “..it seems to Rabbenu Tam [13](#) that a first cohabitation is permitted in war..” [Tosefot Kiddushin 22a], i.e. in public, and only the second cohabitation “is forbidden until she shall be a convert in his home..”. Another source also confirms that a soldier is *permitted to have sex* with his female captive before he decides to marry her [14](#) , see:

handsome woman - esp. (ref. to Deut. XXI, 10 sq.) a gentile captive with whom the captor had had intercourse before deciding on converting and making her his legitimate wife. [15](#)

The law of the foreign captive woman is also listed among the positive commands in the “613 Mitzvot” [16](#) . R. L. Eisenberg explains this law in the light of traditional rabbinic sources and states:

If the Jewish captor eventually decided not to marry the captive woman... He was forbidden to sell her...The rationale given is that he had “afflicted her” , either by forcing her to have sexual relations with him when she was first captured or by requiring that she stay in his home for a prolonged time [17](#)

[10](#): G. W. Bromiley ‘International Standard Bible Encyclopedia:Q-Z’ (Wm. B. Eerdmans Publishing 1995) p. 49

[11](#): Matthew Poole's Commentary on the Holy Bible, vol. 1: Genesis- Job (Hendrickson Publishers 1985) p. 376

[12](#): Note: the Talmud Bavli is the Mishna plus the Babylonian gemara. The Bavli is the authoritative Talmud halakhically.

[13](#): Rabbeinu Tam [c. 1100 – c. 1171] was a renowned Rabbinic authority and communal leader. His commentary appears in every edition of Talmud opposite the commentary of Rashi.

[14](#): In Kiddushin 22a we read: “The marriage is valid, even though.. she does not convert of her own free will”

[15](#): Marcus Jastrow, “A Dictionary of the Targumim, the Talmud Babli, and Yerushalmi, and the Midrashic Literature” [Luzac, 1903] p. 585

[16](#): According to Jewish tradition these are the 613 commandments [“mitzvot”] contained in the Torah.

[17](#): Ronald L. Eisenberg, “The 613 Mitzvot: A Contemporary Guide to the Commandments of Judaism” [Schreiber Publishing Inc , 2005], p. 157

Rabbi Moses Maimonides writes: "...A soldier in the invading army may, if overpowered by passion, cohabit with a captive woman ... [but] he is forbidden to cohabit with her a second time before he marries her ... Coition with her is permitted only at the time when she is taken captive ... he must not force her in the open field of battle ... that is, he shall take her to a private place and cohabit with her" [18](#) The fact that Maimonides states that a soldier is only forbidden to force his female captive into sex in the open field of battle [or in a camp or public place], proofs that Maimonides deemed it lawfull for a soldier to rape his captive in a private place. Maimonides also said: "...A priest is permitted to have relations with a captive woman once, for permission to have relations with a captive woman is a concession to man's evil impulse; but he is not permitted to marry her.." [19](#) In other words a Jewish priest is also permitted to rape his female captive once [20](#)

Other authorities like: Prof. Athalya Brenner [21](#) , Bernard S. Jackson [22](#) , Carolyn Pressler [23](#) , Susan Brooks Thistlethwaite [24](#) , Saul M. Olyan [25](#) and Prof. Harold C. Washington [26](#) also confirm that biblical law permits rape of [gentile] female captives. Their comments are cited in our next section

Statements from Biblical Scholars

Athalya Brenner comments:

a virgin captive who has been raped can be made wife and divorced but not sold into slavery, because the relationship began with a rape [Deut. 21:14] [27](#)

Saul M. Olyan comments:

Deut 21:10-14...when he wishes to be rid of the woman he captured in war if he no longer desires her: he must allow her to go where she wishes; he may not sell her nor may he abuse her *because he raped her* [28](#)

[18](#): Maimonides, M. 1195 [circa]. The Book of Judges: The Code of Maimonides [Hershman, A.M. trans] New Haven: Yale University Press [1949] , 5: 8: 2,3

[19](#): Ibid. 5: 8: 4

[20](#): In another source [Hullin 109b] it is explained that the Torah forbids a man a non-Jewess, but permits him the captive woman. Not only is she the vehicle by which he releases his lust, she is not even his first choice. The captive woman can be described as a consolation prize.

[21](#): Athalya Brenner is Professor of Hebrew Bible / Old Testament in the Biblical Studies section of Religious Studies at the Department of Art, Religion and Culture, Faculty of the Humanities, University Amsterdam

[22](#): Bernard S. Jackson is alliance Professor of modern Jewish Studies. Prof. Jackson founded The Jewish Law Annual [which encompasses all periods and approaches to *Jewish Law*] and edited it from 1978 until 1997

[23](#): Carolyn Pressler is Prof. of Biblical Interpretation at United Theologica Seminary of the Twin Cities.

[24](#): Rev. Susan Brooks Thistlethwaite is president of Chicago Theological Seminary and senior fellow at the Center for American Progress. She has been a professor of theology at the seminary for 20 years.

[25](#): S. Olyan is Samuel Ungerleider Jr. Prof. of Judaic Studies & Prof. of Religious Studies at Brown University

[26](#): Harold C. Washington is Prof. of Hebrew Bible at Saint Paul School of Theology in Kansas City. He holds both M.Div. and Ph.D. degrees from Princeton Theological Seminary.

[27](#): Athalya Brenner, "Feminist Companion to the Latter Prophets" [Continuum International Publishing Group, 2004] , pp. 337-338

[28](#): Saul M.Olyan, "Rites and Rank: Hierarchy in Biblical Representations of Cult" [Princeton University Press, 2000] , p. 166

The law set out in Deut. 21:10-13 is drafted in second person singular. It directly addresses the warrior, and, in the first place, regulates his behaviour. Verse 12 changes to third person feminine and concerns the behaviour of the woman. The switch from direct address to third person may indicate that the warrior addressed is responsible for seeing that the woman's actions are carried out.

One's interpretation of Deut 21:10-13 depends largely on where one understands the *protasis* to end and the *apodosis* to begin. It is possible to interpret the law as if the *protasis* extends only through v.11a: "when you go out to battle against your enemies and the Lord your God gives them into your hands, and you take them captive, if you see among the captives a beautiful woman and desire her". The *apodosis* then begins with the command: "Then you shall take her as your wife, and bring her to your household". It is also possible to extend the *protasis* through v. 11 to the *athnah* at v. 12. The law then reads: "When you go out to battle against your enemies and the Lord your God gives them into your hands, and you take them captive, if you see among the captives a beautiful woman whom you desire and want to marry and bring into your household, then she shall shave her head, and pare her nails".

This latter translation is preferable for two reasons. First, beginning the *apodosis* at v. 11b creates a sequence of events which is out of order. The warrior addressed by the law is to marry the woman. Then the woman is to perform three ritual actions and mourn her parents for a month, after which the man is to go in to her and marry her. The man appears to be told to marry the woman twice. The awkwardness of having the man marry the captive woman before and after her month of mourning is eliminated by extending the *protasis* through v. 12 a. If the man wishes to marry the woman and bring her into his household, then she must perform the rituals and mourn her parents. After that he may go to her and marry her. Second, there is a change of person at the *athnah* in v. 12. The law begins in second person, addressing the warrior who desires the woman. At the *athnah* in v. 12, it switches to third person feminine singular, and states actions that the woman is to perform. This break in syntax may well signal the break between the *protasis* and the *apodosis*. We will argue that this law provides a means for the man to marry a woman in a case where the normal procedures for marriage are not possible, and provides a way for the foreign woman to be assimilated into an Israelite household.

Commentators frequently understand the purpose of this law as a prohibition against rape on the battlefield. "It is unlikely that this was the aim of the law". We have argued that the law should not be translated as: "If you desire her, then you shall marry her". Rather the man's desire to marry the woman is of the *protasis*. The law has to do with a case where a man wishes to marry a foreign captive; it then provides a means for him to do so. Moreover, the law is concerned with what happens within the household, *not* what happens on the *battlefield*. All of the actions commanded by the *law* take place within the household. Finally, such a prohibition would not be in keeping with the tenor of Deut. 20:14 which instructs the soldiers to plunder the wives and children of their enemies: 'devour the spoil of your enemies'

Rather, the law has two main purposes. The first purpose seems to be to provide a legal means for the man to marry a woman in a situation where the normal procedures for contracting marriage are impossible. Marriage in the ancient Near East normally involved a contractual arrangement between the groom or his parents and the parents of the bride. CH 128 and CE 27 and 28 appear to state that the existence of such a contract determined whether the relationship between a man and a woman was considered a legal marriage. A contractual arrangement with the woman's father, mother, brother or master *appears to be constitutive of marriage* in ancient Israel as well. In the case of the captive woman, such a contract is not possible. The law thus provides an *alternative way* for the man to marry the woman...Did the law intend to prohibit a man from having sexual relations with a captive female slave whom he did not marry? We have already suggested that the phrase "...chashaq laqach 'ishshah.." belongs to the *protasis* rather than to the *apodosis*. That being the case, "there is nothing in the law" which prohibits the man from engaging in sexual relations with the woman without marrying her. Rather, the law simply sets forth a procedure for marrying the woman, should that be what the man chooses... [29](#)

29: C. Pressler: "The View of Women Found in the Deuteronomical Family Laws" [Walter de Gruyter 1993] pp.10-14

Bernard S. Jackson comments:

Deut. 21:10-14. The law envisages, first, that captives are taken. Their status is therefore already that of slaves [v. 10]. An Israelite then sees, amongst them, a beautiful woman, “desires her” [v. 11]. Despite the RSV translation [above], this “refers simply to the sexual act” [see: John van Seeters, “A Law Book for the Diaspora: Revision in the Study of the Covenant Code”, Oxford University Press 2003, p. 93]; the captor here is simply exercising over the woman his rights as a slave owner. The text then proceeds with humanitarian requirements [vv. 11-12], leading to a change in the woman’s status. What status is thereby created ? Tosato argues that she is a “pilegesh” , a free woman who is a secondary wife. But can such secondary wives, in principle, be sold ? If not, the final provision, in v. 14, banning her sale for Money, would be otiose. In fact, there is no trace in the Hebrew Bible [unlike the ancient Near East] of any institution of selling wives [even in the context of debt slavery, where we do hear of the sale of children] . It would thus appear that the status created in v. 13 is that of a slave concubine rather than that of a wife. Once her status has been altered in this way, the master cannot revert to treating her as disposable property. But is this because of her status as a slave concubine, or for some other reason ? The motive given in v. 14 is “since you have humiliated her”. The term used is the same as that which provides the motivation for the Deuteronomic rape law: [Deut. 22:29] , and there the rapist has an obligation to marry his victim. Both laws contemplate the same sequence of events: rape followed by regularisation of the relationship, followed by contemplation of its possible termination [30](#)

Susan Brooks comments:

The theological purposes read into the conduct of biblical war are to serve Yahweh and the ends of Yahweh. These are not always the expedient of the triumph of Israel. The destruction of Israel is also interpreted as serving the ends of Yahweh, namely the punishment of the disobedient Israel. The larger paradigm is the threat of chaos [disobedience] and the assertion of order [obedience] . Into this overarching paradigm comes the definition of women and their sexuality. Women, symbolizing chaos, are a logical choice for playing out scenarios of control. It is interesting to observe as Dorah Setel, that when Israel’s defeat in war is threatened, the female is very explicitly blamed as the cause of evil and disruption since Israel has been “playing the whore”. The emergence of objectified female imagery in Hosea and the other literary prophets can be seen as related to the intellectual and psychological disruptions caused by political events” (94-95). That is, the disruption of political events is referred, psychologically, to the threatened chaos *the female body* already symbolized for the community.

In theological terms the function of war is to subdue chaos and to achieve obedience to the purposes of Yahweh. The symbol of the female as chaotic and evil is employed in various contexts to describe disobedience and its consequence, defeat. Similarly, obedience to the purposes of Yahweh has, as one of its designated spoils, the enjoyment of female bodies and ultimately, therefore, the possession of legitimated offspring. Is rape of women in war one of the ways to pursue “Holy War” ? On one level, because the biblical definition of women is as the sexual property of designated males, biblical writers did not recognize rape in war under their own designations of rape as theft of sexual property. It was not rape by their lights, since no sexual property holder was left alive to be offended...And, whatever definition biblical writers themselves held of rape, the fact remains that female captives were sexually violated against their will, i.e. they were raped. In this limited sense of the control of the chaotic female nature being a symbol of the order established through war, the “enjoyment of the spoils” is a way of working out Yahweh’s purposes in war, i.e. rape does serve the purposes of “Holy War”. [31](#)

30: Bernard S. Jackson: “Wisdom-laws: A Study of the Mishpatim of Exodus 21:1-22:16” [Oxford University Press, 2006], pp. 116-117.

31: Susan Brooks Thistlethwaite: “You May Enjoy the Spoil of Your Enemies : Rape as Biblical Metaphor for War” , in *Semeia* 61 (Scholars Press, 1993) , pp. 68-69

Harold C. Washington states:

Warfare for the purpose of seizing women, however does appear in biblical narrative [Jud. 21.8-12] , and in Ugaritic epic [KTU 1.14-16] , where the hero Kirta stages a military expedition to capture a woman from a neighboring city. Rape has accompanied warfare in virtually every known historical era. Hence biblical commentators sometimes regard Deut. 21.10-13 as a prohibition of rape on the battlefield. This is not the case, however. Although the law addresses the soldier [“when you go out to battle against you enemies” 21.10 a] , it governs conduct after the victorious completion of combat: “and the Lord your God gives them into your hands” [21.10 b] . The setting is one where a town has fallen and the conquering soldiers are assembling captives from among the survivors. The law does not curtail men’s rape and subsequent killing or abandonment of women during combat [cf. 20.14] . If the law is not concerned with the problem of rape in battle, it does give sanction to sexual coercion in the aftermath of war... [32](#)

As one can see there is nothing in the law which prohibits the man from raping the woman before he decides to marry her. The law simply sets forth a procedure [Deuteronomy 21:12-13] [33](#) for marrying the woman, should that be what the man chooses. It is “only” during this procedure that a man is not allowed to have sexual intercourse with the woman. In other words prior or after this procedure a man is permitted to rape his female captive. Professor Harold C. Washington confirms that the woman is also forced into sexual intercourse after the procedure is complete, see:

Given that the woman in this passage attains her position in marriage as the victim of capture by military attack, how should we regard the sexual relationship depicted here ? ... The fact that the man must wait for a month before *penetrating* the woman [21.13] does not make the sexual relationship something other than rape....Only in the most “masculinist” of readings does the month-long waiting period give a satifactory veneer of peaceful domesticity to a sequence of defeat, bereavement, and rape [34](#)

Rape in another Biblical Passage

In the Bible the next command is attributed to Moses:

Now kill all the boys. And kill every woman who has slept with a man, but save for yourselves every girl who has never slept with a man [35](#)

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- [32:](#) H. C. Washington, “Lest He Die in the Battle and Another Man Take Her : Violence and the Construction of Gender in the Laws of Deuteronomy 20-22” in: ‘Gender and Law in the Hebrew Bible and the Ancient Near East’ , edited by Victor H. Matthews, Bernard M. Levinson and Tikva Frymer-Kensky (Continuum International Publishing Group, 2004) , p. 203
- [33:](#) Prof. Carolyn Pressler comments “..It seems likely that the rituals and the morning period serve as ways to facilitate the assimilation of the woman, a foreigner, into an Israelite household...” [source: Carolyn Pressler: “The View of Women Found in the Deuteronomic Family Laws” (Walter de Gruyter 1993) p.12]
- [34:](#) H. C. Washington, “Lest He Die in the Battle and Another Man Take Her : Violence and the Construction of Gender in the Laws of Deuteronomy 20-22” in: ‘Gender and Law in the Hebrew Bible and the Ancient Near East’ , (Continuüm International Publishing Group, 2004) , pp. 204-205
- [35:](#) Numbers 31:17-18, NIV Translation

Dr. Jason Long comments that:

In the matter of Moses' war victory over the Midianites, God had previously commanded him to build an army and defeat the enemy. After successful completion of this task, his army takes thousands of war prisoners. Moses then orders his army to kill the remaining men, boys, and women who have already slept with a man, "but all the women children, that have not known a man by lying with him, keep alive for yourselves" [Numbers 31:17-18]. If taking a human war trophy based solely on the prisoner's gender and sexual status isn't implied permission to commit rape, I honestly don't know what is... [36](#)

Theodore Nadelson comments:

Women's place in ancient hierarchies was to serve the powerful men as wives and to serve the group as producers of children. The ban in the Hebrew Bible, the edict from God to destroy all of the enemy, was relaxed toward virginal women of the enemy, preserving them to produce children who would join in work and war. The ban also reflected the patriarchal value that purity of lineage resided in male seed [37](#)

Sue Sandidge also states that:

Virgins could be spared, because they could produce offspring for their conquerors [38](#)

Eerdmans Bible Dictionary adds:

Desirable virgins captured on the battlefield could be forced to marry their captors [39](#)

As one can see Numbers 31:17-18 clearly shows us again that Biblical Law permits men to rape their female captives. Virgins captured on the battlefield could be raped or forced to marry their captors. Not a single passage in the Bible condemns or prohibits rape of female prisoners in war. [40](#)

[36:](#) Dr. Jason Long, *"Biblical Nonsense: A Review of the Bible for Doubting Christians"* (iUniverse, 2005), p . 111

[37:](#) Dr. Theodore Nadelson, *"Trained to Kill: Soldiers at War"* (JHU Press, 2005), p. 145

[38:](#) Sue Sandidge, *"Forty Years in The Wilderness: Moses Leads the Bible's Lost Generation"* (Xlibris Corporation 2005), p. 253

[39:](#) David Noel Freedman, Allen Myers and Astrid B. Beck: *"Eerdmans Dictionary of the Bible"* (Wm. B. Eerdmans Publishing 2000), p. 1359

[40:](#) Prof. Carolyn Pressler states: "...there is nothing in the law which prohibits the man from engaging in sexual relations with the woman without marrying her...." [Source: C. Pressler: "The View of Women Found in the Deuteronomic Family Laws" (Walter de Gruyter 1993), pp.13-14]

Appendix A : what does the Bible view as a sexual crime ?

Within the Hebrew Bible, a married woman who has sexual relations with any man other than her husband is considered guilty of a sexual misdeed, but a married man's guilt depends upon the identity of the female partner with whom he has sexual relations. Sexual contact with the wife of another man, for example, is considered a misdeed for both the male and the female partner, where sexual contact with a female captive or slave by a married man is apparently not considered a sexual offense. The distinguishing feature between these two examples is the presence or absence of a male who has rights over the woman's sexuality, rights which are considered to have been violated. The sexual offense committed by a married man with another man's wife is not considered to be an offense against the adulterer's wife, but rather against another man, the husband of the female sexual partner. Women captured in war are no one's sexual property since their males have been killed. Therefore raping them is not considered a sexual crime in the Bible. There is no party to offend. Susan Brooks Thistlethwaite confirms this in one of her writings:

Sexual crimes relate to the female as "sexual property". The penalties for rape committed against a betrothed woman [one whose sexual property has been claimed] are more severe than against an unmarried virgin. Adultery is by far the most serious crime; the law prescribes death by stoning for both parties [Deut 22:22]. This property violation strikes at the heart of the way the community is organized and maintained, and so is also pollution of that value system. This crime is so serious a disruptive evil that "you shall purge out the evil from Israel" [Deut 22:22 b] by killing the evildoers; the language of purging is a clear indication that the purity of Israel is at stake in this violation. Consent of a betrothed woman (the distinction in her case between rape and adultery) is reckoned by the measurement of her resistance – in an urban area, if she cried out. There again, if she consented, the community must again be purged from this pollution by the death of both parties [Deut 22:23]. Open country presents another problem: even if she cried out, she would not have been heard, and so only the man is stoned [Deut 22:24]. His act of violating by force another man's sexual property must be purged completely for the community to be whole. Now , all these deaths are only for crimes that involve a betrothed woman. When a man "seizes" [(Hiphil) , "seize" , "force" , "ravish"] an unmarried woman, he must pay her father fifty shekels of silver, marry the woman he has raped and never divorce her [Deut 22:28]. A death is not extracted because it is a less serious crime. In the Hebrew Bible the offended party is the one who is the sexual property holder: in the case of the betrothed woman, her husband; in the case of the unmarried virgin, her father. The father is compensated for the loss of the bride price that an undamaged virgin would have brought. In any case unmarriageable, the woman who has been raped is married off to her rapist. The husband of a betrothed woman is by far the most offended person in this system, since what has been stolen from him is his right to legitimate offspring , a right that is central to the way the society was organized There are degrees of sexual property within Israel, and these degrees come in to play particularly with the treatment of concubines and slaves, i.e. those women sold into servitude or captured in war. Their status is even less protected and there seems to be no definition of rape that can apply to their situation...A related set of regulations in Numbers 31 also apply. In avenging themselves upon the Midianites, the Israelites "took captive the women of Midian and their little ones" [31:9 a] , having slain all the adult males. Moses is angered, asking "Have you let all the women live ?" [31:15]. He blames the adult women for seducing the Israelite men to listen to "Balaam's counsel" , i.e. to worship Baal, and so instructs that they "...kill every male among the little ones, and kill every woman who has known man by lying with him. But all the young girls who have not known man by lying with him, keep alive for yourselves..." [31:17-18]. Those women allowed to live are booty ; they are no one's sexual property since their males have been killed. They therefore do not fall into the category of people who can be violated by rape. There is no party to offend. [41](#)

41: Susan Brooks Thistlethwaite: "You May Enjoy the Spoil of Your Enemies : Rape as Biblical Metaphor for War" , in Semeia 61 (Scholars Press, 1993) , pp. 63-65

Appendix B : She shall shave her Head

then thou shalt bring her home to thine house, and she shall “shave” her head, and pare her nails [42](#)

In biblical language the word "gilu'ach" [“shaving”] does not mean that all her hair must be shaved off, but rather refers to something that in modern parlance would be called a haircut. Similarly, we find in the case of Yosef, when he is freed from the prison, that "...he cut his hair [galach] and changed his garments and came to Par'o..." [Bereishit 41:14; Shmuel II 14:26]

Appendix C : Rape as a Biblical Punishment

In the Book of Isaiah the next prophecy is made:

Because the daughters of Zion are haughty, and walk with stretched forth necks and wanton eyes, walking and mincing as they go, and making a tinkling with their feet: Therefore the Lord will smite with a scab the crown of the head of the daughters of Zion, and the Lord will discover their secret parts [43](#)

C. F. Keil and F. Delitzsch comment:

The attractive influence of natural charms, especially when heightened by luxurious art, is very great; but the prophet is blind to all this splendour, and seeing nothing but the corruption within, foretells to these rich and distinguished women a foul and by no means aesthetic fate. The Sovereign Ruler of all would smite the crown of their head, from which long hair was now flowing, with scab ["v'sippach" , a progressive preterite with "Vav apodosis" , a denom. verb from "sappachath" , the scurf which adheres to the skin: see at Hab 2:15]; and Jehovah would uncover their nakedness, by giving them up to violation and abuse at the hands of coarse and barbarous foes-the greatest possible disgrace in the eyes of a woman, who covers herself as carefully as she can in the presence of any stranger [44](#)

It's truly amazing to see how some Christian Missionaries argue that the Bible forbids rape of female captives while according to their own book God himself decides to send an army in order to punish haughty women with *rape*. A similar action is attributed to God in the Book of Zechariah. [45](#)

[42:](#) Deuteronomy 21:12, King James Version

[43:](#) Isaiah 3:16-17, King James Version

[44:](#) See: Commentary on the Old Testament by C. F. Keil and F. Delitzsch, Vol. VII, Isaiah [William B. Eerdmans Publishing Company, Grand Rapids Michigan 1980], p. 143-144

[45:](#) In Zechariah 14:1-2 we read: "...Behold , the day of the Lord cometh, and thy spoil shall be divided in the midst of thee. For I will gather all nations against Jerusalem to battle; and the city shall be taken, and the houses rifled, and the women ravished; and half of the city shall go forth into captivity..."