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Women's Rights in Old Testament Times by James R. Baker

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JAMES R. BAKER. *Women's Rights in Old Testament Times*. Salt Lake City: Signature Books, 1992. xii; 186 pp. Index. Paperback. \$17.95.

Reviewed by Camille S. Williams, Instructor of Philosophy at Brigham Young University.

In this book, Salt Lake attorney James R. Baker attempts to bridge the considerable gap between general readers, who are vaguely acquainted with Old Testament narratives, and the specialized worlds of ancient law, biblical studies, and women's studies. Utilizing the surviving legal codes from city-states in the Near East, c. 2200 B.C. to A.D. 200–600, and drawing on the work of modern biblical scholars, particularly Raymond Westbrook and Bernard Jackson, Baker retells the stories of various biblical characters in light of his reconstruction of the legal and social context of their times.

The stories of Jacob, Leah, Rachel, Joseph, David, Cain, and Abel are recounted in view of ancient laws governing herding- and animal-keeping contracts. Events in the lives of Jacob, Leah, Rachel, and Rahab (the harlot of Jericho) are set against the laws of metronymic marriage, according to which the groom joined the household of his father-in-law. The stories of Rebekah, Sarai, Hagar, Michal, Bathsheba, and David's daughter Tamar are explained in relation to ancient laws governing slavery, marriage, levirate marriage for the purpose of raising up sons for a deceased brother, and punishment of sexual activity outside of marriage. A discussion of ancient inheritance laws is the backdrop for the stories of Ruth and Naomi, Tamar and Judah, and the daughters of Lot. Activities of Dinah, Pharaoh's daughter, Zipporah, and an unnamed concubine are treated in a concluding miscellany.

Believing that he has "discovered a void," Baker attempts to decode the "puzzling social and historical context of Hebrew women," who, though "partly concealed by the patriarchal emphasis of the Bible, . . . exerted considerable influence in their communities and were often adept at working the law to their advantage" (ix). Given the relative lack of general knowledge about the lives of women in ancient times, this study should have incorporated

more of the growing body of scholarship on the subject, especially from women scholars. Baker admits that he is “not a student of feminist theory” (xi), but he hopes that his work may be useful for women’s studies. Nevertheless, I had difficulty shaking the impression that this book began as a more general work that was partially rewritten or adapted to appeal to the women’s studies market. In its retelling of these women’s narratives, the book is reminiscent of Edith Deen’s *All of the Women of the Bible* and Jerrie Hurd’s LDS volume, *Our Sisters in the Bible*; it does not match the rigor of Judith Romney Wegner’s analysis of Jewish law, *Chattel or Person?*, nor does it exhibit the hermeneutical skill of Phyllis Trible’s *Texts of Terror*.¹

The book’s introduction to the codes is well written but would have benefitted from a fuller treatment. Baker asserts that “ancient legal codes are rough compilations of legal abstracts of the king’s rulings or those of his courts recorded to show posterity that the king had fulfilled his mandate to bestow justice and equity upon the poor, the widowed, the orphaned, and the enslaved” (1-2), which may or may not be an adequate definition. He does not explicitly compare contemporary notions of individual rights with those ideas he considers inherent in ancient law. Consequently, his conclusions and asides often betray a contemporary preference for individual natural rights rather than offering a more complete explication of ancient law and society on its own terms. Ancient laws were grounded in the individual’s social, economic, political, and marital status in ways quite foreign to many current readers. Additional explanation at the outset might have increased reader awareness of ancient values without sacrificing interest in the stories of individual women in the Bible.

Baker’s cursory treatment of the Near Eastern law codes may merely reinforce stereotypes of ancient cultures by reducing the complexity of those societies to a near-caricature in which women are treated with capricious harshness and subjected to “the life-and-death power of a father over his family” (10). Some ancient laws were undoubtedly harsh; however, their harshness extended to men as well as to women. Contrary to an impression Baker gives, the laws sometimes limited a father’s ability to impose punishment until either the judges or the king had heard the case,

and punishment was then administered in the presence of the judges. Such provisions may have either tempered the actions of an irate patriarch or increased his ire. But the point not to be missed is that punishment was frequently a public act rather than a private right.

Summarizing law codes spanning thousands of years and several cultures is problematic enough under the best of circumstances, but this book's discussion is further weakened by giving inadequate attention to ancient beliefs. For example, justice could be administered by the swearing of oaths, by ordeal, or by divine judgments. To the modern mind, these methods may seem absurd; to the ancients, cases which could not be decided by the rational means of witnesses or documents could be decided by extrarational means, such as throwing the accused into the river, thereby bringing divinity into the legal investigation. Baker, however, simply calls the river ordeal for a wife accused of adultery "bizarre and the harshest for women" (3). Moreover, he does not mention that men accused of certain crimes could also be subjected to the same ordeal.

Some of the examples of ancient laws highlighted in this book seem to have been selected for their shock value—and some are shocking. However, emphasizing the provisions that seem unfair to women without explaining the legal system as a whole presents a distorted view. For example, it would have been helpful to discuss more ways in which those societies were apparently moving from the practice of punishing whole families for the crime of one member to limiting punishment to the perpetrator alone.

Baker's descriptions are sometimes conflicting or confusing: "Bilhah was a victim" (56) yet an "errant concubine" (58); Leah's "female-initiated fornication" (47) with Jacob "may have been morally reprehensible" but was probably "no crime or tort" (48); and Rebekah's efforts to secure the birthright blessing for Jacob were "deceitful and fraudulent" (114), though Baker underscores "the importance of women asserting themselves in the face of opposition" (177).

Although Baker deals with interesting subjects, his coverage is uneven. The omission of three of the Bible's most politically powerful women—Vashti and Esther, who were queens, and Deborah, who

was a judge and military leader—because they “do not involve legal issues” (x) is puzzling; as is the lack of an overall conclusion to the book. While readers will find some useful information here, they will want to consult the primary sources, additional biblical texts, and further commentaries for a fuller understanding of ancient law as applied to the women of the Bible.

NOTE

¹Edith Deen, *All of the Women of the Bible* (New York: Harper and Brothers, 1955); Jerrie Hurd, *Our Sisters in the Bible* (Salt Lake City: Deseret Book, 1983); Judith Romney Wegner, *Chattel or Person?* (New York: Oxford University Press, 1988); and Phyllis Trible, *Texts of Terror* (Philadelphia: Fortress, 1984).