

Emergency Measures

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Passage: “If a man has two wives, the one loved and the other unloved, and both the loved and the unloved have borne him children, and if the firstborn son belongs to the unloved, then on the day when he assigns his possessions as an inheritance to his sons, **he may not treat the son of the loved as the firstborn in preference to the son of the unloved**, who is the firstborn, but he shall acknowledge the firstborn, the son of the unloved, by giving him a double portion of all that he has, for he is the firstfruits of his strength. The right of the firstborn is his” (Deuteronomy 21:15-17, ESV).

Introduction: *Polygamy* (the custom of having more than one wife) is rare throughout most of the world. In the U.S., it was criminalized in 1882.¹ Today, people in the U.S. are not prosecuted for living with multiple romantic partners, but states have laws preventing marriage to more than one person. In other parts of the world, including swaths of the Middle East and Asia, polygamy is legal but not practiced widely. And in some countries, particularly in a segment of West and Central Africa known as the polygamy belt, the practice is frequently legal and relatively common.

The Anglican Church in the Lambeth Conference of 1888 decided it would refuse to admit male polygamists into their fellowship, though their wives could be accepted since they were involuntary victims of an unscriptural social institution.² Allan Tippet, in his *Introduction to Missiology*,³ identified six attitudes by Christian missionaries towards polygamy: (1) baptize the women and children, but not the men; (2) baptize none at all if they have anything to do with polygamy; (3) baptize all unconditionally on profession of faith; (4) require that the husband divorce all wives but the first; (5) require that the husband divorce all wives but the preferred one; (6) for the first generation, baptize all, but require monogamy thereafter.

Several years after the first official Seventh-day Adventist missionary was sent overseas, the denomination was also confronted with the question of how to integrate polygamists into the

¹ The Edmunds Anti-Polygamy Act of 1882 (Edmunds Act) declared polygamy a felony. It suppressed different rights for people practicing polygamy and made it unlawful for polygamists or cohabitants to vote, hold public office, or serve on juries in federal territories.

² In Resolution 5, 83 voted in favor (21 against) of the following statement, “That it is the opinion of this Conference that persons living in polygamy be not admitted to baptism, but that they be accepted as candidates and kept under Christian instruction until such time as they shall be in a position to accept the law of Christ.” Also, 54 voted in favor (34 against), “That the wives of polygamists may, in the opinion of this Conference, be admitted in some cases to baptism, but that it must be left to the local authorities of the Church to decide under what circumstances they may be baptized.” One hundred years later the Lambeth Conference revised its ruling to permit the baptism of practicing polygamists.

³ Alan Richard Tippet, *Introduction to Missiology* (Pasadena, CA: William Carey Library, 1987).

church.⁴ The General Conference Committee passed a resolution in 1926 which stated “that in no case should a man living in polygamy be admitted into the fellowship of the church.”⁵ In 1930, this action was reversed. Part of the new resolution stated that polygamists “may be admitted to baptism and the ordinances of the church, and may be recognized as probationary members,” though full membership required that they have only one spouse.⁶ In 1941, the General Conference Session took a more hardline position, requiring polygamists to put away all wives but one prior to being accepted into the fellowship of the church. This exclusion did not apply to women who were not permitted to leave their husbands.⁷ This position is still the current working policy of Seventh-day Adventists.⁸

Body:

- I. Jesus did not see the laws of Deuteronomy as a reflection of God’s ideal for humanity.
 - a. Jesus was asked by a group of Pharisees, “Should a man be allowed to divorce his wife for just any reason?” (Matt 19:3, NLT).
 - i. Divorce was a debated issue among students of the Torah.
 - ii. Followers of Shammai argued that **Deuteronomy 24:1-4** allowed divorce if one’s spouse had committed a serious violation.
 - iii. Followers of Hillel argued that a man could divorce his wife for trivial reasons.
 - iv. Both sides of this debate disagreed on what it meant for a husband to find “something indecent” about his wife (Deut 24:1, NIV).
 - b. Jesus answered, “Have you not read that he who created them from the beginning made them male and female...?” (Matt 19:4-5).
 - i. Rather than quote Deuteronomy 24, Jesus quotes Genesis 1:27; 2:24; 5:2.
 - ii. Jesus points them to God’s ideal, rather than God’s accommodation in the context of a sinful world.

⁴ There was no general united practice for handling the polygamy issue in the various mission fields of the SDA Church prior to 1913.

⁵ See minutes of the General Conference Committee, Milwaukee, WI, 13 June 1926, p. 13, AHC.

⁶ Action of the Annual Council of the General Conference Committee, Omaha, NE, 28 October to 3 November, 1930, p. 74, AHC.

⁷ The Advent Review and Sabbath Herald, 10 June 1941, 235.

⁸ General Conference of Seventh-day Adventists, *Working Policy* (Washington, DC: Review and Herald Publishing Association, 1990-1991), 73-74.

- c. The Pharisees responded by referencing Moses, “Why then did Moses *command* one to give a certificate of divorce and to send her away?” (Matt 19:7).
 - i. Jesus seems to take issue with their interpretation.
 - ii. In their interpretation of Deuteronomy 24, Moses gave a “command” to divorce.
 - d. Jesus answers, “Because of your hardness of heart Moses *allowed* you to divorce your wives...” (Matt 19:8a).
 - i. Jesus does not see a “command” in Deuteronomy.
 - ii. Because of human sin (“hardness of heart”), God has made accommodations to minimize the damage.
 - e. “...but *from the beginning it was not so*” (Matt 19:8b).
 - i. Again, Jesus points them back to “the beginning,” where God’s ideal for humanity is portrayed.
 - ii. The best way to understand how God feels about divorce (or violence, slavery, bigamy, etc.) is to go back to the beginning.
- II. God has *allowed* the nations to walk in their own ways (Acts 14:16).
- a. According to laws 142 and 143 in the code of Hammurabi,⁹ a woman had to have a good reason to leave her husband.¹⁰
 - i. If a woman left her husband without a good reason, she would be cast into the water.
 - ii. If a husband neglected his wife, his only punishment was that she could leave him.
 - b. Women in ancient Babylon were viewed mainly as being a vehicle for bearing children.

⁹ The Code of Hammurabi is one of the oldest deciphered writings of length in the world and features a code of law from the first Babylonian Empire. It consisted of 282 laws, with punishments that varied based on social status (slaves, free men, and property owners).

¹⁰ Hammurabi, “The Code of Hammurabi,” trans. L.W. King, quoted in “The Code of Hammurabi,” Lillian Goldman Law Library, accessed September 20, 2017, <http://avalon.law.yale.edu/ancient/hamframe.asp>.

- i. “If a man strikes a free-born woman so that she loses her unborn child, he shall pay ten shekels for her loss... If the woman dies, his daughter shall be put to death.”¹¹
 - ii. The only reference to violence against women in the Code of Hammurabi exists with regard to violence that results in the loss of a child and the penalty for this is the loss of the offender’s own child (specifically, his daughter).
 - c. Slaves in the Ancient Near East were primarily used as farming tools and were seen strictly as property.
 - i. Punishments regarding transgressions against a slave typically included reparations to the owner of the slave rather than to the slave.
 - ii. For example, the punishment for carelessly building a house that collapses and kills someone inside:
 - iii. If the house falls and kills the owner of the house, the builder dies;
 - iv. If the house falls and kills the son of the owner, the builder’s son is executed;
 - v. If the house falls and kills the owner’s slave, however, the punishment is considerably less severe, and the builder must only pay slave to slave to the owner of the house.
 - d. Ancient Near Eastern writings reveal an extremely stratified social hierarchy that prioritized free-born men above women, women above slaves, and male slaves above female slaves.
- III. In a broken world of hardened hearts, God accommodates certain deviations from his ideal with limiting, mitigating regulations and a subversive critique intended to eventually lead to a realization of their wrongness.
- a. Legislation in Deuteronomy does not forbid **violence**.
 - i. Cities of refuge in Israel served to regulate laws of retribution (Deut 4:41-43; 19:1-13), which demanded punishment equal to the crime committed (Gen 9:6; Ex 21:12-14; Lev 24:17; Ez 18:20).
 - ii. Death was not a part of God’s good world prior to the entrance of sin (Gen 3:1-24), and when God creates “a new earth” (Rev 21:1), “death shall be no more” (vs 4).

¹¹ Ibid.

- b. There is no command in Deuteronomy against **bigamy** (or polygamy),¹² only laws aimed at curtailing its disastrous consequences (Deut. 21:15–17).
 - i. Bigamy is an assumed reality in Deuteronomic legislation.¹³
 - ii. The stories of Abraham (Gen 16:1-6), Jacob (Gen 29:30—30:1-24) and Elkanah (1 Sam 1:1-10) illustrate the potential for bitter conflict in a bigamous family arrangement.
 - iii. God’s creational ideal for marriage (reflected in Genesis 1-2) is (1) life-long, (2) **monogamous**, and (3) heterosexual.
- c. **Slavery** (the ownership of one person by another) was another reality among the Israelites that fell way short of God’s Edenic ideal.
 - i. In Deuteronomic legislation, the sabbatical year provided for the manumission of Israelite slaves held by fellow Israelites every seventh year (Deut 15:12–15).
 - ii. While the fourth commandment assumes the reality of slavery in Israel, its provisions look after the interests of slaves (Deut 5:12-15).
- d. Considering that God did not appoint a king to lead Israel to Canaan, nor was one appointed for several hundred years after they were established in the promised land, it seems that it was not God’s intention to establish a **monarchy** in Israel.
 - i. The fact that Moses told Israel that “you may indeed set a king over you” (Deut 17:15) is no indication that this was God’s will.¹⁴
 - ii. This *permission* is prefaced with Moses’ words, “When you come to the land...and then say, ‘*I will set a king over me, like all the nations....*’” (vs 14).
 - iii. Moses then goes on to give qualifications should a king be appointed, and to legislate limits on his power and privileges (vs 15-20).

¹² The seventh commandment, “And you shall not commit adultery,” (Deut 6:18; Ex 20:14), does not explicitly forbid a man from marrying a second wife. It forbids men (married or unmarried) from having sexual intercourse (with mutual consent) with the wife of another man. Likewise, the term is used to describe sexual intercourse by a married woman with any man other than her husband. Adultery was not only forbidden, but it was also punishable by stoning (Lev 18:20; 20:10, 20; Deut 22:22-24).

¹³ In times of war, a shortage of men through death in battle potentially made polygamy less objectionable, especially given the fact that marriage provided some form of social security for women.

¹⁴ In fact, the warnings that follow (Deut 21:15-20) indicate God’s strong reservation against a monarchy in Israel.

- iv. When Israel finally did ask for a king while Samuel was leading the nation (1 Sam 8:1-9), they were warned that the centralization of power under a monarchy would have disastrous consequences (vs 10-18).
- e. Though the laws of Deuteronomy reflect a **patriarchal**¹⁵ way of life (especially compared to our modern Western standards),¹⁶ they were interested in protecting women's rights in a misogynistic cultural context.
 - i. A female slave was to receive the same treatment as a male slave upon liberation after six years of service (Deut 15:12).
 - ii. A man's right to divorce his wife was forfeited for the rest of his life when "he seizes her and lies with her ["rapes her", NIV], and they are found" (Deut 22:28-29).¹⁷
 - iii. In the beginning, God created man and woman, and said, "'Let *them* have *dominion*...' And God blessed *them*. And God said to *them*, 'Be fruitful and multiply and fill the earth and *subdue* it, and have *dominion*...'" (Gen 1:26-28).¹⁸
 - iv. It is only after the entrance of sin that we find a reference to a hierarchy between Adam and Eve (Gen 3:16).¹⁹
- f. Though **divorce** was an option for men in ancient Near Eastern law codes,²⁰ legislation concerning divorce among the Israelites was infrequent and tended to mitigate its abuse.

¹⁵ A "patriarchal society" is a social system in which positions of dominance and privilege are primarily held by men.

¹⁶ A father could decide that a man who had sex (the NIV uses the word "raped") with his unbetrothed daughter had to marry her (Deut 22:28-29). The female victim would probably not attract another potential bridegroom. The father would not receive the gifts and dowry that would accompany the marriage. It is for this loss that the man should compensate the father monetarily (vs 29a). The daughter doesn't seem to have the right to choose in this arrangement. Control of her destiny shifts from the father to the man.

¹⁷ Peter Craigie points out, "By insisting that the man marry the woman, the law protected the woman and any child that might be born as a result of the union" (Peter C. Craigie, *The Book of Deuteronomy*, The New International Commentary on the Old Testament (Grand Rapids, MI: Wm. B. Eerdmans Publishing Co., 1976), 295.

¹⁸ The order in which God created the animals, Adam and Eve does not seem to have bearing on who was to rule. The animals were created before Adam, and Adam was created before Eve. Yet there is no hint in Genesis 1 and 2 that this determined hierarchy. In fact, it is clear that Adam and Eve were both created in God's image, and given the task of "ruling" God's good creation.

¹⁹ "In the creation God had made her the equal of Adam. Had they remained obedient to God—in harmony with His great law of love—they would ever have been in harmony with each other; but sin had brought discord, and now their union could be maintained and harmony preserved only by submission on the part of the one or the other." Ellen G. White, *Patriarchs and Prophets* (Pacific Press Publishing Association, 1890), 58.

²⁰ According to the Middle Assyrian law book about women, §37, "If a man intends to divorce his wife: if it is his wish, he shall give her something; if it is not his wish, he shall not give her anything, and she shall leave empty-handed." Other grounds for divorce according to Ancient Near Eastern law codes were: wife neglecting household duties (Hammurabi); wife deserting of her husband (Middle Assyrian); failure to produce children (Hammurabi).

- i. The basis for divorce assumed in Deuteronomy 24:1-4 is a reflection of Middle Assyrian Laws, and should not be understood as a command from God.
 - ii. The only prohibition is aimed at preventing the first husband from marrying the woman again (vs 4). This legislation is intended to protect the interests of the woman, who is a victim, not of the husband.
 - iii. Had the woman been morally at fault, the legislation would have been aimed at the woman (see Deut 22:22), preventing her from marrying again after the first husband divorced her.
 - iv. According to Jesus, the “one flesh” metaphor (Gen 2:24) makes marriage indissoluble (Matt 19:6). Divorce lay outside of God’s will—“It was not this way from the beginning” (vs 8, NIV).
- g. Legislation in Deuteronomy assumes humans are **eating the flesh of dead animals**, but sets limits on what animals could be regarded as food (Deut 14:3-21).
- i. The first mention of animals being consumed as food in the biblical record is immediately after the flood. The language indicates this was a new development, “And God blessed Noah and his sons and said to them, ‘...Every moving thing that lives shall be food for you. And as I gave you the green plants, I give you everything” (Gen 9:3).
 - ii. Apparently, “it was not this way from the beginning.” According to the creation account, “God blessed them. And God said to them, “...Behold, I have given you every plant yielding seed that is on the face of all the earth, and every tree with seed in its fruit. You shall have them for food” (Gen 1:28-29; cf Gen 3:18).
 - iii. Given the fact that when God creates “a new earth” (Rev 21:1), “death shall be no more” (vs 4), the practice of eating the flesh of dead animals seems to have been temporary and based on a legitimate need.

Conclusion: Moses gave legislation to protect the interests of a woman (and her son) who is married to a bigamist (who prefers the other wife). Rather than serving as a license for men to marry multiple women, this passage invites God’s people to act justly towards those who are in a position of weakness and vulnerability. The laws in Deuteronomy are descriptive of how God works to minimize the damage caused by sin in a fallen world, and not prescriptive of how God wants his people to live.

In the Ancient Near Eastern world, slavery, polygamy, war, patriarchal structures, kingship, ethnocentrism, etc., were assumed parts of life. The laws recorded in Deuteronomy were given in a world utterly unlike our own, with moral presuppositions and categories that are alien and in some cases repugnant to our modern sensibilities. They do not reflect God's ideal for humanity. They are gently nudging God's people back to the loftier moral ideals reflected in Genesis 1 and 2 and Revelation 21 and 22. They land somewhere between God's creational ideals for humanity and the realities of fallen human cultural standards.

The historical backdrop of these laws reveals God leading and re-educating a people recently delivered from slavery who have been influenced by a dehumanizing culture and social structure. He treats them as morally responsible agents who are capable of gradually discovering a better way. He does this because he values freedom. Rather than a moral overhaul, forcing upon them a way of life that they cannot understand and for which they are not culturally or morally prepared, he gradually moves them in a better direction. God starts with his people where they are; if they cannot cope with his *best* way, he teaches them a *better* way. God moves his people from *bad* to *better*, with the ultimate goal of taking them to the *best*.