

Is God a Moral Compromiser?

*A Critical Review of Paul Copan's
"Is God a Moral Monster?"*

Second Edition
Revised, Reduced, and Expanded

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This review is to be read as a supplement to:
Paul Copan's *Is God a Moral Monster?*
Making Sense of the Old Testament God
(Grand Rapids: Baker Books, 2011)
Please purchase Paul Copan's book.

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This book review is dedicated to everyone who has tried to wrestle with God, only to be wounded by one of God's messengers.

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Preface

I am a Christian. Sure, not by fundamentalists' standards, but I'm a Christian nonetheless. I say this at the outset because I don't want my intentions to be misunderstood. In critiquing Paul Copan's apologetic defenses of our frequently morally problematic Bible, my aim is not to turn anybody away from the Christian faith. In fact, I am critical of apologetic attempts to sweep the Bible's horror texts under the rug precisely because I believe such efforts are damaging to the church and to Christian theology, not to mention to our moral sensibilities.

Books like Copan's in my opinion will only take Christianity ten steps backwards. Contemporary popular apologists tend to look for any way to salvage the text, no matter how unlikely or untenable the argument. They'll use scholarly sources selectively, or pounce on one scholar's argument and run away with it, without any concern for the fact the vast majority of scholars haven't been persuaded by it. They don't often make arguments for what's plausible, preferring to argue for what's "possible," if it serves their immediate purposes. They trade in eisegesis, wild speculation, and fanciful interpretations, reading into the text what isn't there, indeed, what's often contradicted by the very passages they cite.

But despite their very good intentions, they seem oblivious to the real harm they're doing. Not only are they giving permission for Christians to be dishonest with the material, they're reinforcing delusions that disconnect well-meaning Christians from reality, blinding them to the destructive effects many of these horror texts continue to have upon Christian communities and in broader society.

This is a serious pastoral issue. A friend of mine who is a pastor, after reading the following review of Copan's book, lamented its damaging effects on the Christian community. Saddened by Copan's treatment of the source material, this pastor wrote to me:

This continues to be one of my greatest pastoral challenges—books like this that turn into five minute interviews that give people crap answers to

get us settled back into the Matrix and ignore the stuff of life. Ultimately I'll be conversing with people who will have read Copan, understand from his text even less than he seems to on this subject and feel thoroughly confident in the mind numbing conclusions they adhere to.

What he speaks to is a pervasive reality. There is a real danger here in the perpetuation of an insular Christian culture. But those struggling on the margins of faith are not so easily convinced by these sorts of arguments—these arguments tend to preach only to the converted.

Yet those Christians who are genuinely struggling with these horror texts, those who are tormented by them, on the verge of having a crisis of faith—they find no comfort in the easy answers offered. Rather, they are often repulsed by them, and often come to think that the only alternative to an intellectually dishonest and morally compromised faith *is no faith at all*. I see this tragic reality every day. And this is why I'm so critical of apologists like Paul Copan—not just because their arguments are frequently very untenable, but because their work can have damaging effects on real people. I contend that we *cannot* move forward until we find the courage to confront our problematic texts, the courage to be brutally honest. Only in the pursuit of the truth of the matter will we be able to find God. But when our agenda is rather to defend our institutions, all we will find is the gods of our own fashioning.

My heart, therefore, is not to attack apologists like Copan, but to call them to make better arguments *for the sake of the church, and for the sake of those who are struggling at the margins of faith*. Don't misunderstand me. I do not think that Paul Copan is a malicious person. I do not think he is being intentionally dishonest with the material. No doubt Copan is a very intelligent person, but his commitment the doctrine of inerrancy sometimes prevents him, in my opinion, from making the best arguments. Likewise, I know he is a kind and good person, with fairly decent morals and ethics. But it is his arguments that are at issue here. And it's his apologetics, not his personal morality, that affect so many.

This book review seeks to confront Copan's readings of the

text, while at the same time confronting the text where it needs to be confronted. This is a necessary step, before we can begin to move forward constructively, as a people who hope in God. I wrote this review, not because I had nothing better to do. I wrote it because it's necessary. I wrote it because I expect better from Copan, because I want him to be a positive force, not an agent of regression. I wrote this book because I want to challenge Christians not to accept the easy answers uncritically, not to rest easy in the delusion that everything is as it should be with our institutions and our texts. *We have to struggle* if we want to find God. And we have to learn to identify and resist any and all attempts to lull us into docility. Jacob did not defend God; Jacob wrestled *against* God. And he came out wounded, not whole. And *that* is what it means to be Israel.

The Scope of the Review

First, because Baker (Copan's publisher) does not allow reviewers to quote more than 250 words from the book in a review—even a blog review—where it would have been helpful to quote Copan directly (to demonstrate that I'm not caricaturing him), I've had to use paraphrases. That's why the reader should read my review alongside Copan's book. Check my work; check his work—and think for yourself. Don't let either Copan or myself do your homework for you.

Second, I won't be offering a comprehensive review of each chapter of the book. I won't be touching on his first two chapters, which introduce the so-called New Atheists and detail their charges against the God of the Hebrew Bible. I really have no interest in what the New Atheists are saying about the Hebrew Bible, for one because I'm not an atheist (neither new nor old), and I don't plan on becoming one unless God comes down from heaven to tell me personally that he doesn't exist.

Part 2 of Copan's book asks whether God is a "Gracious Master or Moral Monster." It is comprised of three chapters: one on whether God's appetite for praise and sacrifice makes him arrogant or humble, another on God's rage and jealousy, and a third on the story of the near-sacrifice of Isaac, asking whether God is a child abuser. I won't have much to say to these chapters. Again, Copan is responding to the superficial readings of the so-called New Atheists. I will address his characterization of divine jealousy, however, because it fails to discuss relevant comparative data from the ancient Near East. And I commend you to dig deeper on Copan's look at the near-sacrifice of Isaac.¹

Part 3 is the heart of the book and looks at "life in the ancient Near East and in Israel." It consists of thirteen chapters. This is where I'll be engaging Copan in full force. The first chapter argues that the Old Testament laws were never meant to be eternal and universal, and that they were pedagogical concessions to the hardness of Israelites' hearts. He argues that the laws are imper-

¹ See Jon D. Levenson, *The Resurrection of the Beloved Son*. See also Randal Rauser, "'Is God a Moral Monster?' A Review (Part 2)," *The Tentative Apologist*, <http://randalrauser.com/2011/04/is-god-a-moral-monster-a-review-part-2/>

fect, but the best that could be done until God's people were ready for the real deal when Jesus came on the scene. I'll briefly discuss some of the problems with this thesis.

I'll skip over the second and third chapters in this section (on whether the dietary laws and other strange features of the Mosaic code are kooky and superstitious or actually intelligible). I'm skipping this because it's not very interesting subject matter compared to the other chapters.

The next chapter looks at barbarities and harsh punishments in the Mosaic law, and argues that, well, they're better than the laws of other nations from the period. Copan also argues that many of them weren't meant to be taken literally, or that they mean something other than what the conventional translations suggest. I'll critique these claims.

Two chapters then deal with misogyny and polygamy, respectively, in Israel. Copan attempts to argue that ancient Israelite patriarchy wasn't all that bad (better than its neighbors anyway), and that polygamy, contrary to conventional readings of the text, was actually condemned in the Mosaic code. I'll critique these arguments.

The subsequent three chapters look at the institution of slavery in ancient Israel. The first two are devoted to slavery in the Hebrew Bible, and the third looks at slavery in the New Testament. I'll not address the latter of the three. There is plenty to correct in the first two chapters.

The next three chapters deal with the Canaanite conquest narratives and argue that the language in the text of the wholesale slaughter of the Canaanites is all exaggerated rhetoric and shouldn't be taken literally. I'll discuss numerous problems with his handling of the material, and show why his arguments are incredibly tenuous and ultimately fail.

The last chapter in part 3 asks whether religion really causes violence. Since I won't be addressing this chapter, I'll just make a few comments here. One of his main arguments is that although Christianity has historically (and wrongly) been responsible for perpetrating violence on the world, it isn't near as bad as Islam. He uses some charts to put the Christian Crusades and Islamic Jihad side-by-side, and Jesus and Muhammad side-by-side, argu-

ing that Islam is much worse. First, even if this were true, so what? It is not a sufficient defense to point the finger and say, "I'm not as bad as all that." Second, his presentation of Islam is very jaundiced and reflects a lack of familiarity with Islam *on its own terms*. If Copan applied to Islam a mere sampling of the apologetic strategies he employs to defend his own religion, Islam would look pretty good. Third, since Christians believe that Jesus is God, and Muslims believe that Muhammad was a human prophet, it is patently unfair to try to measure Muhammad against Jesus. Much more appropriate would be to measure Muhammad against Moses, and if Copan were to do that, guess who would be the shining beacon of light? Well, it wouldn't be the elder of the two statesmen. For one thing, Muhammad condemned the slaughter of non-combatants, women and children. Second, he embraced religious tolerance and believed that Christians, despite some theological flaws, were God's people too, only with imperfect revelation. Moses, on the other hand, ordered and engaged in the slaughter of noncombatants, women and children, on a routine basis, and advocated for anything but religious tolerance. Copan claims that in contrast to the limited land-grab of the Canaanite conquest, Islam's conquests were universal in aspiration. But he just displays his ignorance of Qur'an and hadith here. First, there are different periods reflected in the Qur'an in which different rules applied. In the relevant periods, Muhammad sanctioned warfare only for defense against oppressors and those who sought to limit Islam's freedom to exercise their religion. Copan will make a distinction between "authentic Christianity" (which does not expand by violent conquest) and "false Christianity" (which does expand by violent conquest), but he refuses to extend the same courtesy to Islam, as though it were a monolith. Perhaps Copan will be surprised to know that, not without ample justification, many Islamic leaders throughout history and to this day condemn political conquest in the name of jihad as a false Islam. But Copan's apologetic hermeneutic is only applied to his own tradition. When it comes to Islam, Copan's characterizations are no more accurate than those of Dawkins and Hitchens.

At any rate, regardless of what there is to say about Islam, Copan needs to stop making this argument in his books (I've seen it

in more than one). It is not an impressive argument. All it does is reinforce the prejudices of his conservative Christian readers, alienate Copan from dialoguing with Muslims (who will no doubt be offended by his jaundiced and dismissive presentation of their faith), and ignore the real moral problems with an appeal to the worse behavior of “the other.”

I won't address part 4 at all, which consists of two chapters. The one argues that without a lawgiving God, we can't have morality. I won't engage these arguments as they are beyond my purview. The other, final chapter argues that the God revealed in Jesus is not discontinuous with the God of the Hebrew Bible; rather, Jesus fulfills the “Old Testament.” I won't critique this here but if you're interested, you can always read up on “peshar” “exegesis” in the Second Temple period.²

² I give an introduction to peshar and discuss its relevance to the Christian scriptures' presentation of Jesus on pp. 18-32 of my book, *The Human Faces of God*. See further the literature cited therein.

I, Yahweh Your God, Am a Jealous God

Chapter 4

Monumental Rage and Kinglike Jealousy?

Understanding the Covenant-Making God

Copan argues that there is a difference between bad jealousy and good jealousy, between self-centered jealousy and a jealousy that is concerned for the welfare of the other (34). He argues that Yahweh's jealousy is that of a concerned lover. Yahweh is saddened when Israel pursues "non-gods" (34). While Copan here displays unawareness of the fact that the pre-exilic texts assume the actual existence of the other deities,³ we'll at least give him his point: Yahweh is saddened when his covenant people pursue *other* gods. But Copan's portrayal continues to assume an anachronistic understanding of Yahwistic religion. Yahweh is contending against other tribal and national deities for Israel's affections, and, just like all other peoples and their respective deities, the Israelites *owe* their allegiance to Yahweh because he is their patron. Copan talks of the contrast between the supreme source of all that is (Yahweh) and his lame, inadequate would-be substitutes that will always fail us (34). But again, this was the divine rhetoric of all ancient Near Eastern deities.

Copan goes on to discuss the "marriage analogy." He says that a wife who is not angered when another woman flirts with her husband is obviously not a very committed wife (35). Copan goes on to argue that Yahweh's jealousy implies a divine vulnerability; it reveals a god who is engaged with and vulnerable to the actions of his covenant people. He cites a slew of passages which depict Yahweh as exasperated and compassionate, who inflicts suffering on his people to try to win them back, but doesn't enjoy doing it (36-37). So far, he's not scoring any points against Yahweh's modern accusers. If Yahweh's idea of wooing a lover is to strike her with plagues, to kill her children, and the like, then Yahweh has issues. Copan hasn't persuaded us that this is a moral lover. Still seems pathological to me, and it fits right in with all ancient deities.

Copan acknowledges that Yahweh got angry, but insists that

³ See chapter four of *The Human Faces of God* and the literature cited therein.

it's a righteous anger, a concerned anger (38). But he cites Jesus' cleansing of the temple as an example of righteous indignation. Certainly Copan must realize that Jesus' anger here was incited by his compassion for the exploited innocen. This was a concerned anger, but it was anything but an anger concerned for the objects of his wrath! Not infrequently, Jesus pronounced a curse on the temple regime and condemned them to destruction. Jesus showed compassion for the exploited. His attack on the temple was not an attempt to woo the temple regime back to God. It was a prophetic denunciation of the temple. So this hardly fits as an analogy for a divine wrath that woos with famine, plague, and slaughter!

He further argues that Yahweh is often said to be "slow to anger" (e.g. Exod 34:6). It's certainly true that this is a claim that is made about Yahweh, but golly if Yahweh's definition of slow and quick isn't backwards. Jesus announced that the kingdom of God was "coming soon," even imminently, but two thousand years later, we're still waiting.⁴ Yahweh said that he was slow to anger, and by that he meant that he waited a few minutes before striking his own covenant people with a plague, killing over fourteen thousand people in a matter of minutes, because they were upset with Moses because Korah, a man who objected to the hierarchical priesthood, arguing that all of Israel was equally holy to Yahweh (Num 16:3), was executed along with his whole family and everyone who stood beside him the day prior. For their protest against the killing of an Israelite with a good point, Yahweh immediately struck them with a lethal plague, and he would have obliterated the whole assembly, had not Moses and Aaron been more compassionate than Yahweh and rushed to intercede on behalf of the people. In Exodus 32, for a single episode of flirtation with an idol (which many scholars argue, historically speaking, wasn't an idol at all but a pedestal for Yahweh, though the text presents it as an idol—many scholars argue that this text was written by an opponent of Jeroboam in the divided monarchy, and was written as a polemic against Jeroboam's erection of calves, pedestals for Yahweh, outside the Samarian temple), Yahweh determines that he's going to kill every last Israelite and start over with Moses. Very slow to anger, that Yahweh! Israel is only spared

⁴ See chapter eight of *The Human Faces of God*.

because, once again, Moses shows more sense than Yahweh, reminding Yahweh that he had made a covenant with Abraham et al., and that killing all of Israel would be a little rash. Yahweh comes to his senses, “repents” of his plot to commit genocide against his own people (32:14), but then strikes them with a plague anyway (32:35), just to remind Moses that he was still in charge.

Nevertheless, Copan goes on to argue that Yahweh’s jealousy was meant to protect and benefit humans. This is obviously true, as far as it goes, according to their ancient conceptions of what was beneficial for humans. He points out that the context of Yahweh’s jealousy is the covenant. He attempts to argue that within this covenant framework, the deity’s relationship to the covenant people is *not* a “commander-commandee” configuration. He says that in such a configuration, the deity’s will would be coercive, overriding human free will. Copan claims that the real picture is one in which the deity seeks relational affection with the covenant people (39).

This argument fails to persuade for a number of reasons. I’ll name two: (1) Copan doesn’t seem to understand the nature of the ancient Near Eastern covenant. All monarchs (Yahweh is a monarch here) made covenants with their people, in which they delivered to the people non-negotiable divine laws which were to be strictly obeyed, demanding complete loyalty, in return for protection, justice, prosperity, and general well-being. These are the components of all such covenants in the ancient Near East, and the divine laws were, literally, set in stone. The monarch is absolutely the “commander” who lays down the law, and the covenant people are absolutely the “commandees.” (2) Copan claims that this arrangement wasn’t, in Israel’s case, coercive, and that it didn’t override “the choices of human agents.” But what do you call it when a monarch kills, or threatens to kill, his subjects if they break loyalty? That’s called coercion. That’s the meaning of the “fear of Yahweh,” which has been watered down in popular modern Christianity to mean “reverence for God.” Yahweh was to be feared, not because he was wonderful, but because he was terrible! (He was to be praised for being wonderful, to be sure. But feared because he was terrible.) There is a two-fold basis offered

for motivating obedience to Moses' laws: so that it may go well with you (the promise of protection and prosperity), and so that you won't have to watch your toddlers hacked to pieces or die from a plague (the promise of disaster if they *do* choose to exercise their free will as human agents). If this isn't coercive, then coercive is just a gibberish word with no meaning. We might as well say that Yahweh isn't a moral monster because, really, when you think about it, he's not amsterfaddle roshkabob. Seriously. Think about it.

But the biggest problem with Copan's whole argument here is he doesn't engage the ancient Near Eastern parallels for these themes. Because he doesn't this permits him to impose anachronistic categories onto the text, to spruce it up a bit. The truth is, all ancient Near Eastern patron deities were jealous deities; by ignoring this fact, Copan makes it seem like Yahweh is special. The truth is, all ancient Near Eastern patron deities went off the handle, just like Yahweh, when their covenant with their people was broken, and when they turned after other gods. All ancient Near Eastern deities were therefore "vulnerable" to their lovers, their people. Any emotion that is attributable to human beings is also attributed to the ancient Near Eastern deities. All ancient Near Eastern deities promised protection and justice for the faithful, and calamity and suffering for the unfaithful. All ancient Near Eastern peoples were made to fear what might happen if they stopped sacrifices in their god's temple, or worshiped another, rival nation's god.

For I, Yahweh your God, am a jealous God, punishing sons for the iniquity of their fathers, to the third and fourth generation of those who reject me, but showing steadfast love to the thousandth generation of those who love me and keep my commandments. (Deut 5:9-10)

In Letter A 15 from Mari, the god Dagan asks, "Why are the ambassadors of Zimri-Lim not continually before me?" The exilic prophets told Israel that they were being punished by God in Babylon for their worship of other gods. In the Mesha Stele, King

Mesha says that for generations the Moabites were being oppressed by the Israelites because their god Kemosh was punishing them for their unfaithfulness to him.

The Israelites attributed the fall of Babylon at the hand of Persian king Cyrus to the hand of their god, and Isaiah 45 actually identified Cyrus as “the Messiah” and said that Yahweh “gave him a name” at the sound of which all the nations of the earth would fall prostrate and worship Cyrus, and through him Yahweh. In the Cyrus Cylinder, the Persian king Cyrus says that the Babylonian god Marduk was angry with Babylonian king Nabonidus, because Nabonidus was off worshiping the moon god Sin (not to be confused with the English word “sin”). The Cylinder says that Marduk was so upset with Nabonidus for his infidelity that he summoned Cyrus, a foreign king, to destroy Babylon, his own people.

These are just a few examples, of the scores available. These ideas are ubiquitous throughout the ANE, found in Mesopotamia (Mari), Egypt, Persia, the Levant, and so on. The “jealous god” is a pervasive ancient Near Eastern motif that reflects tribal contention, the anxiety of elites about the stability of their institutions and maintaining power, and superstitions about deities who brought rain, sent disease, and turned the tide of battles with a huff and a puff. Copan’s attempts to paint Yahweh’s jealousy in a compassionate light are only intelligible to the extent that we are able to ignore the actual context out of which these ideas grew up. Yes, Yahweh was a jealous god, and his jealousy was said to be for the well-being of his people—as with all the other deities. Yahweh was one jealous god among many.

Yahweh's Moral Compromises

Chapter 6:

God's Timeless Wisdom?

Incremental Steps for Hardened Hearts

In this chapter, Copan concedes that the laws God gave to Moses weren't "ideal," but argues that it's the best God could do with a stiff-necked people who were conditioned by a barbaric ancient Near Eastern culture. He likens it to an attempt to transport democracy to Saudi Arabia (58). It just wouldn't have worked, Copan argues, if God tried to change everything overnight. God had to make moral compromises. God adjusted his high ideals to conform to the lower standards of a people who were shaped by extremely flawed societal structures (59).

Copan argues that slavery (which he euphemizes as "servitude") as well as punishments, etc., were subject to a raft of regulations and provisos that indicate that God was an accommodationist. Such laws were in place only until the covenant could be replaced with a new and permanent covenant (here he cites Jeremiah 31 and Ezekiel 36). He claims that the Old Testament itself admits that the Law of Moses was substandard and incomplete. He is quick to point out, of course, that the law was not bad, *per se*, according to Romans 7:12; rather, it was an imperfect stop-gap measure that needed to be fulfilled and replaced (59). In short, Copan argues that in the Law of Moses, God was giving "incremental steps" toward the ideal law. This is the heart of Copan's argument in this chapter. I'll stop here to offer a few critiques before going on to examine the particulars of his argument.

First, Copan claims that the Law of Moses was not meant to be enduring. Later he flat out declares that Israel's laws were certainly not perfect (122). The problem with Copan's argument here is that it goes against the Bible's own teaching about the law. For instance, Psalm 19:7 proclaims, "The Law of Yahweh is perfect." Copan says the laws of the covenant were not meant to endure (59). But Isaiah says otherwise (24:5):

The earth is defiled by its people;
they have disobeyed the laws,

violated the statutes
and broken the *everlasting covenant*.

As does the Law of Moses itself: “The Israelites are to observe the Sabbath, celebrating it for the generations to come as an *enduring covenant*” (Exod 31:16); “The secret things belong to Yahweh our God, *but the things revealed belong to us and to our children forever*, that we may follow *all the words of this law* (Deut 29:29). In this latter passage, the “things revealed” are “all the words of this law,” which belong to Israel “forever.” See also Zech 14:16-19.

Copan says that certain texts tell us that the law wasn’t meant to be permanent, and this, he thinks, explains why it is sub-standard. Let’s look at the texts he cites. First, Ezekiel 36. The context of this passage is the Babylonian exile. The people of Judah have been taken into captivity into Babylon, and the prophet Ezekiel is speaking to their eventual restoration to their own land. “Restoration” is the key word here. Does this text really speak of a new set of laws to be given to Israel? Let’s look:

I will take you from the nations, and gather you from all the countries, and bring you into your own land. I will sprinkle clean water upon you, and you shall be clean from all your uncleannesses, and from all your idols I will cleanse you. A new heart I will give you, and a new spirit I will put within you; and I will remove from your body the heart of stone and give you a heart of flesh. I will put my spirit within you, and make you follow my statutes and be careful to observe my ordinances. Then you shall live in the land that I gave to your ancestors; and you shall be my people, and I will be your God. (Ezek 36:24-28)

Copan claims this text speaks of a new and a lasting covenant that will replace the Law of Moses. Does it? Patently it does not. It merely speaks of giving the people of Israel new hearts, replacing their sinful hearts. And why? Precisely so that they will be able to obey the laws God has already given to them. There is no new law

here; no new covenant. Let's look at Jeremiah 31 (same context of Babylonian exile, although this was written just before Israel was taken into exile):

The days are surely coming, says Yahweh, when I will make a new covenant with the house of Israel and the house of Judah. It will not be like the covenant that I made with their ancestors when I took them by the hand to bring them out of the land of Egypt—a covenant that they broke, though I was their husband, says Yahweh. But this is the covenant that I will make with the house of Israel after those days, says Yahweh: I will put my law within them, and I will write it on their hearts; and I will be their God, and they shall be my people. No longer shall they teach one another, or say to each other, 'Know Yahweh,' for they shall all know me, from the least of them to the greatest, says Yahweh; for I will forgive their iniquity, and remember their sin no more. (Jer 31:31-34)

Now we're getting somewhere. Clearly this text makes Copan's case for him, yes? Not exactly. The text does speak of a new covenant, and it is clearly distinguished from the covenant given to Israel at Sinai—the laws of Moses. But if the Law is perfect (remember Psalm 19:7), why is a new covenant necessary? What was the problem with the original covenant? Copan is arguing that it was provisional, and imperfect—that it was a concession to sub-par moral standards and the hardness of Israel's hearts, a pedagogical transition to a more perfect law. Is this what Jeremiah is saying?

Absolutely not! According to Jeremiah, the problem with the original covenant had nothing to do with the laws themselves; the problem was with the people's inability to obey the laws. The original covenant was "a covenant that they broke" (Jer 31:32). That was the problem. So what is the new covenant? Is it a new set of laws? No. It is still God's law. Same law. The difference between the original covenant and the new covenant is *not* the par-

particulars of the law; the difference is that in the new covenant, the law will be internalized.

This is a vision of utopia. Jeremiah is describing what modern-day Christians would think of as a “heaven-like” state. Copan wants to believe Jeremiah is referring to the indwelling of the Spirit in the Christian life. But think about it for a second. What does Jeremiah say? “No longer shall they teach one another, or say to each other, ‘Know Yahweh.’” Does this describe *your* Christian existence? If so, why did early Christians establish the office of teachers in the church? If we all know Yahweh perfectly, and have no need to be taught how to live, and who Yahweh is, then what are all those epistles for? The kind of existence Jeremiah is describing is a utopian one. He believed that when Israel was restored from exile in Babylon, that would be the *final* restoration, ushering in an era of everlasting peace. I’ll quote John Collins at length here:

The most striking aspect of the new covenant is that it will be written on the people’s hearts. It will, in effect, be an unbreakable covenant. We find here a significant shift in expectations about the future. It was of the essence of the Sinai covenant that it demanded free choice, and therefore entailed the possibility of a negative response. But this covenant is judged to have failed [i.e., not because of a deficiency within it, but because of the deficiency within the people of God]. The new internalized covenant will be foolproof, but at a price. A situation where people are programmed, so to speak, to behave in a certain way would no longer correspond to human history as we know it. There is always some tension between utopian thinking, the dream of a perfect society, and free will, which inevitably leads to imperfection.⁵

But, Copan will no doubt object that clearly this means many of the laws of Moses will be rendered irrelevant. For instance, the

⁵ John J. Collins, *Introduction to the Hebrew Bible*, 345.

law in Deut 25:11-12 about cutting off the hand of a woman who grabs a man's testicles in a brawl (which we'll discuss with Copan later) will be rendered obsolete. Precisely. But why? Is it because the law is considered "imperfect"? No. It's because under the new covenant envisioned by Jeremiah, a woman with the law written on her heart is not going to grab a man's testicles in a brawl. In fact, under the new covenant envisioned by Jeremiah, there won't be a brawl in the first place. Jeremiah is not envisioning a more perfect law for a world in which sin still exists. He's envisioning a world without sin. Therefore, "concessionary laws" will obviously be rendered obsolete. But nowhere in Jeremiah 31, or anywhere else, are we ever told that these laws are imperfect. It's the *people* that are imperfect. We must resist the urge to read Hebrew Bible texts anachronistically through the (different) lenses of the New Testament.

Copan concedes that the law of Moses is still good, citing Romans 7:12, but alludes to Galatians, arguing that it was only a pedagogue on the way to something more perfect. But that's the problem. Paul never says the law was imperfect in the way Copan is saying it's imperfect. Let's look at Romans 7:12-14:

So the law is holy, and the commandment is holy and just and good. Did what is good, then, bring death to me? By no means! It was sin, working death in me through what is good, in order that sin might be shown to be sin, and through the commandment might become sinful beyond measure. For we know that the law is spiritual; but I am of the flesh, sold into slavery under sin.

Is Paul saying, as Copan says, that the law was "imperfect" (122) or "inferior" (58)? No. Paul is saying that the law was (and is) perfect. It is humanity's sinful nature that is imperfect, and it is the law that exposes that sinful nature. The "imperfection" of the law in Paul's view has nothing at all to do with the barbarity of its punishments or the patriarchal assumptions within it. The imperfection of the law in Romans is that the law is not able to save humanity from its sinful nature; it is only able to expose that sin-

ful nature and condemn it. The law is “imperfect,” not in the sense that it is a moral compromise, as Copan claims, but in the sense that it is not sufficient to transform humanity into a state of sinlessness.

But what about Galatians, to which Copan alludes when he says that the law was substandard and intentionally unfinished, that it was a temporary thing, hardly meant to be ideal, which needed to be replaced and transcended? Does Paul say there that the law was “inferior” or “imperfect”? No, he does not. His argument here is the same as it is in Romans. In chapter 3, he says that the law’s only power is to condemn, or “curse.” Its deficiency is not in any moral compromises it might make because Israel was so accustomed to ancient Near Eastern barbarity or customs. Its deficiency is simply that it does not have the power to save humanity from the condition it exposes. Therefore, the law “imprisons.”

True, Paul believed that when Christ came, the “new covenant” that Jeremiah spoke of had finally arrived. The law was now obsolete, in that sense. But let’s be careful not to conflate Paul with Jeremiah. As an inerrantist, Copan must read the text this way of course. *We must read* Jeremiah in light of Paul. But the reality is, Jeremiah envisioned a new covenant arriving upon Israel’s return from exile in Babylon. Paul, on the other hand, reappropriates this concept and applies it to his experience of Christ. (Many fairly conservative Christian scholars readily acknowledge that the New Testament’s use of the Hebrew Bible did not adhere to historical-grammatical exegetical rules; rather, like all second temple Jews, early Christians read their scriptures and reconfigured their meaning in order to use the scriptures as a narrative to describe their own present-day experiences.) But does that settle it? Paul was right? No, not exactly. As I’ve argued extensively in chapter eight of *The Human Faces of God*, and as is the broad consensus of scholarship, both Jesus and Paul expected the final judgment and new creation to come within a short time after Jesus. Paul expected it to come within his own lifetime. Both Jesus and Paul were wrong on that score, but this relates to Paul’s ideas about the obsolescence of the law. Paul believed that the utopian vision of Jeremiah was about to become a reality, and *that* is why

the era of the law had now given way to the era of the Spirit. The battle between flesh and spirit was about to be over, and the Christian community was that community which was empowered to live in that short interim period “between the times.”

But bear in mind also that there remains an important discontinuity between Jeremiah’s vision and Paul’s thought—a discontinuity which reveals an inconsistency in Paul’s own thought, at least insomuch as he sought to appropriate Jeremiah’s vision, which may be debatable. For Jeremiah, the era of the new covenant was an era in which teachers were no longer necessary, because everyone was made fully conscious and was fully transformed by the inscription of the law upon their hearts. But for Paul, teaching and correction were obviously still necessary, otherwise (again), what gives with all those epistles he wrote? Paul wanted to appropriate Jeremiah’s idea of the new covenant to his own time (as was the case, hermeneutically, with all apocalyptic Jewish thinkers—everything in the scriptures was *really* about *them*, about *their time*). But he wasn’t able to do it consistently, because Christians were still sinners, and they still needed to be taught how to “know Yahweh.” Paul’s idea was very controversial among Jewish Christians, and among them, he represented a minority position.

Matthew (and I think Matthew accurately represents the historical Jesus here) disagreed with Paul about this:

Do not think that I have come to abolish the law or the prophets; I have come not to abolish but to fulfill. For truly I tell you, until heaven and earth pass away, not one letter, not one stroke of a letter, will pass from the law until all is accomplished. Therefore, whoever breaks one of the least of these commandments, and teaches others to do the same, will be called least in the kingdom of heaven; but whoever does them and teaches them will be called great in the kingdom of heaven. For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven. (Matt 5:17-20)

When Jesus said that he came to “fulfill” the law, he meant that he came to be perfectly obedient to it, and not just in spirit (as Christians are wont to argue), but, expressly, to the very letter, to the least “jot and tittle.” Moreover, his disciples are to do the same, and teach others to do the same. This will be the case “until everything is accomplished.” What does this mean? Ever since Jesus did *not* come back after the temple was destroyed in 70 CE, Christians have argued that “until everything is accomplished” refers to the death of and resurrection of Jesus. It is at that point, Christians claim, that the law passes into obsolescence. But that is not what this phrase means. “Until everything is accomplished” refers to the coming of the Son of Man to vindicate Israel after the temple’s destruction, and to usher in the new age of everlasting peace and justice—the utopia Jeremiah envisioned. This is clear enough already in verse 18: “until heaven and earth pass away.” The Law of Moses is to be obeyed to the letter, until the end of the world. That’s when “everything is accomplished.” Matthew makes this clear in the Olivet Discourse in chapter 24, and also in 16:27-28, where Jesus predicts that some of his disciples would still be alive when he returns with his angels to judge Israel and the nations.⁶

Let’s not conflate John’s theology with Matthew’s. It is in the Gospel of John that Jesus says from the cross, “It is finished.” John’s Gospel was written very late, and was a move away from the apocalypticism of the Synoptic gospels. In Matthew’s gospel, the crucifixion is *not* presented as the “fulfillment.” Matthew ends with a promise of Jesus to his disciples that they had a task to complete (the evangelization of the world), and that he would be with them “until the end of the age.” When would that be? Matthew 16:28 and 24:34 make it clear that the end of the age would come within the lifetime of his disciples.⁷

So Matthew’s Jesus has the same view as Jeremiah: the original covenant would pass away when history as we know it comes to an end; the laws of Moses would no longer be necessary once

⁶ I’ve argued extensively against apologetic attempts to help Jesus save face here in chapter eight of *The Human Faces of God*.

⁷ See *ibid* for a much fuller argument.

the utopian situation had arrived. It's just that Jeremiah and Jesus made different predictions (both wrong) about when that utopia would arrive.

But Paul had a different view. Paul argued that the law was no longer applicable, even now in that interim before the end. (Paul *did*, however, have the same expectations as Jesus about the timeframe of the end.) And the interesting thing is that Luke (a companion of Paul) took Paul's view, over against Matthew. Luke in fact takes that same logion of Jesus about the law, tweaks it ever so slightly, to give it Paul's meaning:

The law and the prophets were in effect until John came; since then the good news of the kingdom of God is proclaimed, and everyone tries to enter it by force. But it is easier for heaven and earth to pass away, than for one stroke of a letter in the law to be dropped. (Luke 16:16-17)

Note the distinction between Luke's version of the saying and Matthew's. For Matthew, the law of Moses is in effect "until heaven and earth pass away." For Luke, it was only in effect "until John [the Baptist] came." Luke still has the phrase, "heaven and earth pass away," but he changes it. It is not that the law is in effect *until* heaven and earth pass away, but that "*it is easier for heaven and earth to pass away, than for the law to be dropped.*" But for Luke, it already has been dropped! It was dropped when John the Baptist starting his preaching ministry!

Luke and Matthew use the same logion of Jesus in order to support polar opposite positions. Matthew takes the traditional Jewish view, championed first by Jeremiah, that the law would be in effect until the end of history; conversely, Luke (a Gentile) takes his mentor Paul's controversial, Gentile-inclusive view, namely, that the law is *already* obsolete.

So, Paul the Apostle sort of agrees with Paul the Apologist (Copan), except that both Pauls fail to recognize that Jeremiah's vision was that of a utopian world without sin. Jesus (most probably) and Matthew (most definitely), on the other hand, disagree with the Pauls, and side with Jeremiah, contending that the laws

of Moses would be in effect to the very tiniest letter, until the end of the world as we know it. But, emphatically, neither Jesus nor Paul supports Copan's contention that the Law of Moses was "inferior" or "imperfect."

Copan then proceeds to claim that because of the assumptions prevalent in the ancient Near Eastern world, Yahweh chose not to force laws upon Israel that they weren't ready to handle. Yahweh was working in increments with them. He further claims that the Old Testament itself says on a number of occasions that the Law of Moses is much less than ideal (61). But none of the texts he's cited have said that the laws of Moses are less than ideal. And I've cited several texts above which state the opposite: that the laws are perfect, and that they are enduring and "forever" binding. So Copan hasn't made his case that the laws of Moses were "moral compromises."

Another tack Copan takes is to say that, even though the laws weren't ideal, they were progressive when compared to other legal codes in the ancient Near East. Copan claims that the laws of Moses represented a significant level of moral progress vis-à-vis the surrounding cultures. God didn't take them all the way, but God did introduce measures to ameliorate the conditions of slaves and even improve their status (61).

This represents another major thrust of Copan's, which he'll expound upon at great length in this and subsequent chapters. We'll deal with all such claims as they occur, but for now, let's break this down: Israel's laws were better than the laws of their neighbors? Is this true? Yes and no. Some were; but some were much worse, as we'll see. Is the fact that some were better evidence of authentic divine revelation? Hardly. This is just special pleading. The fact is, *all codes* were both similar and different from each other, and in every code, we'll find some laws that are better than others, and some that are worse. The fact that Israel is better in some ways is just a fact. But note that Copan includes the caveat that specific substandard conventions weren't entirely eradicated. Let's examine this.

Copan concedes here that within the laws of Moses, there are certain substandard conventions that remain. Among these are patriarchy, slavery, the death penalty and other harsh and brutal

punishments for crimes that hardly warrant such severity. According to Copan, these remained in the laws because God worked in increments. God knew better than the U.S. knows: you can't change an entire culture overnight. You can't turn Saudi Arabia into a democracy without incremental steps. But is this a valid analogy? When we look at specific examples we are forced to ask, why *couldn't* God change that custom?

If Israel was so strongly conditioned by neighboring customs that Yahweh had to work in increments, then how do we explain all of the radical breaks that Yahweh *did* make? If God could require (arguably) the most radical break from neighboring customs conceivable (the prohibition of the worship of multiple deities), why couldn't he demand a radical break from patriarchy, or divorce? If Israelites could be asked overnight to stop worshipping the other gods they'd been worshipping, why couldn't they be asked overnight to allow women to own property? Why couldn't they be commanded overnight not to divorce their wives? Yes, we know. Their hearts were hard. But weren't human hearts hard too in the New Testament? Were the Corinthians' hearts any less hard than the ancient Israelites'? Clearly not, as Paul's censure of Corinthian behavior makes plain. If they could be required, overnight, to stop committing incest, or temple prostitution, why couldn't they be asked overnight to stop killing children in combat? The excuse that "those were the conditions of warfare in the ancient world" just doesn't cut it. First of all, not *all* nations killed children in warfare. Second, it's not that hard! Rather than, "Let nothing that has breath remain alive. Show them no mercy," couldn't Yahweh have said, "To every child you orphan, a father you shall be. For every mother you kill, a mother you shall provide"? Were they so corrupt that this wouldn't have made sense to them?

Or how about this: Exodus 21:20-21 legislates that if a slave-owner beats a slave and the slave dies immediately, the slave-owner is to be punished. However, if the slave, after the beating, doesn't die immediately, but rather dies after a few days of suffering in bed, the slave-owner is not liable for the death. I suppose this is one of Copan's "incremental" laws that was given because the custom of beating slaves was just too ingrained in Israel's

mindset. After all, according to the narrative, they'd just endured four hundred years of such beatings from their slave-masters in Egypt, so clearly they couldn't have made a break from that! This strikes me as nonsensical. Why not just legislate that a slave-owner is not permitted to beat a slave at all! That would be moral progress, and to a group of people who had supposedly just endured four hundred years of slavery, it honestly wouldn't have been that difficult to get them to comply.

So when Copan says that God gave these substandard laws to a culture that was morally immature because it had been influenced by the inferior morality and sinful habits of the ancient Near Eastern world (61), we find his argument sorely wanting. Either Yahweh intended Israel to have a clean break from the surrounding culture, or he didn't. The text says he did (although it clearly doesn't make good on that), while Copan says he didn't.

Copan argues that in the New Testament we see moral progress on slavery, in that slave masters were asked to demonstrate concern for their slaves, and in that slaves were urged to pursue their emancipation, citing 1 Cor 7:20-22 (63). Moral progress? Slaves were encouraged to gain freedom in the Old Testament too. And slaves didn't need Paul to tell them that seeking their freedom was a good idea. Copan doesn't quote the context. Paul is discussing what's appropriate to do, given that the world is about to end. He says that gaining freedom isn't necessary, in light of the short time they have left, but if they can get their freedom without defying their masters, all the better. And telling masters to be kind to their slaves is all very well, but far from representing moral progress, that just has the effect of reinforcing the institution of slavery by putting a kindly face on it. If slavery was so emphatically against the grain of the gospel, then why not just make it a requirement of church membership that one cannot own slaves? What, because that was "counter-cultural"? That was too much of a stumbling block? We all know how careful Paul was to tiptoe around potential stumbling blocks.

Regarding homosexuality, Copan challenges the argument that the laws against homosexuality were simply cultural on the basis that the law also condemns other acts, such as murder and theft, adultery and bestiality, that are not generally regarded to be

culturally specific. These prohibitions are in a different class, Copan argues, than the temporary prohibitions on eating unclean foods. (63).

First of all, nowhere in the Mosaic law is it ever indicated that eating shrimp or pork were “temporary” prohibitions. That’s an importation of Paul and Luke’s theology, anachronistically, onto the text. Second, Copan is mixing categories here. The prohibitions of murder, adultery, and theft appear in the Decalogue, not in the purity codes. But when we look at the purity codes, what do we see? What else is identified there as an abomination? Just three verses before the prohibition of a male having sexual relations with another male, there is the prohibition of having sexual relations with a woman during her menstrual period. This too is identified as an “abomination” with the same punishment: being “cut off from the people.”

I’m not contesting Copan’s contention that homosexuality is roundly condemned as a moral abomination. With Copan, I disagree with those who try to distinguish between “moral” prohibitions and “ritual” prohibitions and argue that homosexuality belongs to the latter, not the former. Where I disagree with Copan is in the assumption that homosexuality is morally abominable just because the text says it is. I doubt Copan thinks that a man sleeping with his wife during her period, unrepentantly, is going to damn him to hell (although there are a handful Christians who are consistent on this point), but surely Copan wouldn’t advocate excommunicating a husband and wife from the church because they engage in intercourse during that time of the month. But the text doesn’t allow for that kind of selectivity. It is morally ignorant about menstruation, just as it is morally ignorant about homosexuality.

Does that mean that commits us to approving morally of incest and bestiality? Hardly. Incest produces deformities, and is usually exploitative. It also puts strain on family bonds and relationships. If it’s immoral, it’s immoral because of the harm it will do to any potential offspring, and because of the stress it will put on family bonds. As for bestiality, come now. We don’t have any resources, apart from the Law of Moses, to see why that’s immoral? Interspecies sex? Really? But the simplest way to frame it is

that the most basic criterion of moral sexuality is that sex must be consensual. That's not the *only* criterion, obviously, but it's certainly the most basic. By definition, sex with a non-human animal cannot be consensual. It's exploitative. Of course, that only applies if we care about the dignity of non-human animals, but if we don't, then we're already morally compromised.

Anyway, the law here is just ignorant. It reflects cultural attitudes that don't display genuine moral reflection, and that don't have access to scientific and biological knowledge. Paul said homosexuality was "against nature," but he also used the same word when he talked about men with long hair. The Bible says that homosexuality is abominable and against nature. But it also says that sex with a menstruating wife is abominable and that men with long hair are against nature. The last two judgments are certainly ignorant, reflecting cultural values and assumptions. The same is true of the Bible's attitude toward those great "Others," homosexuals.

Getting off the subject of homosexuality, which really has no connection to Copan's argument, so I apologize for getting distracted by it, let's turn to the one example Copan is able to provide in support of his thesis that the law of Moses was a "moral compromise." Here we refer to Jesus' contention that the law of Moses on divorce was a concession made due to the hardness of men's hearts. (As it happens, this is the only plausible illustration of his thesis that Copan is able to provide. But it still doesn't work, as we'll see.)

Copan says that there is a progression from Deut 24:1-4, where Moses permits a certificate of divorce, to Jesus's statement on the matter in Matthew 19. Copan notes that Jesus acknowledged that Moses permitted divorce, though Copan wants to make sure we understand that Moses didn't *command* divorce. But Jesus said that Moses only allowed this as a concession because of the hardness of men's hearts. But, Copan says, that wasn't enough for Jesus. He didn't interpret the passage flatly, as the Pharisees did. According to Copan, Jesus pointed to the "redemptive" element in this law. According to Copan, Jesus pointed to the fact that the certificate of divorce was meant to protect the woman. Copan rightly points out that divorce made a woman vul-

nerable to poverty and shame; she would have to remarry in order to find shelter, provision, and dignity. According to Copan, the law in Deut 24:1-4 was about the well-being of the wife, to prevent her from being divorced, then taken again as a wife, and then divorced again, at her ex-husband's pleasure. Copan continues to claim that the religious elites in the time of Jesus had a flat reading of this law, that prevented them from seeing that Moses wasn't offering an "absolute ethic." According to Copan, these religious leaders were blinded by the letter of the law from seeing the spirit behind it (63-64).

Unfortunately, there are numerous problems with Copan's reading of Matthew 19 and of Deuteronomy 24 here. Let's begin with Matthew 19:

Some Pharisees came to him, and to test him they asked, "Is it lawful for a man to divorce his wife for any cause?" He answered, "Have you not read that the one who made them at the beginning 'made them male and female,' and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'? So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate." They said to him, "Why then did Moses command us to give a certificate of dismissal and to divorce her?" He said to them, "It was because you were so hard-hearted that Moses allowed you to divorce your wives, but at the beginning it was not so. And I say to you, whoever divorces his wife, except for unchastity, and marries another commits adultery." (Matt 19:3-9)

First, let's revisit Copan's characterization of Jesus' answer again. Copan claims that Jesus pointed to the "redemptive" element in this law. According to Copan, Jesus pointed to the fact that the certificate of divorce was meant to protect the woman. Copan rightly points out that divorce made a woman vulnerable to poverty and shame; she would have to remarry in order to find

shelter, provision, and dignity. According to Copan, the law in Deut 24:1-4 was about the well-being of the wife, to prevent her from being divorced, then taken again as a wife, and then divorced again, at her ex-husband's pleasure. But is this really what Jesus does?

When we look at the text, no it isn't. Jesus makes no mention of the redemptive element of this law, nor does he even allude to it. Now, it's true that a certificate of divorce served that function. It allowed the woman to remarry, and thus find economic security. But Jesus makes no mention of that "redemptive" element, not at all. What does Jesus say? He says that a man who divorces his wife commits adultery. His point is that because a man has been made one flesh with the woman, to break that union in favor of union with another is tantamount to adultery. I'm not saying that Jesus had no concern for the plight of the woman, but contrary to Copan, Jesus makes no mention of any such concern here.

Second, let's consider the broader legal context here. Why was it "redemptive" (in Copan's word) to issue a certificate of divorce to a woman? So that she could prove that she is eligible to be remarried, in order to gain financial protection. This isn't really "redemptive," of course, so much as "protective." But think about it. Why did she need this measure of protection? She needed it precisely because the Law of Moses did not permit women to own property! Because she couldn't own property, she needed to be attached to a man (either a husband or a father) in order to have a place to sleep and eat. So is giving her a certificate of divorce really all that "protective"? Hardly. She would still then need to try to find some other man to attach herself to. If her father was dead, she'd have to find a husband. If her husband divorced her because she was barren, or old, or ugly, then good luck finding another husband! A certificate of divorce was hardly very effective in protecting this poor woman from spiraling down into abject poverty and starvation. This was in fact the plight of many such divorcees and widows in ancient Israel. You know what a truly "protective" measure of legislation would have been? Give women the legal right to own property! Or at least obligate husbands who divorce their wives to continue to provide care for them until they can secure provision otherwise. If I can think of this, why not Yahweh

Yireh (the “provider!”)? In fact, several of Israel’s morally regressive, barbaric (if we are to believe Copan) ancient Near Eastern neighbors *did* allow women to own property, and/or *did* ensure they were guaranteed provisions in the event of divorce. The truth of the matter is, and this is acknowledged by all scholars of the ancient Near East who aren’t invested in presenting the biblical material in the best possible light, the plight of women in Israel was generally much worse than their plight in many surrounding nations.

For instance, let’s look at the Laws of Eshnunna, a Mesopotamian legal code from around 2000 BCE. What do they have to say about a man who divorces his wife?

59: If a man divorces his wife after having made her bear children and takes another wife, he shall be driven from his house and from whatever he owns, but may seek someone who is willing to take him in.

Talk about taking the plight of the divorced woman seriously! This makes Jesus look downright lackadaisical. What this law does is it functions to provide a considerable disincentive to a husband who is contemplating divorcing the mother of his children. He can divorce her, but he’ll lose his house and everything he owns if he does!

Third, let’s look at Deuteronomy 24 and see if Copan’s “redemptive” reading of it is really what’s going on in the text:

Suppose a man enters into marriage with a woman, but she does not please him because he finds something objectionable about her, and so he writes her a certificate of divorce, puts it in her hand, and sends her out of his house; she then leaves his house and goes off to become another man’s wife. Then suppose the second man dislikes her, writes her a bill of divorce, puts it in her hand, and sends her out of his house (or the second man who married her dies); her first husband, who sent

her away, is not permitted to take her again to be his wife after she has been defiled; for that would be abhorrent to Yahweh, and you shall not bring guilt on the land that Yahweh your God is giving you as a possession. (Deut 24:1-4)

Now that we've read the text, we see that Copan has a very distorted reading of Deuteronomy 24. First of all, the text does not "command" the husband to issue her a certificate of divorce. (This is not the same as saying, as Copan does, that Moses didn't command them to get a divorce. Rather, Moses didn't command them to issue a certificate in the event that they did choose to get a divorce.) The giving of the certificate is just the assumption in the text; that was the custom, not the law. Both husbands issue her a certificate of divorce, but it is not stated as a command—just as a matter of course. That's what they did. The command has nothing to do at all with the certificate of divorce! Copan (and so many other Christians) are just reading Deuteronomy 24 in light of Matthew 19. The Pharisees say that Moses commanded men to issue a certificate. (And it's probable that their question is intentionally presented polemically here by Matthew, since Matthew frequently polemicized the Pharisees and made them to look stupider than they really were.)

But back to the point, the command has nothing to do with issuing a certificate of divorce. The command, rather, is that a woman is not permitted to remarry her first husband, if her second divorces her! Why? Because, for some reason, "that would be abhorrent to Yahweh," and would "bring guilt on the land." This is a morally progressive text? No, wait. This is a concessionary text? Oh right. We're reading it through the lens of the Pharisees in Matthew 19! No, in reality this is a morally regressive text that has nothing at all to do with the well-being of the woman. The command is not protective of the woman. It forbids the first husband from remarrying her if she's slept with another man. Why this is morally abhorrent to Yahweh is not at all clear (never spelled out anywhere). But one thing is for sure. If her first husband is the only man willing to take her in and offer her provision and protection, then she's out of luck.

What does this mean? It means that in Deuteronomy 24, Moses was not making a concession to the hardness of men's hearts. He was prohibiting the remarriage of a woman to her first husband if she had had a second husband. Thus, both the Pharisees (according to Matthew) and Jesus (according to Matthew) read this law incorrectly.

Next Copan repeats his mantra that the so-called "Old Testament covenant" of Israel was never meant to be applied universally, and was never meant to be ideal (64). As we've seen, this is wrong. But he continues. He claims that the covenant of Moses looked forward to a superior covenant. Thus, Copan quips, when Sam Harris petulantly insists that, if Bible-believing Christians are to be consistent, they should stone their children to death for entertaining heresies, Harris is actually living in the past (64)! As already noted, this "superior covenant" that Jeremiah and Jesus anticipated was a post-eschatological utopia, for a world without sin. So a "Bible-believing" Christian is just going to have to choose between Jeremiah and Jesus on the one hand, or Paul and Luke on the other. Of course, Paul and Luke won out, and that's why Copan assumes the "better covenant" refers to the abrogation of God's law while sin is still pervasive and human (yes, even Christian) hearts are still as hard as always.

But this is really an evasion of the problem. Just because Copan's later, "better covenant" no longer involved stoning children for back-talking their parents or for not subscribing to establishment orthodoxy doesn't mean that solves the moral problem of stoning children in the first place! Copan continues along this tack, but in doing so, undermines any chance he might have of salvaging the morality of the laws of Moses. He argues (still page 64) that the way God's people deal with these sorts of crimes changes as we move from the Old Testament to the New, from the ethnic nation of Israel to the multiethnic, spiritual Israel, namely, the church. He says that there is a movement from a covenant given to a nation, with a national legal system, to a new system designed for a people that is scattered throughout the earth, a people who are citizens of heaven, not of any particular worldly nation. He says that, for instance, in the Old Testament the punishment for adultery could involve the death penalty (he says,

shrewdly, that it *could* involve the death penalty because later he's going to attempt to argue that the death penalty wasn't actually required for anything but murder, but we'll critique that). On the other hand, in the church, adultery is met first with loving discipline, and then only if necessary with excommunication.

But this is where he undermines himself. He's just admitted that the *real* reason the punitive measures got better from the Old to New Testaments has *nothing* to do with a progression of moral consciousness, and everything to do with the historically contingent fact of the diaspora and the dissolution of the nation of Israel. The punitive measures changed, not because God's people got more enlightened, but because they were no longer legally permitted to execute or dismember criminals since they were no longer a sovereign state.

All right. That should just about do it for this chapter. I'll just address a few more claims Copan makes before we close. To try to alleviate our anxieties about the Canaanite genocides, Copan points out that God chose to wait until the sin of the Canaanites was overflowing, citing Gen 15:16. He thinks it helps to add that, during this period of waiting, God made Israel undergo 430 years of slavery in Egypt. All of this means, according to Copan, that God wasn't acting rashly against the Canaanites (65)!

I address this argument on pp. 108-111 of *The Human Faces of God*. I'll just note two problems here: (1) God never sent any prophets to Canaan to warn them of their coming destruction; not in Abraham's time, not in Moses's, and not in any time in between. The only thing he sent to Canaan was military spies. (2) He had to wait until their punishment was "fully deserved"? We're talking about baby killing here. At what point is a baby's slaughter "fully deserved"? And if Copan is going to cite "original sin" (though I'm not claiming he will), then everybody in the whole world "fully deserved" to get slaughtered. And their slaughter would have been just as "fully deserved" in Abraham's time as it was in Moses's. That claim in Gen 15:16 is just a bit of propaganda justifying the conquest narratives and Israel's "right" to the land, over against the other Canaanites. It's thoroughly anachronistic, and it just functions to explain why Israel had to go through slavery first—in other words, it was a last minute attempt to fill a plot

hole.

Another point Copan makes is that God chose to employ Israel to take out Canaanite “military strongholds” and to expel the Canaanites who, according to the Bible, were so corrupted morally and spiritually that they were past the point of no return (66).

Two things: (1) This idea of “military strongholds” is part of an argument Copan will make much later, and we’ll show why Jericho and Ai were not military strongholds as Copan tries to argue. (2) The text never says anything like Copan’s idea that the Canaanites were “beyond redemption.” In fact, as I pointed out a couple times in *Human Faces of God*, the story of Jonah flies in the face of this idea. In Jonah, the Assyrian capital city of Nineveh is described as so thoroughly wicked that the stench of their immorality rose all the way up to heaven. But God sent them a prophet, and guess what happened! They repented, immediately. God sent no prophet to Canaan. Just spies and barbarian soldiers. As I’ve argued in the book, the author of Jonah was articulating a position on God’s nature that was in direct contention with the theology and ideology of the authors of the conquest narratives and of xenophobes like Ezra and Nehemiah.

Next Copan cites John Oswalt who argues that the Old Testament has an entirely distinctive religious perspective that makes it stand in stark contrast to its ancient Near Eastern neighbors (67). Well, Oswalt’s book is a commendably bold compilation of selective evidence for an antiquated thesis long ago abandoned by scholars of the ancient Near East. Are there aspects of Israelite religion that are unique? Yes. Are there aspects of Babylonian religion that are unique? Yes. Are there aspects of Assyrian religion that are unique? Yes. Are there aspects of Old Canaanite religion, Egyptian religion, Mesopotamian religion that are unique? Yes, yes, and yes. Is the reality that the similarities between them all far outweigh the differences? Once more, yes. Do I think Israel got some stuff more right than their neighbors? Yes. But they also got a lot of stuff more wrong than those same neighbors. We must try to resist the temptation to engage in special pleading.

Copan then makes a strained distinction between Israelite religion and that of its neighbors. He says that Hammurabi only speaks *on behalf* of his god. He says that with the Hittites, they

only *claimed* that their sun god established the law. On the other hand, Copan claims, with Israel it is not Moses who writes the legislation on Yahweh's behalf; rather, the Law of Moses displays a God who interacts relationally and speaks in the first person (67).

If this portrait were accurate, all this would mean is that Israel took the deception one step further. But Copan obfuscates here. He says, in contrast to the Babylonians and the Hittites that Moses wasn't a legislator on God's behalf, implying that the Babylonian and Hittite kings were! But this is not the case, as Copan's own language betrays. When Hammurabi claimed to "speak for" the deity, he was claiming that the deity gave him the laws. For the Hittites, the sun god, not the king, established the laws. Same with Moses. So the only difference (in these cases) is that God speaks in the first person in the Mosaic law, but this is a distinction without a real difference (only significant to those who need it to be), and the reality is that, although most legal codes are written in the voice of the king (on behalf of the deity), there are numerous texts from the ancient Near East written in the voice of the deity directly to the people. Copan's argument here doesn't display the full picture.

Copan then says, at the close of the chapter, that although the *claim* of the text that God is involved in Israel's history doesn't in and of itself prove divine involvement, the archaeological record continues to confirm various features of the biblical narratives. He cites, among other things, the kingship of David, the mines of Solomon, the metallurgy of the Philistines, and the existence of the Hittites.

Two things in response: (1) Copan doesn't cite any of the major episodes of the biblical narratives for which there is no evidence, or patently disconfirming evidence from the archaeological record, such as the Exodus from Egypt, and the whole Canaanite conquest (which we'll talk about later), and he speaks with a confidence with which no archaeologist would speak. (2) While Copan does say that the mere claim of the text that there was real divine involvement in Israel's history doesn't prove divine involvement, his subsequent statement that archaeological evidence confirms various facets of Israel's historical claims, seem clearly to imply that the veracity of historical claims lends weight

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to the claim of divine involvement. Let's reiterate Copan's first point. Does the fact that Egypt got historical claims right mean that their gods were really involved in their history? All getting a few historical details right proves is that it wasn't written by four Italian drunks with a sixth-grade education in a pizza parlor in 1943. It says nothing whatsoever about whether or not any deity was really involved in their history. All ancient peoples interpreted *real history* as divine history.

Barbarisms and Crude Laws

Chapter 9:

Barbarisms, Crude Laws, and Other Imaginary Crimes? Punishments and Other Harsh Realities in Perspective (Part 1 of 2)

In this chapter Copan attempts to put the brutality of capital punishment by stoning and other brutal punishments in context (88). What he means by this is that by way of comparison to other ancient Near Eastern legal codes, Israel's was strikingly more morally progressive.

Copan begins by conceding that other ancient Near Eastern legal codes demonstrate humanitarian progress over time (something he argued, unsuccessfully, was true of Israel's legal material as well in chapter six). But, Copan contends that at certain points, major differences exist between the other ancient Near Eastern laws and those of Israel. He claims that the Mosaic law offers extraordinary and never-before-seen moral advances (88). Let's hang on this point again for a moment.

First, note the double standard. When other ancient Near Eastern cultures demonstrate moral progress, that's human progress. But when Israel shows moral progress, that's (by implication at least) divine revelation. Second, the reality is that other ancient Near Eastern legal codes *also* contained laws that were morally superior to Israel's *long before* Israel even came on the scene. A frequent claim made by apologists is that "Israel got there first" and that's supposed to be evidence that Israel had divine help. In truth, Israel's ancient Near Eastern predecessors had many laws more progressive than Israel's, long "before Abraham was" (to quote a famous Jew), let alone Moses. Third, is it true that there were novel advances in Israel's legal material? Sure, as noted in our last chapter. But they were hardly revolutionary advances. Just about every human culture has made some great stride or another. If we follow Copan's implicit logic, we'd have to be polytheists. They all had some moral advances over others. If moral advances makes Israel special, then they're all special, which means none of them are.

Copan complains that "critics" such as the New Atheists only see the negative aspects of the Mosaic Law and refuse to

acknowledge the remarkable progress it represents (89). What does this even mean? That's like David saying to the prophet Nathan, "Yes, I committed murder. But come on, man. You're such a buzz kill. Why don't you ever focus on my more positive accomplishments?"

Copan then makes a sleight of hand. He insists (as we've seen, wrongly) that the Mosaic covenant was only temporary, and was never meant to be applied universally, to all nations. Thus, Copan claims, we should not judge the brutal laws and punitive measures against modern Western morality, but rather within the context of the ancient Near East. He then quips, reprehensibly, that if ancient Near Eastern people looked at us modern Westerners, they'd think we were a "bunch of softies" (89)!

A bunch of softies? Are we supposed to feel embarrassed by that? Are we supposed to feel inadequate because we're not as "tough" as ancient barbaric peoples who cut off hands, or stoned children to death for backtalking their parents? Some cultures *still* practice these sorts of punishments. Am I supposed to feel like a softy because my every inclination is to condemn these practices as immoral? This argument is unacceptable.

But more importantly, notice the sleight of hand. (I responded to this argument already on pp. 124-27 of *Human Faces of God*.) He wants us to "understand" the barbarisms in their ancient Near Eastern context, as if "understanding" that they were different somehow makes their barbarisms morally justifiable. Copan doesn't merely want us to *understand* these practices; he wants us to accept them as morally justifiable *back then*. This is relativism. Although it may be painful for us to do so, it is not difficult to *understand* the ancient mindset that allowed such practices to be touted as divine revelation without embarrassment. But the ability to understand the fact that these activities were not necessarily considered immoral in an ancient culture does not excuse us from the responsibility of making moral judgments about them.

Copan spends four paragraphs justifying capital punishment for men who picked up sticks on Saturday, for a son who used the name of Yahweh in a curse, for a son who consistently rebels against his parents, for a husband and wife who exaggerated the amount they donated to the church, and for the unfortunate soul

who reached out and touched the Ark of the Covenant in order to prevent it from falling to the ground and spilling over. Copan's single argument? God wanted to make examples of them so that the people took the law seriously.

Make examples? That may be true of Ananias and Sapphira in the book of Acts, but the reality is that for those other "crimes" the death penalty was mandated in every case. He's trying to import the logic of the Ananias and Sapphira episode to these cases, but it doesn't fit. Ananias and Sapphira didn't know that lying would get them killed—yet the other victims of death by stoning knew the law. That doesn't make the execution of these "Old Testament" figures any more justifiable—the law was harsh. Copan hasn't shown that the harshness is morally justifiable by arguing (fallaciously) that they were killed to be made examples.

Nor is Copan being even-handed when he condemns other ancient Near Eastern legal material for their harsh punishments while defending those of Israel, attempting to argue that they make sense. He says that for Israel, these sorts of brutal punishments were intended to be grave reminders of what Yahweh demanded (90). What, and the harsh punishments in other ancient Near Eastern codes *weren't* intended to be grave reminders of what their gods demanded?

Copan defends the death penalty for a son who proves to be consistently rebellious and irresponsible, "a glutton and a drunkard" (Deut 21:20). He does this by arguing that this son, whom Copan says is likely a firstborn, would no doubt waste his inheritance after his father's death; he would probably destroy his family. Copan likens this hypothetical son to a person with a gambling addiction, who gambles away his savings and house without any mind to the negative effects of his actions upon his family. He then asks us to note that, in this scenario, the son's parents are not acting on their own authority, taking matters into their own hands. Rather, they "confer" with the local authorities, whose task it is to maintain order within society. Copan claims that once this conference is initiated, the whole affair is out of the parents' hands. It's not the parents who issue the punishment, but the community. Finally, Copan claims that when the community takes this severe action (executing the son), it should be seen as a "tragic last

resort" (90).

We are compelled to compare Copan's reading against the text itself:

If someone has a stubborn and rebellious son who will not obey his father and mother, who does not heed them when they discipline him, then his father and his mother shall take hold of him and bring him out to the elders of his town at the gate of that place. They shall say to the elders of his town, 'This son of ours is stubborn and rebellious. He will not obey us. He is a glutton and a drunkard.' Then all the men of the town shall stone him to death. So you shall purge the evil from your midst; and all Israel will hear, and be afraid. (Deut 21:18-21)

Copan says that the parents "confer" with the civil authorities. But the text says no such thing. The parents know before they even take the son before the elders what the outcome will be. They are taking him to be executed.

Copan says that the son is likely a firstborn, but there is no indication of this in the text. He says this to buttress his justification that the son will waste his inheritance. If the son wasn't a firstborn, his inheritance wouldn't be as great so squandering it wouldn't affect the whole family. But the text makes no distinction between firstborn or second or third born. It applies to any son.

Copan thinks it helps to point out that it's not his parents who are killing him, but the elders of the community. But who had it in mind that this was a state of anarchy where parents took the law into their own hands? All executions fell within the domain of the local authorities. But note also that the text does not require any kind of trial to take place, no witnesses necessary. Perhaps it's assumed that parents wouldn't wish death on their own child, but what if for some reason they did? All the text requires is their claim that he is a rebellious son. No conference. No trial. No deliberation. No opportunity to repent. Just an immediate execution.

But let's evaluate Copan's justification for the death penalty here. He likens the son to a compulsive gambler who ruins his family's livelihood. That's a serious problem, no doubt, but do we kill compulsive gamblers? Do authorities kill compulsive gamblers? No, loan sharks and mobsters kill compulsive gamblers. Copan hasn't given us a justifiable reason why the death penalty is required here. He calls the death penalty for stubbornness, laziness and drunkenness a "tragic last resort." Are we to take this seriously? Couldn't Yahweh have thought of something a little more redeeming, something a little more humanizing? I can think of a number of "last resorts" that will solve the problem that don't require stoning the son to death. The simplest solution is to officially reduce his inheritance. Another, more drastic, solution would be to disinherit him completely—to disown him. The most drastic solution would be to expel him from the community, or even the land. But to pummel him to death with stones? Hardly a morally progressive punitive measure.

Furthermore, I'm not even the first to think of this. In fact, the Code of Hammurabi, hundreds of years older than the laws of Moses, already had a more humane law concerning persistently rebellious children:

If a man wish to put his son out of his house, and declare before the judge: "I want to put my son out," then the judge shall examine into his reasons. If the son be guilty of no great fault, for which he can be rightfully put out, the father shall not put him out.

If he be guilty of a grave fault, which should rightfully deprive him of the filial relationship, the father shall forgive him the first time; but if he be guilty of a grave fault a second time the father may deprive his son of all filial relation. (168-169)

So, here we have, as in Deuteronomy 21, a troublesome son. In the Mosaic law, if parents brought a rebellious son before the elders, there was no trial, just a swift execution. In Babylon, however, there was a trial. Moreover, if the son was found guilty in the

trial, then the father was legally required to forgive him the first time. If the son is found guilty a second time, then the father disowns him. The son isn't executed, not pummeled with stones. He is disowned. Problem solved.

Moving on, Copan addresses a law which stipulates that if two men have a dispute (it does not indicate what kind of dispute), and one, after a trial, is proved to be righteous and the other wicked, then the wicked man may be subject to a beating with a rod, up to but no more than forty stripes. Copan justifies (or attempts to justify) this kind of punishment in two ways:

(1) Copan argues that although being beaten with rods sounds ridiculously brutal to us modern softies, we should remember that the picture of a rod has a gentle connotation in the Hebrew Bible, where a rod is used to guide sheep (citing Ps 23:4) and to discipline a child (citing Prov 13:24; 22:15; 29:15) (92). This argument is entirely unsatisfactory. Besides conceding that Proverbs condones beating a child with a rod, what does guiding a sheep with a rod have to do with beating a man with one? Is the man to think, while taking his lashes, "Oh what a gentle rod that breaks my bones and covers my back with blood! How like a comforted lamb I feel!"

(2) Forty lashes is more humane than *other* ancient Near Eastern punishments. Well, in fact, no it isn't. Certainly, it is *less inhumane* than some other punishments, but it is certainly not *more humane*. Copan points out that Egypt required between 100-200 lashes, with a minimum of 100. Fine. So this is evidence of divine revelation, that Israel only practiced up to forty? Copan also argues that the Code of Hammurabi punished certain crimes by cutting off the ear, tongue, breast, or hand (92). But this is very misleading, as we'll see shortly, when Copan concedes that these maimings weren't meant to be taken literally! Moreover, Israel also has a law requiring a woman's hand to be cut off, as we'll discuss later when Copan attempts to argue that that's a mistranslation.

Moving on to *lex talionis* ("eye for eye"), Copan notes that although the Code of Hammurabi had *lex talionis* laws long before Israel, they only applied when an aristocrat was injured by another aristocrat. If a common person was injured, only a monetary

compensation was required. Copan then states, again, that the Code of Hammurabi called for the cutting off of ears, noses, breasts, and hands (again omitting that his own scholarly sources argue that these maimings should not be taken literally). He further states that Middle Assyrian laws (ca. 1100 BCE)—which Copan mistakenly dates to more than two hundred years after the Sinai legislation—were shockingly unbalanced, involving beatings that consisted of up to one hundred blows, and also mutilations. Somehow, he concludes from this that the *lex talionis* laws in Israel were not meant to be taken literally, but were just a way of expressing proportionate justice (94).

Copan's claims here are errant. The Code of Hammurabi has "eye for eye" for equals, but lesser compensation for subordinates and slaves, just as the "metaphorical" interpretation of "eye for eye" in Exodus 21 applies to slaves. But Copan's claim that it wasn't taken literally for peers is made without sufficient justification, as is clear in Lev 24:19-20: "Anyone who injures their neighbor is to be injured in the same manner: fracture for fracture, eye for eye, tooth for tooth. The one who has inflicted the injury must suffer the same injury." There is no indication here whatsoever that this isn't to be taken literally. So whence the idea that it's metaphorical? Perhaps Copan is thinking of Exod 21:18-19:

When individuals quarrel and one strikes the other with a stone or fist so that the injured party, though not dead, is confined to bed, but recovers and walks around outside with the help of a staff, then the assailant shall be free of liability, except to pay for the loss of time, and to arrange for full recovery.

Here a beating in kind is not prescribed for the assailant. Is *lex talionis* therefore metaphorical? No. The principle applied to serious or permanent injuries. In Exod 21:18-19, no eye has been gouged out, no tooth knocked out, no bone permanently damaged. The victim has been beaten but not beyond repair. In that case, the assailant is responsible to pay the victim for loss of labor

hours during recovery, and to insure any medical expenses are covered. This is not in tension with Lev 24:19-20, requiring a metaphorical reading of *lex talionis*. If the injury is permanent, then Leviticus is clear: an injury in kind is to be given to the assailant.

Copan will later cite Joseph Sprinkle⁸ in another context (although the pages he cites do not pertain to the point in support of which he was citing Sprinkle), who argues that *lex talionis* is not meant to be taken literally. Sprinkle has three arguments that *lex talionis* was not literal:

(1) We have already dealt with Exod 21:18-19. As I've shown, no permanent injury is in view in Exod 21:18-19, therefore, *lex talionis* does not apply. Moreover, it is important to note that the *lex talionis* formula does not even appear in this case (see quotation above).

(2) He notes that the penalty for permanent injury to a slave does not require "eye for eye" but rather the release of the slave. We'll discuss this shortly in relation to Copan's claim (quoted above) that Israel is distinct from Hammurabi's code because Hammurabi's code only requires *lex talionis* for aristocratic peers.

(3) Sprinkle argues that the *lex talionis* prescribed in Exod 21:22-25 which refers, in *Sprinkle's* words, to "the case of accidental killing of a pregnant woman" would be, Sprinkle argues, "in contradiction with the principle expressed in Exod 21:13-14, which says that accidental manslaughter is not a capital offense."⁹ But there are several problems with this argument. First, *the woman is not killed in Exod 21:22-25*. Let's look:

When men who are fighting injure a pregnant woman so that there is a miscarriage [or possibly, though doubtfully, a premature birth; literally, a "coming forth"] and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the judges determine. If any harm follows, then you

⁸ Joseph M. Sprinkle, "The Interpretation of Exodus 21:22-25 (*Lex Talionis*) and Abortion," *Westminster Theological Journal* 55 (1993): 237.

⁹ *Ibid.*

shall give life for life, eye for eye, tooth for tooth,
hand for hand, foot for foot, burn for burn, wound
for wound, stripe for stripe.

The text clearly says that the woman is *injured*, not killed, so the principle of accidental manslaughter doesn't apply. Sprinkle must be assuming that because "life for life" is included in the list of retributive punishments, a killing is involved. Let's concede that. Even if this were the case, that the woman was killed, then what we see here is *not* that *lex talionis* is to be interpreted metaphorically, but that the accidental killing of a *pregnant woman* is the exception to the rule for manslaughter. Because a *pregnant woman* is killed, it becomes a capital offense, a fact which displays the seriousness with which they took childbearing. The accidental killing of a male is forgivable, but not that of a pregnant woman. So either way, the manslaughter rule and the rule for pregnant women are not in tension, and Sprinkle's case for a metaphorical reading of *lex talionis* fails.

A further problem with his argument is this: he claims that "eye for eye," etc., was a metaphor to highlight that the punishment required was to be appropriate to the injury inflicted, and claims that the principle *really* refers to some form of *monetary compensation*.¹⁰ The problem here is that monetary (or other forms of) compensation are frequently expressly prescribed in a number of situations, but never where the *lex talionis* principle is expressed. If they *really* meant monetary compensation, rather than "the injury inflicted is the injury to be suffered" (Lev 24:20), then they would have said so.

Therefore, there is no evidence whatsoever that "eye for eye" wasn't meant literally when (1) the injury was permanent, (2) the injured party was not a slave, and (3) the injury was either intentional, or was the result of an intentional conflict, or was inflicted upon a pregnant woman.

Now, to Copan's claim that the Law of Moses is superior to the Code of Hammurabi because the Code of Hammurabi did not require "eye for eye" when the victim was a subordinate, whereas, the Law of Moses requires "eye for eye" (metaphorically?!) across

¹⁰ Ibid.

the board. This claim is patently contradicted in Exod 21:26-27:

When a slave-owner strikes the eye of a male or female slave, destroying it, the owner shall let the slave go, a free person, to compensate for the eye. If the owner knocks out a tooth of a male or female slave, the slave shall be let go, a free person, to compensate for the tooth.

So, if the eye or tooth of a *slave* is destroyed or knocked out by his or her *master*, then “eye for eye, tooth for tooth” is not required. The compensation the slave receives is freedom. Contrast this with Lev 24:19-20:

Anyone who injures *their neighbor* is to be injured in the same manner: fracture for fracture, eye for eye, tooth for tooth. The one who has inflicted the injury must suffer the same injury.

Note that *lex talionis* is explicitly said to apply when the injury is inflicted upon a “neighbor,” i.e., a peer (and not a slave). So, *lex talionis* applies to the upper class Israelites, but not to the slaves. Lesser restitution is also to be offered for animals. Thus, the Law of Moses and the Code of Hammurabi are really no different here in their assumption that a slave is worth less than a free-person, contrary to Copan’s claims.

Copan continues to attempt to elevate the Bible’s morally problematic material by comparing it to ancient Near Eastern codes that he argues are even worse. Again, this is a fallacious argument. No halfway decent mother accepts this argument, when her child defends him or herself by arguing that another sibling did something worse. So why should sober-minded Christians accept this argument when apologists make it to defend the God who is supposed to be the foundation of all morality? But let’s entertain his arguments.

Copan notes that in the Code of Hammurabi it states that if an architect cuts corners in construction, resulting in the collapse of a home and the death of a man’s son, then the architect’s own son

would be killed. He then states that by way of contrast, Israel's laws prohibited the killing of a child for a parent's crime, and *vice versa*. Here he cites Deut 24:16 (94).

First, let's clear some things up. Yes, Deut 24:16 says that a son is not to be punished for the sins of his father. So does Ezek 18:20. But Deuteronomy 24 is a very late text, dated by the consensus to the seventh century BCE. Ezekiel is even later, written in the sixth century BCE. Conversely, much earlier texts (Exod 20:5; Exod 34:6-7) say that the sins of the father will be visited upon his children to the third and fourth generation. In the latter text, it is clear that the punishment of the father *consists of* the punishment of his descendants: "He [Yahweh] will by no means leave the guilty unpunished, visiting the iniquity of fathers on the children and on the grandchildren to the third and fourth generations." Apologists will argue that Exod 20:5 is among the Ten Commandments and refers specifically to the worship of other gods. But Exod 34:6-7 refers to a father's sins in general. Moreover, Yahweh frequently punished children for the sins of their parents, killing the firstborn sons of Egypt for one man's (Pharaoh's) sin, killing the children in the flood for their parents' general wickedness, the Canaanite children for the sins of their parents, and even the children of Israel for the sins of their parents, including punishing parents by forcing them to eat their own children!¹¹ So let's not pretend that this idea of punishing children for the sins of their parents is foreign to the Bible!

Now, let's go back to Copan's proof-text from the Code of Hammurabi. This law states that if a builder is negligent and a building collapses killing a man's son, then the builder's son is to be killed as retribution. The thing is, the very scholars Copan cites in support of his metaphorical reading of *lex talionis* argue that this law in the Code of Hammurabi wasn't meant to be taken literally! He cites Joseph Sprinkle, Raymond Westbrook, and Jacob Finkelstein, all of whom argue that such laws in Hammurabi and other ancient Near Eastern legal codes were not literal!

In fact, all of the gruesome laws from the Code of Hammurabi (such as those involving punitive maimings and dismemberings), which Copan cites to prove how superior the Law of Moses is, are

¹¹ See Lev 26:27-29; Ezek 5:8-10; Jer 19:9.

said *not to be literal requirements* by Copan's own sources! Moreover, when he cites Sprinkle, it's in support of his claim that capital punishment, except in the case of murder, was not required for the capital crimes listed in the Mosaic law, but the page numbers he refers us to (237-43) aren't making that argument. Rather, they are making the argument that *lex talionis*, the killing of a child for his father's sins, and the maimings and dismemberings in the Code of Hammurabi and other codes aren't literal. Yet Copan continues to claim, repeatedly, such things as that the "dreadful" laws in the Code of Hammurabi and other ancient Near Eastern codes are distinguished by the brutality of their punishments, in contrast to the reserved punishments in the Law of Moses (94).

Of course, in a quick parenthetical note he *concedes* this, pointing out that "scholars" argue that the brutal-sounding laws of the ancient Near Eastern legislation were less brutal in actual practice (95). So he concedes that the same sources he's using to argue that Israel's laws were hyperbolic also make the same case for the other ancient Near Eastern codes, yet not once does he acknowledge that this undermines his whole case (made throughout several chapters) that the barbarity of the Mosaic laws is excusable because it's so much better than the barbarity of the other codes. If he's conceding that it's all metaphorical, then the contrast is really an illusion.

Now, let's move on, with Copan, to his argument that not all capital crimes actually required the capital punishment. There are some nineteen crimes for which the death penalty is prescribed in the Mosaic code. We'll note that Copan complains about the fact that capital punishment was prescribed in the Code of Hammurabi for theft, and gushes about the fact that property crimes in the Law of Moses only required monetary compensation, because in Israel, in contrast with Babylonia, human life was worth more than property (93). But this is an inaccurate picture. Here are the crimes requiring the death penalty in the Law of Moses:

Capital Crimes in the Law of Moses

- Premeditated Murder (Exod 21:12-14, 22-23)
- Kidnapping (Exod 21:16)
- Striking a Parent (Exod 21:15)

- Cursing a Parent (Exod 21:17)
- Rebelling against a Priest (Deut 17:12)
- Rebelling against a Parent (Deut 21:18-21)
- Sacrificing to Deities Other Than Yahweh (Exod 22:20)
- Working on Saturdays (Exod 35:2)
- Using Yahweh's Name in Vain (Lev 24:10-16, 23)
- Being the Owner of a Goring Ox That Finally Gores a Human to Death (Exod 21:29)
- Prophesying Incorrectly (Deut 18:20)
- Sacrificing Children to Molech (Lev 20:2)
- Divination or Magic (Exod 22:18)
- Adultery (Lev 20:10-21; Deut 22:22)
- Bestiality (Exod 22:19)
- Incest (Lev 18:6-17)
- Homosexuality (Lev 20:13)
- Consensual Premarital Sex (If You're a Woman) (Deut 22:20-21)
- Temple Prostitution (Lev 21:9)
- Rape of a Married or Engaged Woman (Deut 22:25)

We should add one more capital crime to the list:

- Failure To Scream When Being Raped in the City, If You're an Engaged Woman (Deut 22:23-24)

We should also note one crime that did not merit the death penalty, but only a payment of fifty shekels (accompanied with the reward of a new wife):

- Rape of a Virgin Who Is Not Engaged (Deut 22:28-29)

If the rape victim was engaged, it was a capital crime. If she was not engaged, the rapist's punishment was to pay a small fine and marry the rape victim (see the discussion below). One other aspect of the rapist's punishment: he was never allowed to divorce the rape victim. (So much for Moses permitting divorce due to the hardness of men's hearts!) Anyway, what a lucky girl—got a husband with a guarantee of never being divorced.

Yes, very progressive, these laws. Clearly, as Copan points out, human life was worth more than property in Israel. Of course, women were considered property so it's a bit of a wash.

But Copan argues, following apologists like Walter Kaiser, that of all these nineteen (or twenty, if one counts the death penalty administered to the rape victim if she was raped in the city) capital crimes, only one of them (that of premeditated murder) actually *required* the death penalty. The rest, Copan claims, could be remitted and satisfied by monetary compensation. (Monetary compensation for witchcraft, for sacrificing your child to Molech?)

How does Copan come to this conclusion? By way of two texts: Num 35:31 and Exod 21:29-30. Let's look at them one by one.

Moreover, you shall accept no ransom for the life of a murderer who is subject to the death penalty; a murderer must be put to death. (Num 35:31)

Copan argues that because this text stipulates that no ransom may be accepted for the life of a murderer, it therefore stands to reason that a ransom *may be accepted* in *any other* capital crime. Never mind that in no case is it ever claimed that a ransom may be accepted for *any* capital crime. Because it is stated here that a ransom may not be accepted for a murderer's life, according to Copan (following Kaiser and others), that means they could be lax on any other capital crime. So, as long as you're not a murderer, you could sacrifice your child to Molech, break the first and second commandments by sacrificing to deities other than Yahweh, practice witchcraft, practice bestiality, rape an engaged woman, engage in temple prostitution, and so on, and just pay a fine and be on your merry way.

In reality, Num 35:31 just reiterates that a ransom cannot be accepted for a capital crime. Take that as a legal principle, and the prohibition of a ransom applies, *mutatis mutandis*, for any and all capital crimes. This argument is wholly unpersuasive. Copan continues:

If the ox has been accustomed to gore in the past, and its owner has been warned but has not re-

strained it, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. If a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life. (Exod 21:29-30)

Here Copan argues that because a ransom is mentioned in verse 30, the death penalty may be remitted and a fine imposed. Is this what the text says? Let's look at the complete passage:

When an ox gores a man or a woman to death, the ox shall be stoned, and its flesh shall not be eaten; but the owner of the ox shall not be liable. If the ox has been accustomed to gore in the past, and its owner has been warned but has not restrained it, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. If a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life. If it gores a boy or a girl, the owner shall be dealt with according to this same rule. If the ox gores a male or female slave, the owner shall pay to the owner thirty shekels of silver, and the ox shall be stoned. (Exod 21:28-32)

Breaking it down:

- (1) If an ox kills a human once, the owner is not liable, but the ox is to be killed
- (2) If the ox has gored a human in the past without killing the human, and the owner has been warned, but then the ox gores and kills, then both the ox and the owner are to be killed
- (3) If a ransom is imposed upon the owner for the life of the victim, the owner is to pay it, whatever sum the court decides upon
- (4) If the ox gores a slave to death, the compensation is fixed at thirty shekels of silver to the slave's owner, and the ox is

to be killed

So Copan reads the provision for the ransom as applying to (2), but in reality, (2) is a further development of (1). So (3) really applies to (1), and not to (2). This is clear because the “ransom” is not paid to ransom the ox-owner’s life, but rather the “victim’s” life, i.e., the victim of the ox-goring. So, let’s renumber these to make this clear:

- (1) If an ox kills a human once, the owner is not liable, but the ox is to be killed
- (1') If the ox has gored a human in the past without killing the human, and the owner has been warned, but then the ox gores and kills, then both the ox and the owner are to be killed
- (2) If a ransom is imposed upon the owner for the life of the victim, the owner is to pay it, whatever sum the court decides upon
- (3) If the ox gores a slave to death, the compensation is fixed at thirty shekels of silver to the slave’s owner, and the ox is to be killed

Clearly, the ransom provision does not apply to 1', but only to 1. Thus, Copan’s attempt to portray Israel’s laws as less brutal than they actually were is deemed to be a failure.

In the next segment, I’ll continue my evaluation of chapter 9 by looking at Copan’s treatment of human sacrifice in the Hebrew Bible.

Other Crimes, Like Human Sacrifice

Chapter 9:

Barbarisms, Crude Laws, and Other Imaginary Crimes? Punishments and Other Harsh Realities in Perspective

(Part 2 of 2)

Proceeding with our critique of chapter 9, Copan discusses human sacrifice, under the incorrectly-named heading “Infant Sacrifice in Israel?” Under the heading “infant” sacrifice, Copan examines two cases where the child is actually fully grown. He says that many critics contend that the Hebrew Bible assumes the acceptability of “infant sacrifice” in Israel. Copan says that scholars argue that “infant” sacrifice was acceptable, and that they cite the near-sacrifice of Isaac in support of their case. Copan then points out that Isaac was “hardly an infant” (95). Of course, as Copan no doubt knows, biblical scholars argue that both “child” and “human” sacrifice was acceptable throughout most of Israel’s history, and never cite the sacrifice of Isaac as evidence for “infant” sacrifice. But let’s get on with his arguments against the consensus position.

First, Copan points out that Lev 18:21 and 20:2-5, as well as Deut 12:31 and 18:10, roundly condemn human sacrifice. Well, first, let’s cross the Leviticus texts off the list, because they condemn sacrificing children to Molech, not sacrificing children to Yahweh. Nobody argues that it was ever acceptable in Israel to sacrifice a child to a god other than Yahweh. Biblical scholars argue, rather, that it was for a long time acceptable to sacrifice humans to *Yahweh*.

How about the Deuteronomy texts? Yes, here are two clear condemnations of child sacrifice, the first of which (12:31) is explicit that children are not to be sacrificed to Yahweh. Case closed? Not really. The consensus in scholarship is that these portions of Deuteronomy are late compositions, belonging to the Deuteronomistic corpus, which scholars date to the seventh century BCE. Copan seems wholly unaware of this, in that later he refers to these texts in Deuteronomy as “earlier” (96) than the events depicted in 2 Kings 3, during the time of Elisha. In fact, these texts in Deuteronomy were composed long after the time of Elisha, *after* the institution of child sacrifice in Israel had fallen

into disrepute due to its condemnation by the prophet Jeremiah in the seventh century. The institution was also condemned by Ezekiel (in a way contradictory to Jeremiah) later on in the sixth century.¹² According to the broad consensus of scholarship, these portions of Deuteronomy are part of a composition that was written to buttress the highly novel (and very violent) religious reforms of King Josiah in the seventh century. By failing to engage critical scholarship here, Copan is, in my estimation, taking the easy road and withholding critical data from his readership, giving them the impression that Copan's presentation has solved the problem, when this isn't remotely the case.

The next move Copan makes is, in my estimation, an example of intellectual dishonesty. Immediately after citing the aforementioned texts from Leviticus and Deuteronomy, Copan writes:

As Susan Niditch points out in *War in the Hebrew Bible*, the "dominant voice" in the Old Testament "condemns child sacrifice" since it opposes God's purposes and undermines Israelite society. (95)

This is a truncated version of his portrayal of Niditch from one of Copan's earlier treatments of the subject of human sacrifice in the Bible, which he published online.¹³ Here is the relevant segment from his earlier essay:

Regarding the Hebrew term *herem* ("ban," "dedication to destruction"), Rauser correctly observes the *religious* dimension to Israel's wars. Indeed, this was true of ANE wars in general? sacred [*sic*] or holy endeavors. Israel's defeating its enemies was an indication that Yahweh the "warrior" (Exod. 15:3) was ruler over all the nations and their gods. Is Rauser correct, though, in claiming that the slaughter of all men, women, and children was a "reli-

¹² See chapter six of *The Human Faces of God*, and the literature cited therein, for a fuller argument.

¹³ Paul Copan, "Yahweh Wars and the Canaanites: Divinely-Mandated Genocide or Corporate Capital Punishment?" *Evangelical Philosophical Society*, page 2, <http://www.epsociety.org/library/articles.asp?pid=63&ap=2>

gious act of *worship*”?

Not quite. Susan Niditch’s study, *War in the Hebrew Bible*, affirms that the “ban” in the early texts (for example, Deut. 20) refers to the total destruction of warriors and the consecration to God of everything that was captured:

The dominant voice in the Hebrew Bible condemns child sacrifice as the epitome of anti-Yahwist and anti-social behavior the dominant voice in the Hebrew Bible treats [holy war] not as sacrifice in exchange for victory but as just and deserved punishment for idolaters, sinners, and those who lead Israel astray or commit direct injustice against Israel.¹⁴

In this way, Copan uses Niditch to argue that the Bible does *not condone* but rather *condemns* human sacrifice. What Copan fails to tell his readers is that Susan Niditch has made a strong argument that portions of the Bible *do in fact* approve of human sacrifice, and that holy war in the Bible *was in fact* an exercise in human sacrifice, in the pre-monarchical period. What Copan has done is make *selective* use of an authoritative biblical scholar in order to serve his own agenda.

You see, in *War in the Hebrew Bible*, Susan Niditch makes the case that the *earliest* conception of holy war in the Hebrew Bible was one where the noncombatants who were slaughtered by God’s people were human sacrifices offered to Yahweh out of gratitude for giving the Israelites victory against the enemy’s armies. This practice of killing every living being in the city is often called “the ban.” As Niditch writes,

The ban as sacrifice is an ideology of war in which the enemy is to be utterly destroyed as an offering to the deity who has made victory possible. Implicit in this ideology is a view of God who appreciates

¹⁴ Ibid., quoting Susan Niditch, *War in the Hebrew Bible*, 46.

human sacrifice.¹⁵

Niditch made the case that this ideology of slaughtering women and children as human sacrifices represents the *earliest* voices in the Hebrew Bible, but that the later, “dominant voice” would overshadow the earlier voices in its condemnation of human sacrifice. In other words, for a long time, human sacrifice was considered to be acceptable by orthodox voices inscribed in our Scriptures, but the later voice which came to be the *dominant* voice engaged in a *cover-up*.

Copan fails to mention that this is Niditch’s argument. He only quotes what she concludes about the “dominant voice,” but leaves his readers uninformed regarding what she says about the “earliest voices” in the Hebrew Bible. Note also the way he portrays her position. He begins by presenting Randal Rauser’s position that holy war was an act of worship in which Israelites sacrificed non-combatants to their deities. He then asks if this is really the case. His answer? “Not quite.” Then he immediately refers to Niditch to counter Rauser, but Niditch *agrees* with Rauser! (Or rather it’s the other way around.) Note also that Copan says, “Susan Niditch’s study, *War in the Hebrew Bible*, affirms that the ‘ban’ in the early texts (for example, Deut. 20) refers to the total destruction of warriors and the consecration to God of everything that was captured.” Two things to point out here. First, he cites Deuteronomy 20 as an example of one of the “early texts.” But Niditch’s argument, to the contrary, is that Deuteronomy 20 is one of the *later* texts that *cover-up* the ideology of human sacrifice in holy war by inserting an ideology of holy war as just punishment for sin! This is an egregious mischaracterization of Niditch. Second, the ideology he is here describing (“the ‘ban’ in the early texts . . . refers to the total destruction of warriors and the consecration to God of everything that was captured”) is *precisely* the ideology in which holy war is seen as sacrificial worship, according to Niditch.

Immediately after this, he moves without transition to his direct quote from Niditch, talking about the “dominant voice” which condemns human sacrifice. But the lack of transition, contrasting the ban as “consecration to God” with the ban as “just punishment

¹⁵ Niditch, *War in the Hebrew Bible*, 151.

for sin” leads the reader to believe that these are one and the same position. This obfuscates the fact that these are two different voices in Scripture.

The unfortunate effect of this is that his readers will be led to believe that Niditch’s book *supports* his thesis that human sacrifice was not accepted in Israel. In reality, and to the contrary, Niditch’s book argues against Copan’s thesis. But by means of a *selective reading* of Niditch’s superlative scholarship, Copan has made his case look supported. Moreover, Copan ignores the fact Niditch expressly challenges scholars like Copan to be honest with the material:

Deep in the mythological framework of Israelite thought, war, death, sacrifice, the ban, and divine satiation are integrally associated. . . . To dissociate the Israelite ban from the realm of the sacred and from the concept of sacrifice is to ignore the obvious and yet this is precisely what many scholars have done. What leads them to ‘ignore the obvious’?¹⁶

Now, in his original online essay (not in his book), after proof-texting from Niditch, he immediately goes on to cite conservative Evangelical scholar Richard Hess. Copan writes, “Furthermore, Hess contends that human sacrifice to Yahweh was not behind *herem*; no evidence in the early texts suggests this.” What has he done here? He has cited Hess *against* Niditch’s position, without informing his readers that Hess is actually disagreeing *with* Niditch when Hess says this. The illusion this creates is that Niditch and Hess are in support of his position over against Rauser. But let’s look at the article from Hess that Copan cites against the position that early holy war was an act of mass human sacrifice. What does Hess actually say in critique of Niditch’s (hidden) position?

A 9th-century stele of King Mesha of Moab describes his destruction of an Israelite town and its

¹⁶ Susan Niditch, *War in the Hebrew Bible*, 41.

sacrificial devotion to his god Chemosh as a *herem* 'ban.' However, this language does not prove that the same theology dominated in Israel. And, indeed, there is no explicit evidence for human sacrifice to Yahweh in the early texts.¹⁷

This is Hess's critique of Niditch—a two-sentence dismissal of a very lengthy argument. The problem is, contrary to Hess's claim here, *there is ample evidence* in the early texts for human sacrifice to Yahweh, and good evidence that Israelites in the pre-monarchical period believed that a human sacrifice could be offered to Yahweh in exchange for victory in battle. Niditch spends numerous pages pouring over the evidence and discussing it in detail; Hess's response is just to deny that any such evidence exists, with no argument offered.

First we will note that in the quote above it appears that Hess accepts that the use of *herem* in line 17 of the Mesha Stele refers to a "sacrificial devotion" (in Hess's own words). His only point of contention in this earlier statement is that we should automatically assume that because Israel used the same word (*herem*) that a sacrificial devotion is implied there too. Yet contrast this with Hess's later statement in his dialogue with me:

Line 17 of the Mesha inscription does indeed discuss the herem. However, it simply uses the causative verbal form of this root with the Moabite god as the direction toward which the herem was made. This follows king Mesha's slaughter of 7,000 inhabitants of the city. However, in the context of war it is nowhere clear that this has to do with human sacrifice. It has to do with defeat of the enemy. We do not know what the religious beliefs of the Moabite king were in respect to the practice of the herem; only that he practiced some form of it. Beyond that, there is insufficient evidence on the basis of this one citation.

¹⁷ Richard S. Hess, "War in the Hebrew Bible: An Overview," in *War in the Bible and Terrorism in the Twenty-First Century*, 25.

So while in his earlier statement Hess characterized it as a “sacrificial devotion,” it seems that now Hess is not convinced that it must be understood in this way. Or perhaps his earlier statement was just unclear; perhaps he was articulating Niditch’s understanding of *herem* in the Mesha Stele, and only critiquing the assumption that this understanding would have to translate to Israel as well. (Of course, it is not at all an *assumption* for Niditch. She makes a detailed argument for *why herem* should be understood as sacrificial in early Israel, an argument which Hess essentially ignores.) Whatever the case, whether Hess was unclear, or whether Hess has since changed his mind (both are fine), Hess now states that we can’t be sure that the Mesha Stele is speaking about *herem* as some sort of sacrifice to a deity.

I contest this. The term *herem* means “devoted” or “set apart” in Semitic languages (as Hess knows). We’re all already familiar with this word from Arabic—a *harem* is a collection of concubines *set apart* for a man of stature or a royal. There is no denying that it denotes the setting apart or devotion of an object to someone or for some purpose. Now the Mesha Stele is clear: the city of Nebo was devoted to Ashtar-Kemosh, and there is a logical connection between the slaughter of its inhabitants and its devotion to the deity.

If the inhabitants were not killed, but were kept alive, and they were said to have been devoted to Ashtar-Kemosh, then what would this mean? Likely it would mean that they were in some way put into service to the deity (as slaves for the priesthood?). But the fact is they *were* killed, and it is this action which is described as part of the city’s devotion to the deity.

Granted, they aren’t said to have been sacrificed on altars. So it’s not a sacrifice in that sense. But that doesn’t mean it cannot still be an act which operates within the domain of sacrifice. By slaughtering the whole population, Mesha was not taking captives. These would have been potential wives, concubines, slaves, or perhaps even hostages. But they are not taken for these purposes; rather, they are slaughtered, because the city was devoted to Ashtar-Kemosh. Not all sacrificial offerings to deities were offered on altars.

Some background here: the Mesha Stele begins with an account of how King Omri of Israel had been oppressing Moab (because Kemosh was angry with his people for their sins). For generations, Omri’s dynasty had been in occupation of Moabite terri-

tory. So, Mesha is up against a formidable foe—a stronger Israel. But Kemosh promises Mesha victory by ordering him to take the city of Nebo back from Israel's occupation. In return, King Mesha offers all of the noncombatants to his deity as a sacrificial offering, a *herem* devotion of the noncombatants to Mesha's god.

And here's where the biblical evidence confirms that *herem* functioned in a very similar way, as Niditch discusses at considerable length. Let's look first at Leviticus 27:28-29. The immediate context is an extended discussion of the rules regarding things devoted to Yahweh as offerings. A man could, if he chose, consecrate (*qadash*) a field to Yahweh, or a house, or an animal, or a person. These are put into Yahweh's service (mediated by the priesthood), but these may be redeemed for a price set by the assessor (priest), if the one who consecrated them could afford it. If not, the field, etc., were to belong to Yahweh forever. But when it comes to anything that is *devoted* to Yahweh (*herem*) according to law, it may not be redeemed:

Nothing that a person owns that has been devoted to Yahweh, be it human or animal, or inherited land-holding, may be sold or redeemed; every devoted thing is most holy to Yahweh. No human beings who have been devoted to destruction can be ransomed; they shall be put to death. (Lev 27:28-29)

This speaks of offerings to Yahweh. While they do not all involve the use of altars, they are offerings nonetheless. Something that is *herem* is devoted to Yahweh, and may not be redeemed. If the *herem* object is human, the human cannot be ransomed, but must be put to death.

I'll pause here to note that this conflicts with Copan's claim (which he'll make later) that when a city was put to *herem* that need not mean all were literally killed. He argues that the warfare language is hyperbolic. But Leviticus 27 is not a warfare text; it is a legal text, and it makes clear that any human who is designated *herem* cannot be redeemed; they must be put to death.

Now, the significance here is that what we have in view are sacrificial offerings to Yahweh. Some of these offerings may be offered voluntarily, by means of a vow. These may be redeemed, but if not, they belong to Yahweh. But other objects are Yahweh's by

fiat; these are *herem*. Anything designated as *herem* may not be redeemed, because it belongs to Yahweh.

So when we turn to warfare texts in which *h-r-m* is employed, we see very clearly how they fit within this paradigm of objects offered to Yahweh in a sacrificial way. At Jericho, all spoils, human, animal and inanimate, were designated as *herem*. They belonged to Yahweh. Any inanimate spoils were to be burned to ash, and anything that would not burn was to go into Yahweh's treasury. The Israelites were told not to "covet" the spoils, precisely because they belonged to Yahweh. If they were taboo or considered a contagion, it was not (at least originally) because they were contaminated by their connection to the Canaanites (since at Ai spoil is allowed to be taken), but rather because they were devoted to Yahweh. When Achan took that which belonged to Yahweh, he made all of Israel *herem* until he and his family and everything he owned were killed, burned and buried.

Niditch argues that we see this as well in Numbers 21:1-3. Israel is going up against Arad, a Canaanite complex. Arad has already attacked the Israelites and took some of their soldiers captive. So Israel is up against a formidable enemy, and they need that additional divine boost. What's significant is that this is the only place in the book of Numbers where the word *haram* is used in a warfare context. Its noun form appears once in 18:14, which says, "Everything devoted (*herem*) in Israel shall be yours" (i.e., the priests'). In other words, if a sacrifice or offering was *herem*, it was for the priests' consumption or use, because the priests were Yahweh's representatives. But back to its use in warfare contexts. This occurs only once in Numbers, and it is significant that here it is the Israelites, not Yahweh, who designate the objects for destruction as *herem*. Whereas in Deuteronomy (later material) the Canaanites are designated as *herem* by divine fiat, here the Israelites *offer* to put the Canaanite cities of Arad to the ban (*haram*):

Then Israel vowed a vow to Yahweh and said, "If you will indeed give this people into my hands, then I will devote their cities to destruction [*haram*]." And Yahweh listened to the voice of Israel, and delivered up the Canaanites, and them and their cities they devoted to destruction.

Note the close parallel here to the vow of Jephthah made in Judges 11:30-31:

Then Jephthah vowed a vow to Yahweh and said, "If you will indeed give the sons of Ammon into my hands, then whoever comes forth from the doors of my house to meet me, when I return in peace from the sons of Ammon, shall be for Yahweh, and I will offer it up as a burnt-sacrifice. So Jephthah passed over to the sons of Ammon to fight against them, and Yahweh delivered them into his hands.

I've rendered the translations fairly literally so that the similarity in construction may be seen. Both make vows to Yahweh. Both vows involve an if/then arrangement: "If you will do this, then I will do this." In both cases, Yahweh did what they asked him to do when they made their vows, and in both cases, a human slaughter was performed in order to fulfill their side of the vow. Since we know that *herem* refers to a devotion of an object or objects to a deity as an offering or sacrifice, and since we know that when the *herem* object is human, it is to be put to death, it seems quite clear that we see in Numbers 21 a text which assumes that Yahweh is a god who appreciates human sacrifice.

Here is a clear example testifying to Israelite belief in this period that Yahweh would give victory in battle in exchange for the satiation of human sacrifice. Why does Jephthah make this vow? Because the Ammonites were a formidable enemy, and Jephthah needed that extra divine boost in order to ensure a victory. Note that the text does not condemn Jephthah. Yahweh does not stop Jephthah from sacrificing his daughter. Moreover, according to the text, Yahweh is engaged in this whole affair, because after Jephthah made the vow, "Yahweh gave them [the Ammonites] into his hand." Moreover, Jephthah is expressly one upon whom the spirit of Yahweh is said to have rested. In the New Testament, the book of Hebrews lists Jephthah as one of Israel's great heroes of faith.

Copan attempts to dispense with this passage by arguing that Jephthah's vow was a "rash vow" (96), and that "is" does not equal "ought" (in other words, just because it happened in the Bible doesn't mean it was good). First, the text does not say that Jephthah's vow was "rash." That's what Copan says. Certainly, Jephthah laments that it turned out to be his beloved daughter whom he had to sacrifice, but his daughter doesn't! She sees that

because Yahweh had given him victory, it is only right for him to keep up his end of the bargain. She takes the news of her impending inflammation rather well, all things considered. This shows that these assumptions were a normal part of life in that period. Human sacrifice to the deity was taken for granted; it was not a “rash” aberration.

Second, while it’s true that “is” does not necessarily equal “ought,” the assumption the text maintains is that because Yahweh gave him victory, Jephthah now *ought* to sacrifice his daughter. He didn’t lament having to sacrifice a human being; he lamented having to sacrifice his beloved daughter, and understandably so. But that’s the point that’s implicit in the text. Yahweh wants *real* sacrifices, not *easy* sacrifices. Child sacrifice was considered noble in this world precisely because it was the greatest possible sacrifice that could be made. Children who were made subject to sacrifice weren’t despised by their parents; they were beloved. Sacrificing them was *very hard*, and that’s precisely the point. That’s what the ancient deities wanted—*hard* sacrifices. So when the story goes that Jephthah lamented having to sacrifice his daughter, *that is the point of the text*. Yahweh required a *real* sacrifice, and it hurt Jephthah, just as it was supposed to. But as Jephthah’s own daughter said, the bigger picture was the security of Israel, and she was happy to sacrifice herself for that cause.

Moreover, as we will see shortly, making a vow to a deity to offer a human sacrifice in exchange for victory in battle was a common feature of West Semitic sacral warfare, so this hardly comports with Copan’s characterization of Jephthah’s vow as “rash.”

Now, after having reviewed some of the evidence, let’s look again at Hess’s all-too-brief dismissal of Niditch’s thesis and see if it rings true:

A 9th-century stele of King Mesha of Moab describes his destruction of an Israelite town and its sacrificial devotion to his god Chemosh as a *herem* ‘ban.’ However, this language does not prove that the same theology dominated in Israel. And, indeed, there is no explicit evidence for human sacri-

fice to Yahweh in the early texts.¹⁸

As we've seen, to the contrary, there *is* evidence in early Israelite texts that they shared the same ideology of *herem* as human sacrifice in exchange for victory in battle as did King Mesha of Moab. Of course, what Hess *means* is that there is no evidence that Yahweh approves of human sacrifice in these texts, but as we've seen, in both Judges 11 and Numbers 21, a vow is made to Yahweh involving an exchange, and in both cases Yahweh participates, keeping up his end of the bargain. Hess's two-sentence dismissal isn't sufficient to overturn Niditch's case, and we've only looked at two examples of the evidence she provides. In light of the evidence reviewed, it is clear that Hess's claim that Israel's early understanding of *herem* isn't necessarily the same as that found in the Mesha Stele requires a significantly greater discussion than Hess provides in the article Copan cites.

Now, before moving on to address other episodes of human sacrifice in the Bible, let's revisit Copan's presentation of Niditch from *the book*, not from the online essay. We note that in *the book*, Copan's presentation of Niditch is truncated. Gone is the incorrect reference to Deuteronomy 20 as, in Copan's words, an "early text" (when it is in fact a later text representing what Niditch calls the "dominant voice" which drowns out the "earlier voices"). This is progress. But let's quote Copan from the book again:

As Susan Niditch points out in *War in the Hebrew Bible*, the "dominant voice" in the Old Testament "condemns child sacrifice" since it opposes God's purposes and undermines Israelite society. (95)

So Copan is still presenting Niditch's conclusions selectively. Does Copan make any reference at all to the fact that in reality he disagrees with Niditch's thesis? Not expressly. The only reference he makes in his book to any criticism of Niditch's work is buried in an endnote. Here is what he says in the endnote:

¹⁸ Richard S. Hess, "War in the Hebrew Bible: An Overview," in *War in the Bible and Terrorism in the Twenty-First Century*, 25.

For a critique of some of Niditch's claims, see Ben C. Ollenburger, review of *War in the Hebrew Bible: A Study in the Ethics of Violence*, by Susan Niditch, *Interpretation* 48, no. 4 (1994): 436-37.

When I saw this I thought perhaps he was referencing a critical review that would include criticism of her thesis on human sacrifice in the early texts of the Hebrew Bible. So I read the review. What I found was a review consisting of a total of 399 words (that's right, I counted them). Of those 399 words, only 34 words were critical. Here's Ollenburger's "critique of some of Niditch's claims" that Copan wants us to read:

By contrast, her comments about the social and historical location of various warfare ideologies are a bit off-the-cuff. One such comment she calls 'my own guess' (p. 105), which seems also to characterize others.¹⁹

Maybe, I hoped, her "guess" on page 105 is really suspect, and maybe, by chance, page 105 has something to do with Niditch's argument about human sacrifice in Israelite warfare. Sadly, it had nothing to do with human sacrifice. In this section, Niditch is discussing "the bardic tradition of war," and interestingly, in Richard Hess's essay on war in the Hebrew Bible, he uses Niditch's section on the bardic tradition positively and without criticism. Anyway, here's what Niditch says on page 105:

Limitations on the knowledge of Israelite social history preclude drawing definite conclusions. The unknown includes the training by which bards learned narrative traditions, the context in which they produced and performed them, and the way in which these traditions became a part of the corpus that scholars call the Deuteronomic History. *My own guess* would be that these materials stem from

¹⁹ Ben C. Ollenburger, "Review of *War in the Hebrew Bible: A Study in the Ethics of Violence*, by Susan Niditch," *Interpretation* 48/4 (1994): 437.

a courtly bardic tradition produced in glorification of a young nation state, its king, its “mighty men,” and the heroes of previous generations.²⁰

Ollenburger criticizes Niditch for making an educated guess about materials about which, as she clearly states, “limitations on the knowledge of Israelite social history preclude drawing definite conclusions.” I do not see the value in the criticism in this review, and I cannot understand why Copan would refer us to it for a critique of some of Niditch’s claims. Of course, I’m not chastising Ben. In book reviews, *you have to make some sort of critical comment*, but Ollenburger didn’t have much to say by way of criticism. He seems to have *loved* Niditch’s book. Moreover, in his review, Ollenburger *does actually address* Niditch’s discussion of holy war as human sacrifice. What does he say about it?

Showing the great variety in these ideologies and traditions is a major contribution of the book, and so is its association of warfare and the ban with sacrifice.²¹

When Ollenburger *does* address Niditch’s argument about holy war as human sacrifice, he identifies it as a “major contribution” to scholarship. Here’s how he concludes his review:

Niditch has written a work of engaged scholarship, as her concluding mediation makes clear. I heartily commend it.²²

I’m not sure if Copan actually read this review. If he did, I can’t understand why he referred us to it.

Copan next moves to salvage 2 Kgs 3:4-27, the story of King Mesha’s defeat of the allied forces of Israel, Judah, and Edom. Let me give you the whole story, before we examine the relevance of the human sacrifice here in this tale.

²⁰ Niditch, *War in the Hebrew Bible*, 105.

²¹ Ollenburger, “Review of *War in the Hebrew Bible*,” 437.

²² *Ibid.*

As we already noted when we looked at the Mesha Stele, Israel had subjugated Moab, oppressing them, and was in occupation of multiple Moabite territories. So the story begins, King Ahab of Israel died, and Mesha took that opportunity to mount a resistance and rebel against Moab's oppressor, Israel. In response, Jehoram, king of Israel, makes an alliance with Judah and Edom and sets out to put Mesha back in his place of subjugation and compliance. But before they engage Mesha in combat, King Jehoram seeks a prophet to foretell whether Yahweh will fight for them or not. Yahweh speaks through Elisha and promises them a total victory over Moab.

Let's pause for a moment to discuss the significance of this. The whole premise of this account is that King Mesha of Moab is taking advantage of Ahab's death and rebelling against Israel's dominion. What form did this rebellion take? Well, according to this text, Mesha rebelled by refusing to continue to offer his required tribute of 100,000 lambs and the wool of 100,000 rams (see 2 Kgs 3:4-7). If any other kind of rebellion is implied in the text, then it would have been Mesha attempting to regain Moabite territory from Israel (as seen in the Mesha Stele). So Israel moves to stamp out this rebellion in order to secure its oppressive dominion over the Moabites. What does Yahweh say about all this? Yahweh not only says he'll help them stamp out the rebellion, Yahweh says he'll help them conquer "*every fortified city and every choice city*" in the land of Moab.

So, with the assurance of Elisha that Yahweh will certainly give them victory over Moab ("this is a trifle in the sight of Yahweh," i.e., easy pickings), Israel, Judah and Edom engage Moab in battle.

And as the battle gets going, it's clear that Yahweh is indeed fighting for them, employing a miraculous optical illusion to lead the Moabites into an ambush (3:22). So the allied forces are cleaning up, laying waste to Moabite territory, and the Moabites are running scared. Mesha is losing big time. He's up against . . . *a formidable foe*. So you can guess what he does next, right?

When the king of Moab saw that the battle was going against him, he took with him seven hundred

swordsmen to break through, opposite the king of Edom; but they could not. Then he took his firstborn son who was to succeed him, and offered him as a burnt-offering on the wall.

Here it is again. As with Jephthah, as with the Israelites against the armies of Arad, Mesha is up against a formidable foe and needs a divine boost if he's going to come out with a victory. So he does what any heroic Israelite would do: he offers a human sacrifice to his deity in exchange for support in battle. But not just any sacrifice. Mesha already knew what Jephthah learned the hard way: deities wanted a *real* sacrifice. Mesha sacrificed his firstborn son, heir to the throne, to his god Kemosh. What happens next?

And great wrath came upon Israel, so they withdrew from Mesha and returned to their own land.

Turns out the narrator of Kings accepts that human sacrifice was really efficacious, and not only that, that Mesha's god was powerful enough to rout Yahweh's forces.

But Copan doesn't argue against the reading of the text I've just offered. He seems to misunderstand what biblical scholars say this text describes. He writes, "Some think this is *God's* wrath [i.e., *Yahweh's* wrath] and that God is showing his *approval* of Mesha's sacrifice of his son by responding in wrath against Israel" (96).

I seriously doubt that any scholar argues this. In all of the commentaries and monographs I've read that address this text, I've never encountered anyone who even acknowledges the existence of the view that Yahweh accepted Mesha's sacrifice.

Unfortunately, Copan proceeds to argue why that interpretation of the text is untenable. But even his arguments against it are inadequate. He argues that this couldn't be the case because the idea that Yahweh would accept a human sacrifice is in direct contradiction to the straightforward condemnations of child sacrifice "earlier in the Pentateuch" (citing Deut 12:31 and 18:10), not to mention the rejection of human sacrifice in the book of Kings it-

self (citing 2 Kgs 16:3; 17:7; 21:6) (96). Of course, all of the texts he cites are in the Deuteronomistic corpus and were written at a time *after* the institution of human sacrifice had been condemned by Jeremiah in the seventh century. At the time this episode was written, Deut 12:31 and 18:10 didn't even exist yet, and the references to child sacrifice in 2 Kings are (according to a large number of scholars, beginning with Frank Moore Cross) editorial additions to older narratives by Dtr2 (an exilic writer from the same school as the seventh century Deuteronomistic historian) who was trying to explain why Israel was now in exile—due to the sins of Judah's kings. Copan is again making an argument that will work well for his intended audience, without informing them that the textual issues may be quite a bit more complex.

Fortunately, however, the rest of his arguments against this odd reading of the passage are still relevant as objections to the reading I offered above. But they are all, with the exception of the last one, arguments I already refuted in chapter six of *The Human Faces of God*. I'll revisit them briefly.

First, he argues that the word for "wrath" (*qetseph*, in Hebrew) is emphatically not divine wrath. He states that elsewhere in 2 Kings, a word derived from the same root as *qetseph* is used to refer to *human fury* (citing 2 Kgs 5:11; 13:19) (96). Note, however, that he has to resort to using a different form of *qetseph* to make his case. He says it is not *divine* wrath. But as I show on pages 80 and 92 of *The Human Faces of God*, this form of *qetseph* occurs twenty-eight times in the Bible. Of those twenty-eight occurrences, only three do not refer to the wrath of a deity. It simply means "anger" (not "fury" as Copan would prefer) in Esth 1:18 and Eccl 5:17. In Hos 10:7 it is used metaphorically for the "froth" on the surface of the water. Of the remaining twenty-five occurrences of *qetseph*, all of which refer to the wrath of a deity, a total of *eighteen* refer to the wrath of a deity upon an army, nation, or congregation.

And the twenty-fifth is right here in 2 Kgs 3:27. The wrath of Kemosh (not of Yahweh) "came upon Israel" and they retreated. It would make no sense if it were the wrath of Yahweh. Why would Yahweh punish Israel for Mesha's sacrifice? The plain sense of the text just verifies the ideology we've already seen at work in Num-

bers 21 and Judges 11, except this time, the deity offering aid in battle in exchange for sacrifice is Kemosh, not Yahweh.

But Copan lays out some other (what he thinks are) “plausible” interpretations of the text—three, to be precise. First, the “wrath” was the wrath of the Moabite army, who were angry at Israel because they felt sorry for Mesha because in desperation he had to sacrifice his son. Well, it certainly is a creative suggestion. Problematic for this thesis is that of the twenty-eight occurrences of the word *qetseph* in the Hebrew Bible, *not one* refers to the wrath of an army. Not one. Compared to twenty-five of twenty-eight which refer to the wrath of a deity, and eighteen of which refer to the wrath of a deity “coming upon” an army, nation, or congregation. Interpreting the wrath here as the wrath of the Moabite army just doesn’t fit the linguistic usage at all. Furthermore, it is highly doubtful the Moabites would have “felt sorry” for Mesha, since they believed that human sacrifice was efficacious in securing their deity’s favor. If anything they would have been emboldened by his sacrifice; Copan would do better to make this argument, but he’d still have the philological problem.

Second, the Israelites were overcome with superstitious fear when they witnessed the human sacrifice, causing them to forsake their military campaign (96). Well, another creative suggestion, but one that just ignores what the text actually says. It doesn’t say that “fear” or “dread” came over them. It says that “great wrath” came upon them. Hebrew actually *does* have words for “dread,” “fear,” “horror,” all that. But they aren’t used. “Wrath” *is*, and 89 percent of the time, it refers to the wrath of a deity. So really, do either of these interpretations seem “plausible”?

Now for the third, and final, reading. Richard Hess has recently defended this position; nevertheless, it is the least tenable of all the options. Copan argues that despite Mesha’s inability to break through the Edomite ranks, he somehow managed to capture the king of Edom’s son, and sacrificed the *king of Edom’s* son on the wall, which had the effect of demoralizing Edom’s forces. Copan claims that the “wrath” of Edom’s army brought an end to the war because they turned back, withdrawing from the allied campaign (96).

This argument, as Richard Hess has pointed out, goes back at

least to the twelfth century CE, with Rabbi David Kimhi. Richard Hess's argument for this position has been articulated in a series of personal email correspondences published online, and may be outlined as follows:

(1) The closest proper noun to function as an antecedent to the pronominal 3rd masculine singular suffix of "firstborn son" is the king of Edom in v. 26, so that the "him" in "firstborn son of him" refers to the king of Edom and not to Mesha: "When the king of Moab saw that the battle was going against him, he took with him seven hundred swordsmen to break through, opposite the king of Edom; but they could not. Then he took his firstborn son who was to succeed him, and offered him as a burnt-offering on the wall."

(2) Mesha attempted to break through the Edomite ranks in order to get at the king. Killing him would demoralize the Edomite army causing them to abandon the fight. Mesha failed to get to the king but managed to get the next best thing: the king's son. They captured him, and in killing him demoralized the Edomites.

(3) The "wrath" that came upon Israel was not that of Mesha's god but rather that of the Edomites, Israel's allies. Hess argues that for the loss of their prince the Edomites blamed not the Moabites who killed him but the Israelites who invited them into this predicament in the first place. Their anger against the Israelites for this caused them to abandon the coalition, forcing the Israelites and the Judeans to abandon the siege on Moab and go home.

(4) Hess claims that there is no example of a king sacrificing his son in public view in the West Semitic world, so the idea that Mesha sacrificed his own son upon the wall makes little sense. He says "we have no example that I know of where a king sacrifices his son in a besieged city so that the enemies see that sacrifice."

(5) Hess argues that it would not make sense for Mesha to sacrifice his own son because this would not demoralize the Edomites; rather, it would have demoralized the Moabites.

(6) Hess argues that there is no evidence in any other text that the sacrifice of a son would bring about divine wrath from any god or goddess against an enemy, concluding that this is a "reconstruction based on modern views of what the ancients believed child sacrifice could accomplish" and that it is "certainly not ap-

parent in this text or in any other.”

(7) Hess rightly argues that there is ample precedent in the ancient Near East for such public executions which are intended to terrorize the enemy and induce dread upon them.

(8) Hess acknowledges that the killing of the son is a burnt offering but contests that the text does not reference any god whatsoever. “The term focuses, not on the religious nature of the sacrifice, but on the fact that the prince was put to death in a public spectacle where his body was burned. The fire and smoke could be seen (and smelled?) by the Edomites who were then demoralized.”

(9) Hess suggests, careful to note that he cannot state this with certainty, that a possible parallel to this episode is found in Amos 2:1, where it is said that Moab “burned, as if to lime, the bones of Edom’s king.”

While Hess’s argument may appear on the surface to have a degree of plausibility, in fact at every point, save the first, it is entirely untenable, as I will now show.

(1’) While it is indeed grammatically possible that the king of Edom functions as the antecedent to the 3rd masculine singular pronominal suffix in the construction “firstborn son of him,” it is improbable. The verb “to take” directly preceding “firstborn son of him” serves perfectly adequately as the antecedent, and the 3rd masculine singular subject is Mesha. As Hess notes, the determination must be made by reference to the broader context, and as we will see, the broader context rules out Hess’s reading entirely.

Before we move on to critique the remainder of Hess’s arguments, however, we should pause to say a word or two about the verb used, *laqach* (“to take”). The question is, can *laqach* refer to a “capture” or a “seizure”? Its usage will be determinative. While this is certainly not its most common meaning, at first glance, it would appear that *laqach* is on occasion used to refer to a “capture,” but, significantly, *laqach* is never used to refer to the capture of a human being. It is used to refer to the capture of the ark of the covenant (1 Sam 5:1), to the seizure of raw meat by force (1 Sam 2:16), of silver (Judg 5:19), of bronze (2 Sam 8:8), of territory (Gen 48:22; Deut 3:14), of cities (Num 21:25; Deut 3:14; Josh 11:19; 1 Sam 7:14; 2 Sam 8:1), and to the capture of a hippopota-

mus (Job 40:24).

There is one usage which seems like an exception to this rule. In Gen 14:12, Lot is “taken” (*laqach*) by an enemy army, after a battle had run its course. But this exception is explained by the fact that the verb in this case carries two direct objects: Lot, and his “goods.” Moreover in the verse just prior, *laqach* is used to refer to the seizure of “all the goods of Sodom and Gomorrah.” Thus, in this case, the use of *laqach* is justified by its second direct object, Lot’s “goods.” This verse does not provide an adequate exception to the rule.

There is one other usage of *laqach* which may at first glance appear to resemble the “capture” of a king. This is found in 2 Kgs 23:34, when the Judean king Jehoahaz is “taken away” to Egypt by Pharaoh Neco. But the context makes clear that this does not at all refer to a “capture,” much less a capture in battle. Rather, v. 33 indicates that Jehoahaz was already bound and confined by the pharaoh. Neco then installed Eliakim as vassal king of Judea, and “took away” (*laqach*) Jehoahaz to Egypt, where he would remain until he died. This does not refer to a capture, but to a forced deportation.

There is one example in the Amarna Letters (EA 287:56) where a different form of this verb is used in reference to the “taking” in the countryside of a group of prisoners and porters being sent to pharaoh from Canaan. What precisely this means, however, whether they were captured or subdued, is uncertain. Moreover, this is not a battle scenario, and constitutes a single use from a much earlier period.

If 2 Kings 3:27 refers to the “capture” of the king of Edom’s son during a battle, it would be the only instance where *laqach* is used in such a way. If a capture is what the narrator had in mind, we should rather expect him to have used one of two Hebrew verbs denoting the “capture” or “seizure” of a human being. The most obvious choice would have been *lakad*, “to capture, sieze.” This verb is used numerous times to refer to the capture of a soldier, captain, or king in battle, and often this capture is followed directly by an execution. The following are these usages:

They captured the two captains of Midian—Oreb

and Zeeb; they killed Oreb at the rock of Oreb, and Zeeb they killed at the wine press of Zeeb, as they pursued the Midianites. They brought the heads of Oreb and Zeeb to Gideon beyond the Jordan. (Judg 7:25)

Zebah and Zalmunna fled; and he pursued them and captured the two kings of Midian, Zebah and Zalmunna, and threw all the army into a panic. (Judg 8:12)

When Gideon son of Joash returned from the battle by the ascent of Heres, he captured a young man, one of the people of Succoth, and questioned him; and he listed for him the officials and elders of Succoth, seventy-seven people. (Judg 7:13-14)

He [Joshua] captured all their kings, struck them down, and put them to death. (Josh 11:17)

He searched for Ahaziah, who was captured while hiding in Samaria and was brought to Jehu, and put to death. [2 Chr 22:9]

Therefore Yahweh brought against them the commanders of the army of the king of Assyria, who took captive [*lakad*] Manasseh in manacles, bound him with fetters, and brought him to Babylon. (2 Chr 33:11)

These usages involve exactly the kind of scenario Hess wishes to read into 2 Kings 3:27, yet the verb used is different altogether. Another possible alternative would have been the verb *tapas*. Its relevant usages are as follows:

But the king of Ai was captured alive and brought to Joshua. (Josh 8:23)

He captured Agag the king of the Amalekites alive, and utterly destroyed all the people with the edge of the sword. (1 Sam 15:8)

Saul went on one side of the mountain, and David and his men on the other side of the mountain ; and David was hurrying to get away from Saul, for Saul and his men were surrounding David and his men to capture them. (1 Sam 23:26)

Then Elijah said to them, "Seize the prophets of Baal; do not let one of them escape." So they seized them; and Elijah brought them down to the brook Kishon, and slew them there. (1 Kgs 18:40)

When they come out of the city, we will capture them alive and get into the city. (2 Kgs 7:12)

Then they captured the king and brought him to the king of Babylon at Riblah, and he passed sentence on him. (2 Kgs 25:6)

Then Joash king of Israel captured Amaziah king of Judah. (2 Chr 25:23; 2 Kgs 14:13)
God has forsaken him; Pursue and seize him, for there is no one to deliver. (Ps 71:11)

And when Jeremiah had finished speaking all that Yahweh had commanded him to speak to all the people, then the priests and the prophets and all the people seized him, saying, 'You shall die!' (Jer 26:8)

And you yourself shall not escape from his hand, but shall surely be captured and handed over to him; you shall see the king of Babylon eye to eye and speak with him face to face; and you shall go to Babylon. (Jer 34:3)

All your wives and your children shall be led out to the Chaldeans, and you yourself shall not escape from their hand, but shall be captured by the king of Babylon; and this city shall be burned with fire. (Jer 38:23)

Then they captured the king and brought him up to the king of Babylon at Riblah in the land of Hamath, and he passed sentence on him. (Jer 52:9)

Thus it is clear already at the outset that Hess's reading of the text is not at all likely. The usage of *laqach*, the verb used in 2 Kgs 3:27, does not comport with Hess's contention that it refers to the capture of the prince of Edom in battle. If this were the intent of the narrator, either *lakad* or *tapas* would much more likely have been employed.

The verb used in the text, however, is perfectly appropriate to denote Mesha's act of "taking" his son to be sacrificed. A nice example of this usage is found in an obscure little passage from Genesis 22:

After these things God tested Abraham. He said to him, "Abraham!" And he said, "Here I am." He said, "Take [*laqach*] your son, your only son Isaac, whom you love, and go to the land of Moriah, and offer him there as a burnt-offering on one of the mountains that I shall show you."

(2') Hess claims that Mesha's attempt to break through the Edomite ranks was to kill the king of Edom which would have demoralized the Edomite army, causing them to abandon the fight. It must first be noted that the text offers no indication that demoralizing the Edomites was his objective; the most the text indicates is that the Moabites were attempting to fend off the attacking army, which is to be expected. But Hess claims that, failing to get to the king of Edom, they yet somehow managed to capture the king of Edom's son, and in killing him demoralized the Edom-

ites. This is already ruled out by the discussion above. No “capture” is indicated in the text. Moreover, the text expressly says that their attempt to break through Edom’s ranks was a failure. And of course, the text says nothing about the Edomites being demoralized. Hess is reading this into the text.

(3’) Hess argues that the “wrath” that came upon Israel was that of the Edomites who, having lost their prince, blamed their ally Israel rather than Mesha who was (according to Hess’s reading) directly responsible for his death. This is tenuous at the very best. It is highly unlikely that had the Moabites captured and killed the Edomite prince this would have had the effect Hess is imagining. If the Edomites and their allies were truly winning the battle as the text describes, it is highly unlikely that the death of their prince would have caused them to abandon the effort. Rather, it is more likely that such an execution would have caused them to fight harder to finish the Moabites off, to take vengeance for the death of their heir to the throne. Moreover, as noted the word “wrath” refers the vast majority of the time to the wrath of a deity, and significantly it is never used to refer to the “wrath” of an army or nation.

(4’) Hess claims that there is no example of a king sacrificing his son in public view in the West Semitic world, so the idea that Mesha sacrificed his own son upon the wall makes little sense. He says, “Clearly sons and sons of kings were sacrificed to gods; but we have no example that I know of where a king sacrifices his son in a besieged city so that the enemies see that sacrifice.”

This is a very strained argument. Sacrifices were often public spectacles in the ancient world. And in the heat of a battle, it is doubtful Mesha had much choice as to precisely where to sacrifice his son. But there is nothing unexpected about its public nature. Moreover, despite Hess’s lack of awareness of ancient parallels to this sort of thing, they are ample and significant, as we’ll discuss in response to (6).

(5’) Hess argues that it would not make sense for Mesha to sacrifice his own son because this would not demoralize the Edomites; rather, it would have demoralized the Moabites.

This is a clear example of circular reasoning. Hess presumes that Mesha’s intention was to demoralize the Edomites, although

the text states no such thing, and then rules out other interpretations on the grounds that they would not have demoralized the Edomites. But his claim is also patently false, in addition to its circularity. If in fact the ancients believed that human sacrifice could secure the aid of a deity in battle, then the sacrifice of Moab's royal heir would not have demoralized the Moabites; it would have encouraged them, since they believed Kemosh would now fight on their behalf. Moreover, if the Edomites and Israelites also believed in the efficacy of human sacrifice, as well as in the existence of Kemosh (which Hess does not dispute), then Mesha's sacrifice of his own son would very likely *have* demoralized them.

(6') Hess argues that there is no evidence in any other text that the sacrifice of a son would bring about divine wrath from any god or goddess against an enemy, concluding that this is a "reconstruction based on modern views of what the ancients believed child sacrifice could accomplish" and that it is "certainly not apparent in this text or in any other."

It is difficult to understand how Hess can make this claim. The account of Jephthah in Judges 11 is as clear as they come. Jephthah clearly believed that by offering Yahweh a sacrifice, this act would secure Yahweh's aid in battle against the Ammonites. This is hardly a "modern reconstruction." It's right there in the text; that's the very premise of the story. When I brought this up in my dialogue with Hess, he contested:

God gives the victory and Jephthah follows through on his rash vow. I am not sure what this is supposed to prove in regard to 2 Kings 3. The point here is not a promise made in advance or even on the wall in the midst of the battle. No such promise is mentioned. Nor in the Jephthah story does the death of a human being occasion the "wrath" and the subsequent departure of the enemy. That there were vows, even rash vows that could involve the sacrifice of one's own family members, I will readily concede. But that is not the scene on the wall of the Moabite king. There is no mention of a vow. There is no mention of a deity. There is no fulfillment of the promise after the victory.

It is difficult to know how to respond to this string of unreasonable demands. What the Jephthah story shows is that the ancients believed that a human sacrifice could help secure a deity's aid in battle. Hess requires an exact, point-by-point parallel before he'll accept that the same paradigm is operative here. This is entirely unreasonable. Nevertheless, let's break this down:

The point here [in 2 Kings 3] is not a promise made in advance or even on the wall in the midst of the battle. No such promise is mentioned.

No vow to later fulfill a sacrifice was necessary because the sacrifice was performed here, right then, in desperation. Mesha did not have to make a promise—*quite obviously*—because he was performing the sacrifice then and there. Hess:

Nor in the Jephthah story does the death of a human being occasion the “wrath” and the subsequent departure of the enemy.

It occasions the divine empowerment of Jephthah and his army to defeat the enemy. The parallel is obvious, except to Hess. As Hess well knows, there are numerous examples in which human soldiers fight the battle but the victory is attributed to the deity. This was, as Rowlett, Kang, and others have shown, a feature of all ANE warfare. We could cite dozens of examples in which the victory is described as a divine onslaught against the enemy, but a very significant text in this regard is 1 Sam 7:7-11. Please read carefully:

When the Philistines heard that the people of Israel had gathered at Mizpah, the lords of the Philistines went up against Israel. And when the people of Israel heard of it they were afraid of the Philistines. The people of Israel said to Samuel, ‘Do not cease to cry out to Yahweh our God for us, and pray that he may save us from the hand of the Philis-

tines.' So Samuel took a sucking lamb and offered it as a burnt-sacrifice [*'olah*] to Yahweh; Samuel cried out to Yahweh for Israel, and Yahweh answered him. As Samuel was offering up the burnt-sacrifice [*'olah*], the Philistines drew near to attack Israel; *but Yahweh thundered with a mighty sound that day against the Philistines and threw them into confusion; and they were routed before Israel.* And the men of Israel went out of Mizpah and pursued the Philistines, and struck them down as far as beyond Beth-car.

Now this doesn't involve a human sacrifice, but the parallel logic is abundantly clear (though perhaps not to Hess). The Israelites are up against the Philistines and are afraid. So in that moment, Samuel offers a burnt-sacrifice (*'olah*) to Yahweh, and Yahweh responds with a divine onslaught against the enemy, sending them into retreat. In the same way, Mesha was up against a larger army, they were losing, he had attempted to break through the ranks of the Edomites and failed, so in his desperation, he offers the greatest sacrifice (no vow necessary obviously, just as with Samuel), and the result is the same—a divine onslaught against Mesha's enemies sending them into retreat. Hess continues:

That there were vows, even rash vows that could involve the sacrifice of one's own family members, I will readily concede. But that is not the scene on the wall of the Moabite king. There is no mention of a vow. There is no mention of a deity. There is no fulfillment of the promise after the victory.

Hess continues to think we need a point-by-point parallel in order for Jephthah to be relevant. We do not. What Jephthah's story shows is that the ancients believed that human sacrifice could secure a deity's aid in battle. There was no vow made in 2 Kings 3 because the sacrifice was made on the spot. Why did Jephthah make the vow? Because he wasn't at home at the time! Jephthah was going to sacrifice from his own household (he probably

hoped it would be a servant who came out to greet him, or perhaps his mother-in-law), but at his time of need he was out away from home. That is why he made the vow; no personal sacrifice was available. But Mesha had his son; a personal sacrifice was available to him.

Hess continues to think it relevant that there is no mention of a god. But *'olah* was a cultic term for a burnt-sacrifice to a deity. It was not a general word used to refer to a generic terror-killing. The fact that *'olah* is used means the son was offered as a sacrifice to a deity. Hess should certainly know this.

But this is hardly isolated to Jephthah. We see it also in 1 Sam 13, where Saul offers an animal sacrifice in the hopes of securing Yahweh's aid in battle against the Philistines, and we see it in 1 Sam 7, where Samuel does likewise (see above). Moreover, this was a common ideology shared throughout the West Semitic world.

In 1978 a tablet from Ugarita was published²³ in which is found a clear and decisive parallel to 2 Kings 3, as well as to 1 Sam 7 and 13. The relevant portion of the text reads as follows:

If an enemy force attacks your [city-]gates,
An aggressor, your walls;
You shall lift up your eyes to Baal [and pray]:
"O Baal:
Drive away the [enemy] force from our gates,
The aggressor from our walls.
We shall sacrifice a bull [to thee], O Baal,
A votive-pledge we shall fulfill:
A firstborn,
Baal, we shall sacrifice,
A child
we shall fulfill [as votive-pledge].
A 'tenth' [of all our wealth] we shall tithe [thee],
To the temple of Baal we shall go up,
In the footpaths of the House-of-Baal we shall walk."

²³ A. Herdner "Nouveaux Textes Alphabetiques de Ras Shamra," *Ugaritica* VII (Paris, 1978), pp. 31–38 (text facsimile on p. 33). For an earlier publication, see Herdner, "Une priere a Baal des ugaritains en danger," *Proceedings of the French Academy of Inscriptions and Belles Lettres* (CRAIBL, 1972 [1973]), p. 694.

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Then shall Baal hearken to your prayers,
He shall drive the [enemy] force from your gates,
The aggressor from your walls.

Note that the word translated “firstborn” in the prayer is the Ugaritic *bkr*, which in Hebrew is *bekor*. This happens to be the same word used in 2 Kings 3:27.

According to Baruch Margalit, this text dates to ca. 1250-1200 BCE, about four centuries before the reign of Mesha of Moab. However, the same practices described in this tablet are documented at least as late as the Roman period. “Mesha’s actions, and the Israelite retreat, fit perfectly within this Canaanite, later Punic (neo-Canaanite), tradition of a thousand years.”²⁴ The following examples are provided by Margalit:

Diodorus of Sicily (ca. 50 BCE) writes that “in Sicily the Carthaginians . . . were besieging Syracuse, but in Libya Agathocles had brought the Carthaginians under siege—the Carthaginians betook themselves to every manner of supplication of the divine powers . . . they sent a large sum of money and . . . expensive offerings to Tyre . . . when they . . . saw their enemy encamped before their walls . . . they selected two hundred of the noblest children and sacrificed them publicly.”²⁵

The Roman historian Quintus Curtius Rufus (ca. 50 CE) records an episode in which the “Canaanite” city of Tyre was under siege by Alexander the Great. The citizens were expecting military aid from the west, but this was not forthcoming. They then considered emergency measures. According to Rufus: “Some . . . proposed renewing a sacrifice which had been discontinued for many years (*multis saeculis intermissum*) . . . of offering a freeborn boy (*ingenuus puer*) to Saturn—this sacrifice, handed down from their founders, the Carthaginians are said to have performed until the destruction of their city—and unless the elders . . . had opposed it, the awful superstition would have prevailed over mercy.”²⁶

²⁴ Baruch Margalit, “Why King Mesha of Moab Sacrificed His Oldest Son,” *BAR* 12/06 (Nov/Dec 1986). My thanks to John Kesler for bringing Margalit’s article to my attention.

²⁵ *Bibliotheca historica*, XX.13.4ff, 14.1ff; trans. R. M. Greer.

²⁶ *A History of Alexander the Great (of Macedon)*, 4.3.23; trans. J. C. Rolfe.

According to Margalit, “This Carthaginian practice of child sacrifice to relieve a siege was traced to the Phoenicians (Canaanites) by the Phoenician historian Sanchuniaton, as transmitted by Philo of Byblos, Porphyrius and the Church father Eusebius. According to this tradition, the Phoenicians, in circumstances of extreme duress, would sacrifice their beloved children to their high god. The eight-volume history of Sanchuniaton was reputedly full of such stories.”²⁷

Margalit writes that “the significance of this material for a proper understanding of the account of Mesha’s child sacrifice in 2 Kings 3 can hardly be exaggerated. Indeed, the correspondence between the theory as presented in the Ugaritic text and the practice as recounted in the Biblical text is nothing short of remarkable. The circumstances—a city under siege—are identical. Mesha’s sacrifice is one of the items mentioned in the prayer section of the text. And the withdrawal of the Israelites is uncannily presaged in the conclusion of the cuneiform tablet from Ugarit.” He concludes:

It follows that Mesha’s sacrifice of his son, rather than unprecedented, was in fact an integral, if seldom implemented, part of an age-old Canaanite tradition of sacral warfare. This consideration might mitigate our moral condemnation of this “degenerate heathen.” Mesha’s sacrifice of his firstborn, seen in this new light, was virtually guaranteed to save the lives of the entire population—men, women and children—of the city under siege. In these circumstances, Mesha’s conduct may be seen as an act of altruism sanctioned—indeed, commended—by venerable religious tradition.

Margalit’s own interpretation of the data is not as useful as his initial presentation of it. He attempts to interpret the “great wrath” in a psychological sense, contending that the Israelites were terrified, and claims that this is what is meant in the Ugaritic tablet since it guarantees the retreat of the enemy. But this bla-

²⁷ Porphyrius, *De Abstinencia*, II.56 = Eusebius, *Praep. Evang.*, 16.6.

tantly ignores what the tablet says: "Then shall Baal hearken to your prayers / He shall drive the [enemy] force from your gates / The aggressor from your walls."

We should be able to see where this conception is reflected in the Hebrew Bible:

So Samuel took a sucking lamb and offered it as a whole burnt-offering to Yahweh; Samuel cried out to Yahweh for Israel, and Yahweh answered him. As Samuel was offering up the burnt-offering, the Philistines drew near to attack Israel; but Yahweh thundered with a mighty voice that day against the Philistines and threw them into confusion; and they were routed before Israel. (1 Sam 7:9-10)

Then he [Meshah] took his firstborn son who was to succeed him, and offered him as a burnt-offering on the wall. And great wrath came upon Israel, so they withdrew from him and returned to their own land. (2 Kings 3:27)

(7') Hess rightly argues that there is ample precedent in the ancient Near East for such public executions which are intended to terrorize the enemy and induce dread upon them. But this is irrelevant. We all know that in the ancient world figurehead enemies were brutally executed to strike terror in the hearts of the rest of the enemy. But there are words that are used for such public executions. For instance, the words used for the public executions of the five Canaanite kings in Josh 10:26 are *nakah* (to strike) and *muwth* (to have one executed) (see also 2 Chr 22:9). Also possible would be *harag* (cf. Judg 7:25), or even *shachat* (1 Kgs 18:40). Essentially any of these verbs could be used to denote a public slaying or execution without ritual implications, but not *'olah*. 2 Kgs 3:27 describes an *'olah*, which is a burnt-sacrifice to a deity. *'Olah* does not refer to a murder or execution. Its usage is strictly limited to ritual sacrifice to a deity, unless killing is not involved, in which case it simply means "to go up," and

only very rarely in this way.

(8') Hess acknowledges that the killing of the son is a burnt offering but contests that the text does not reference any god whatsoever. "The term focuses, not on the religious nature of the sacrifice, but on the fact that the prince was put to death in a public spectacle where his body was burned. The fire and smoke could be seen (and smelled?) by the Edomites who were then demoralized."

In response to my rejoinder that the term *'olah* refers always and only to a cultic sacrifice to a deity, Hess had this to say:

The *'olah* or burnt offering is one of the most frequent types of offerings mentioned in the Bible. It also occurs at Ugarit by the same name. There the offerers could eat of this offering while in Israel it was unique in that the whole of the offering was burnt to God. So the evidence we do have suggests it was a frequent offering and one that took on different meaning and practice in different cultures of the time. However, Moab was culturally closer to Israel and Judah than to Ugarit, so my guess is that this is some sort of burning of the prince on the walls as a sacrifice of some sort. Again, the point is that the text does not emphasize the god to whom it was dedicated or any deity or divine element. Rather, the whole thing appears as a horrible act of propaganda to demoralize Edom and to turn them in anger against Israel so as to break up the alliance.

It seems to me that in his discussion of the distinction between the practice of *'olah* in Ugarit and Israel, Hess wants to highlight that it had different meanings in different cultures, and that this is a set up for his statement that the burning of the king's son was "a sacrifice of some sort." But what does this mean, *a sacrifice of some sort*? Is there some sort of "sacrifice" in the ancient world that is not offered to a god? Hess wants to claim, in fact, that the absence of explicit mention of a deity here indicates that

this is not a sacrifice to a god. To whom, then, is it a sacrifice? How far is Hess willing to stretch the concept of sacrifice to maintain his understanding of the text?

Today we use “sacrifice” much more broadly, but nevertheless when we use it we still refer to a sacrifice to *something*. Soldiers “sacrifice” their lives for their *countries*. Workaholics “sacrifice” their families for their *jobs*. We have to make “sacrifices” to get ahead, which really means, we have to make “sacrifices” to the “god” of *prosperity*.

Of course, in the ancient world, a sacrifice was plainly and simply a sacrifice to a god. And *’olah*, when in reference to any act of killing, always and only refers to a sacrifice to a god. This is why Hess’s attempt to appeal to the distinction between *’olah* in the Ugaritic and Hebrew materials as evidence that *’olah* “took on different meaning in different cultures of the time” is a red herring. Yes, there is a difference in the *kind* of sacrifice *’olah* was at Ugarit and Israel. In the latter, the sacrificial victim could not be consumed for food. In the former, it was not a whole-burnt offering, but one which the offerers could consume for food subsequent to the sacrifice. Of course, Israel had these kinds of sacrifices also. Vow offerings, well-being offerings, etc. were first offered to God on the altar before being consumed by the offerers (Lev 7:14-16). With the offerings of well-being, the blood, organs and fat belonged to Yahweh, while the flesh was to be consumed by the offerer (Lev 3:1-17). But the point is that the distinction between whole burnt-offerings and consumable offerings is irrelevant for Hess’s purposes. *Both kinds of offerings are offerings to a deity*. This was just as true at Ugarit as it was in Israel as it was in Moab, as Hess knows.

Another problem with the line of discussion taken up by Hess is that it matters not one iota what the Moabites might have meant by the word *’olah*. Hess writes,

So the evidence we do have suggests it was a frequent offering and one that took on different meaning and practice in different cultures of the time. However, Moab was culturally closer to Israel and Judah than to Ugarit, so my guess is that this is

some sort of burning of the prince on the walls as a sacrifice of some sort.

This would only be remotely relevant if a Moabite had composed 2 Kings. But the author is a Hebrew, and he is giving *his* description of the event. This is all that matters. And what the Hebrew writer tells us is that Mesha offered the son as an *'olah*. So the question is not what the Moabites meant, but what the Hebrews meant by the term. And in Hebrew it was always and only a burnt-sacrifice to a deity, even when in reference to other gods than Yahweh. Of course, Hess knows that since "Moab was culturally closer to Israel and Judah than to Ugarit," it is likely they meant something quite similar, but out of the other side of his mouth Hess identifies Mesha's act as "a sacrifice of some sort." Just not to a deity, Hess wants us to believe.

But noteworthy here is precisely what the term *does* mean for the Hebrews. As noted, *'olah* was a whole burnt-offering. In other words, the entire victim was consumed by the flames; the flesh could not be consumed by humans. It may be for just that reason that *'olah* is a term used often for human sacrifices in the Bible. It is the term used for the near-sacrifice of Isaac, the term used for the sacrifice of Jephthah's daughter, and the term used for the king's son here in 2 Kings 3. It is also the term used for the sacrifice of "sons" to Baal in Jeremiah 19:5. This is all that is relevant. The term *'olah* is never used in the Hebrew Bible for the killing of a human being in any way other than as a sacrifice to a deity.

Hess has attempted to characterize this sacrifice as non-religious, as a standard public execution, frequently employed by armies in the ancient (and modern) world in order to incite terror in the hearts of their foes. As noted, there were terms at hand to describe such public executions. But none of them are used here. Rather, the term used is that of a burnt-sacrifice to a deity. Moreover, the text makes clear that this is an offering: "he took his son . . . and *offered* him as a burnt-sacrifice." The word translated here as "offered" is *'alah* and is connected to *'olah*. Literally it means something like, "and he lifted him up as a burnt-offering." To whom or what is Mesha *offering* this son, if not to a deity?

At any rate, the question is, on what grounds does Hess continue to insist, despite the linguistic data, that this is not a sacrifice to a deity, just “a sacrifice of some sort” (whatever that means), but really is a public execution? The only grounds Hess has ever offered is that “the text does not emphasize the god to whom it was dedicated or any deity or divine element.” This is little more than an excuse. The meaning of *’olah* as a burnt-sacrifice to a deity is so secure that it hardly need be mentioned that Mesha is offering his burnt-sacrifice to his god.

Moreover, if the express mention of a deity is requisite in order to understand *’olah* as a sacrifice to a deity, then here are some more examples that may refer to “public executions” of children and animals, since there is no mention of any deity to whom the children and animals are offered:

No one shall be found among you who makes a son or daughter pass through fire. (Deut 18:10)

He even made his son pass through fire, according to the abominable practices of the nations whom Yahweh drove out before the people of Israel. He sacrificed and made offerings on the high places, on the hills, and under every green tree. (2 Kgs 16:3-4)

I defiled them through their very gifts, in their offering up all their firstborn, in order that I might horrify them. (Ezek 20:26)

Since no deity is explicitly mentioned, perhaps Hess would say that it seems likely that these parents are not burning their children as offerings to any deity, but rather to scare the rest of their children into obedience. Any animals sacrificed were merely slaughtered for food and burned for warmth, and the “gifts” in Ezekiel 20:26 are just gifts “of some sort,” since no deity is explicitly mentioned.

Obviously Hess would not make this tenuous move with regard to these passages; equally, he has no grounds for doing so

with reference to 2 Kgs 3:27. It will do no good to contend, “But ‘make them pass through fire’ is a technical term for an offering to a deity,” because the same is true of *’olah*, as Hess is well aware.

The fact is, Hess has acknowledged that kings in the ancient world sacrificed their sons. (Hess: “Clearly sons and sons of kings were sacrificed to gods.”) Further, the fact is that the ancients believed that sacrifices could be offered to a deity in exchange for aid in battle. As I’ve shown, we see this in 1 Sam 7:7-11, where Samuel offers a burnt-sacrifice (*’olah*) to Yahweh in order to secure Yahweh’s aid in battle against the Philistines. The result was that Yahweh “thundered a great sound” upon the Philistines, scattering them and forcing them to retreat, just as Mesha’s sacrifice to Kemosh wrought “great wrath upon Israel,” forcing them to do the same. We see this paradigm at work again in 1 Sam 13:5-12, where Saul offers a burnt-sacrifice (*’olah*) to Yahweh, again to secure Yahweh’s aid in battle against the Philistines. And we see this in Judges 11 with Jephthah, who vows to offer a human burnt-sacrifice (*’olah*) to Yahweh in exchange for Yahweh’s aid in battle against the Ammonites.

(9) Hess suggests, careful to note that he cannot state this with certainty, that a possible parallel to this episode is found in Amos 2:1, where it is said that Moab “burned, as if to lime, the bones of Edom’s king.” But to posit Amos 2:1 as a parallel to 2 Kgs 3:27 is a move fraught with problems. First, the word “burned” in Amos 2:1 is not *’olah* (“burnt sacrifice”) but *saraph*, a word for “burn” without cultic implications. Second, Amos does not say that the Moabites burned the king of Edom alive; it says they burned his bones; in other words, so that he could not be buried. Third, Amos 2:1 does not say they burned the king’s son (as in 2 Kgs 3:27); it says they burned the king. That Hess is even willing to consider Amos 2:1 as a parallel to 2 Kings 3:27 displays well the agenda that is driving his misreadings of the text.

Copan has attempted a shotgun strategy: pull the trigger, let the pellets scatter, and hope one hits a target somewhere. None of his suggestions are even remotely plausible, given the linguistic evidence and the ideological background of human sacrifice in the ancient Near East. The fact is, the text says that Yahweh promised Israel victory, but Mesha trumped them with a human sacrifice,

and Kemosh beat Yahweh.

Copan looks at one final text. It's one that I deal with in chapter six of *Human Faces of God*, where I already show why the reading of this text that Copan champions won't work. Here's the text:

Moreover, I swore to them *in the wilderness* that I would scatter them among the nations and disperse them through the countries, because they had not executed my ordinances, but had rejected my statutes and profaned my sabbaths, and their eyes were set on their ancestors' idols. Moreover, *I gave them statutes that were not good* and ordinances by which they could not live. I defiled them through their very gifts, *in their offering up all their firstborn*, in order that I might horrify them, so that they might know that I am Yahweh. (Ezek 20:23-26)

What is this text saying? For centuries Israelites (kings and commoners alike) have practiced child sacrifice and they've done so in service of Yahweh. Some Israelites were appealing to the Law of Moses to justify the institution of child sacrifice. Exod 22:29b says: "The firstborn of your sons you shall give to me." With good reason, Israelites interpreted this as a command to sacrifice their firstborn children to Yahweh. Now, this wasn't practiced everywhere and all the time, but it was a justification used for the practice when it did take place. But Ezekiel (sixth century BCE) abhors child sacrifice, as did Jeremiah (seventh century BCE) before him. Now Ezekiel is aware that they're using the Law of Moses to legitimate the practice. But he wants to condemn it. How does he do this? We see his strategy in the passage cited above.

Ezekiel *admits* that Yahweh *did in fact* command the Israelites in the wilderness to sacrifice "all their firstborn" to him. But Ezekiel reinterprets this as a "bad command" that was given to them by Yahweh as a punishment, and in order to make them desolate and to horrify them. Israel had been disobedient in the wilderness, and so, Ezekiel argues, in order to punish them, Yahweh

commanded them to sacrifice their firstborn sons to him. This “bad command” was presented to them as a real command, Ezekiel says, because Yahweh wanted them to suffer. Verses 21-22 (which we didn’t quote above) explain that Yahweh had wanted to wipe Israel out completely, but refrained from doing so. Instead of obliterating them, Ezekiel says that Yahweh gave them this bad command, this command to sacrifice their children.

In short, Ezekiel admits that the Law of Moses commands child sacrifice, but interprets it as a bad command, given by Yahweh as a punishment for Israel’s Sabbath-breaking and idol worship.

What does Copan do with this text? Well, he mistranslates it (actually, he lets the NIV do that for him), and he misreads it. First, the mistranslation. Copan quotes the text from the now old edition of the NIV. This is a clear example of the NIV translators’ tendency to allow their conservative bias to disrupt the process of translation. The old NIV says, “I also gave them *over to* statutes that were not good.” This is the translation that Copan quotes. What the NIV and Copan are claiming is that Yahweh *allowed* Israel to sacrifice their children, because, in the hardness of their hearts, that’s what they wanted to do. It’s not that Yahweh “gave them bad commands.” That would be unconscionable! It’s just that Yahweh gave them *over to* bad commands.

The problem is, the Hebrew cannot at all be translated this way. The Hebrew says (excuse the lazy transliteration): *ani* [I] *natai* [gave] *lahem* [to them] *chuqim* [statutes] *lo* [not] *tovim* [good].

“Statutes” (*chuqim*) is clearly the direct object, and “them” (the *hem* in *lahem*) is clearly the indirect object, because it is prefixed with the preposition “to” (*la*). The text patently does *not* say that Yahweh gave them over to bad commands, because then “them” would be the direct object with “to bad commands” being a prepositional phrase. But it is not, unless one just wants to scrap the Hebrew and write a different sentence (which is what the NIV did essentially). The NIV *intentionally* mistranslated this, because there is no way their translation can be justified from the Hebrew. Now, as we’ll see later, Copan will often get into the Hebrew when he thinks it serves his apologetic purposes, attempt to get nitty-

gritty with translation issues to support his agenda. But here, where it doesn't serve his purposes to do so, he simply quotes the English translation that best comports with his own theology.

Now, I have good news! This year, the NIV put out a revised translation, and I'm happy to report that they no longer support Copan in this reading of the text. Here's what the new, 2011 edition of the NIV says: "So I gave them *other* statutes that were not good." So, they realized that they were not justified in their "gave them over to" (quasi-)translation, but they've still added a whole new word: "other." The word "other" isn't anywhere in the text, so it's *still* a completely unwarranted addition to the text that functions to limit the interpretive options, but we'll call it progress.

So much for the translation issue. Now what about Copan's misreading of the text? Based on the old NIV translation, he's arguing that God is giving Israel what they want, which isn't him, and he's arguing that the text is ironic. But his attempt to support this reading just shows he hasn't read the passage carefully at all. He says that when God told Israel to "go serve everyone his idols" (Ezek 20:39), he was being sarcastic. Then he claims that what this really means is "go sacrifice your children" (98).

Here's why Copan's strategy fails. In Ezekiel 20:39, God isn't talking to Israel in the time of Moses in the wilderness anymore; he's talking to Israel in Ezekiel's own time. He's talking about the Israel of Moses' day in verses 18-26, but in verse 27, he begins again to address the Israelites of Ezekiel's day, and it's the Israelites of Ezekiel's day that are being addressed in verse 39 when he says, "Go, serve everyone his idols." In short, Ezekiel is saying that the Law of Moses which required child sacrifice was a punishment for old Israel's sins in the wilderness. Ezekiel's contemporaries are appealing to it in support of their own hard-hearted desire to perform child sacrifices. He's telling them that they're too dense to realize that the law of Moses which commanded child sacrifice wasn't a good command, but a form of punishment. So *now* Yahweh is saying to Israel, go ahead, I give you over to your child sacrifices, but you no longer have any excuse.

This was Ezekiel's way of dispensing with the institution of child sacrifice in Israel. We can commend him for the goal, but can't approve of his methodology. Nevertheless, the point is, the

clear sense of the text is that in the wilderness Yahweh gave Israel the bad command to sacrifice their children to him. Copan's attempt to salvage this text for a more acceptable portrait of God has failed.

Finally, it needs to be pointed out that Copan completely ignores the evidence from Micah 6 which shows that as late as the eighth century, the logic of child sacrifice was still a basic assumption within official Israelite religion:

With what shall I come before the Lord,
and bow myself before God on high?
Shall I come before him with burnt-offerings,
with calves a year old?
Will the Lord be pleased with thousands of rams,
with tens of thousands of rivers of oil?
Shall I give my firstborn for my transgression,
the fruit of my body for the sin of my soul?
He has told you, O mortal, what is good;
and what does the Lord require of you
but to do justice, and to love kindness,
and to walk humbly with your God?
(Micah 6:6-8)

This text is often read, incorrectly, as a condemnation of child sacrifice, because it says that Yahweh is not pleased with child sacrifice. But on the contrary, what this text shows is that Yahweh does not accept *any* sacrifices if they are not accompanied by justice and righteousness—a real reform in behavior.

Note that in this passage, there is a progression from least to greatest sacrifices, beginning with a calf, moving through “thousands of rams” (an increase in the value of sacrifice), to “tens of thousands of rivers of oil” (another increase), and finally culminating in the greatest possible sacrifice one could make: the firstborn son as a sacrifice for one's own transgression. Micah's rhetoric here only works on the assumption that the sacrifice of one's child was a legitimate sacrifice; he is depending upon that assumption as he makes his case that *no* sacrifice is acceptable if not accompanied by genuine repentance and reform. Micah is

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hardly condemning the sacrifice of calves, and oil offerings. In the same way, neither is he condemning child sacrifice. Copan does not address this text, nor numerous other texts which show that the logic of human sacrifice prevailed in official Israelite religion for centuries.

Patriarchy and Misogyny

Chapter 10:

Misogynistic?

Women in the Bible

In this chapter Copan attempts to argue that the laws of Moses do not contain misogyny. He concedes that patriarchal structures remained in ancient Israel, but construes this as “concessionary.” He argues that the “original ideal” in creation was the equality of men and women, as seen in Genesis 1 and 2. Copan claims that the fact that Eve was taken from Adam’s rib (Gen 2:22) is a symbol of their equal partnership, and does not imply a picture of Eve’s inferiority (101).

I struggle to understand in what way woman’s being secondary and derivative to man is a picture of equal partnership. Seems to me Copan is reading what he would like to read in the text. Nowhere in the creation account is the word “equal” used, nor is it implied.

To try to bolster his flimsy case, Copan insinuates that the NRSV translation carries the connotation of equality. Copan claims that when Gen 2:24 says that a man was to leave his father and mother and “cling” to his wife, this implies an equal partnership, and here he just puts “NRSV” in a parenthetical. That’s all he writes. He doesn’t quote the NRSV translation, but just cites it as if to suggest that the idea of “equal partners” is somewhere to be found in the NRSV’s translation. Here’s the NRSV: “Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh.” Perhaps Copan thinks the idea of “clinging” to a wife implies equality. Hardly!

The word translated as “cling” [*dabaq*] often has the sense of “overtaking,” “possessing,” etc. “But I cannot escape to the mountains, for the disaster will *overtake* [*dabaq*] me, and I will die” (Gen 19:19). “The tribes of the sons of Israel shall each *hold* [*dabaq*] to his own inheritance” (Num 36:9). “Yahweh will make the pestilence *cling* [*dabaq*] to you until he has consumed you from the land where you are entering to possess it” (Deut 28:21). I suppose that means the pestilence and Israel are equal partners in God’s eyes. It can also mean “attraction,” but in a possessive

sense. “When Shechem the son of Hamor the Hivite, the prince of the land, saw her, he seized her and raped her. He was deeply *attracted* [*dabaq*] to Dinah the daughter of Jacob, and he loved the girl and spoke tenderly to her” (Gen 34:3). Clearly *dabaq* implies equality!

At any rate, of course, once again Copan’s reading of the text contradicts the Bible’s own reading of itself: See the reading of Genesis 2 offered by the author of 1 Timothy:

Let a woman learn in silence with full submission. I permit no woman to teach or to have authority over a man; she is to keep silent. For Adam was formed first, then Eve; and Adam was not deceived, but the woman was deceived and became a transgressor. Yet she will be saved through childbearing, provided they continue in faith and love and holiness, with modesty. (1 Tim 2:11-15)

This misogynistic canonical New Testament author argued that women were inferior to men, and he grounded his argument in the “order of creation.” Man was created first, then woman—that means men have authority over women, and women cannot have authority over men. If this is the original ideal in Genesis 2 (as 1 Timothy clearly claims), so much for the apparent tension between later patriarchal Israel and the original “egalitarian” ideal! What Copan’s apologetic filter doesn’t allow him to see is that narratives like those of Genesis 2 and 3 were written precisely *to legitimate* institutions of patriarchy.

Copan claims that although there are patriarchal structures set in place by the laws of Moses, it’s also true that women were honored “as equals” (102). As we’ll see, this is patently false. He concedes that women could not own property in Israel, that women couldn’t make vows without their husband’s or father’s say so, that women were entitled to no inheritances, that women had no say in marriage arrangements, that men were the sole spokesmen for the family. He concedes that men “took” wives, and that when women had children, they were having children *on behalf of* their husbands. But Copan characterizes these as just

entrenched social mores which tend to die with difficulty, especially, Copan adds, in environments like the ancient Near East. (Especially in places like the Bible Belt, I would add.) We've already seen Copan attempt (and fail) to argue that the laws of Moses were intended to be concessionary and temporary. But he continues to assume this argument will work. The fact is, these aren't just cultural ideas that the laws of Moses resisted; they were inscribed in the laws of Moses themselves.

For instance, the Decalogue is addressed entirely to males. It doesn't say, "Do not covet your neighbor's wife or husband." It says, "Do not covet your neighbor's wife," and it lists the wife in the middle of a list which includes other property, such as his house, mule, and slaves. Moreover, certain laws make it clear that women were valued less than men, legally, and children less than adults. In Leviticus 27, for instance, the redemption price for an adult male is 50 shekels, for an adult female, 30 shekels. The price for a male child is 20 shekels, for a female child, 10 shekels. Patriarchal laws like this can hardly be explained away as a divine concession to a patriarchal culture. If Yahweh wanted equality, all he had to do was set an equal price for males and females. Does Copan think Israel would have revolted or something?

Copan then appeals to several narratives in the Hebrew Bible which extol women. He contends that these are in tension with the patriarchal *culture*. But rather, it's the other way around. The folk legends of female Hebrew heroes are themselves *expressions of culture* that are to be read as rejoinders to the official legal institutions that hold themselves up as divinely instituted. What we see here, in stories such as that of Deborah, are expressions of unofficial folk religion over against official institutional religion.

Even still, Copan appeals to almost every story of a good woman in the Bible as evidence that the Bible isn't misogynistic. But nobody's claiming that every text in the Bible is always and only misogynistic. Pointing out that a story here or there gives a more or less even-handed perspective on women doesn't mean that other texts, particularly the legal texts (which are the ones that are supposed to be most directly divinely inspired, by the way), aren't misogynistic. Moreover, what Copan fails to see is that most of these "good women" are good precisely because they

submit to the patriarchal institutions that are in place, such as Ruth. Copan appeals to Miriam as an example, but she's a perfect example of Israel's misogyny.

In Numbers 12, Moses has just married a second wife, a Cushite (Ethiopian) woman, and Miriam and Aaron get upset with him, and imply that God had spoken through them too, not just Moses. (They thought he was getting uppity, as evinced by his taking a second wife in a sort of kingly manner.) And they were right. Yahweh had spoken through them as well. But "Yahweh" wasn't pleased with them for this. So Yahweh comes down in a cloud and chastises both Aaron and Miriam. Both sinned equally. Did they receive equal punishment? No they did not. "When the cloud went away from over the tent, Miriam had become leprous, as white as snow. And Aaron turned towards Miriam and saw that she was leprous" (Num 12:10).

So, they both sinned equally, they both got chewed out by Yahweh, but Aaron gets off with a warning while Miriam gets plagued with leprosy! Aaron doesn't think this is fair. He pleads with Moses to ask Yahweh to heal her, and Moses pleads with Yahweh. Here's Yahweh's response, showing what an egalitarian he is:

"If her father had but spat in her face, would she not bear her shame for seven days? Let her be shut out of the camp for seven days, and after that she may be brought in again." So Miriam was shut out of the camp for seven days. (Num 12:14-15)

Yahweh uses a nice analogy there to display the logic in his refusal to heal her, and one which nicely highlights the deity's strong egalitarian moral center!

Copan appeals to Proverbs 31 on more than one occasion in order to try to show that women had high honor in Israel, and that they were praised. But take a moment to read Proverbs 31. It describes a woman who wakes up at the crack of dawn, who labors incessantly to take care of her husband's household, who cooks all the meals, who toils in the fields, who expands her husband's territory and makes him profitable in the marketplace. She

does all of this for his honor, so that he can have dignity among the male aristocracy in the city. This is the kind of woman who is to be greatly praised and honored in Israel. She is spoken of with such high regard precisely because of her tireless work to uphold the structures of patriarchy that dominated the ancient world. Far from a challenge to patriarchy, this text functions only to reinforce it.

Copan claims that because the ceremonial and moral laws applied to women, that assumes that women were equal to men and that they had the same level of moral responsibility (103). But this is a patent mischaracterization. The fact that women were required to be just as obedient to the law as men in nowise is an indication that those laws did not value women less than they valued men.

Copan lists a number of texts which to him assume that women were equal (103):

1. Gen 1:27 says that God created “man,” and that he created man “both male and female.” This hardly speaks to any notion of gender equality, especially since both genders are subsumed under the more basic category of “man” (masculine).

2. Gen 2:24 says that a man shall leave his “father and mother” and cling [*dabaq*] to his wife. We’ve already addressed this. The idea of “clinging” to a wife connotes possession, as is also clear from the fact that the wife is identified as “his.” Copan thinks the fact that both “father and mother” are identified somehow speaks to equality. We’ll address this next.

3. Exod 20:12 and Lev 19:3 say that Israelites [males, actually] are to honor their “father and mother.” Because the mother is to be honored, Copan argues, this means that the mother is equal to the father. Again, this is hardly the case. Just because the son is subordinate to his mother does not mean that his mother is equal to his father. This just speaks to the hierarchical structure of the society, but it is abundantly clear that although the mother is above her children, she is beneath her husband. Copan obfuscates.

4. Prov 6:20 says to obey the command of your father and listen to the teaching of your mother. See above.

5. Prov 18:22 says that “he who finds a wife finds a good thing

and obtains favor from Yahweh." Copan thinks this speaks to gender equality?! Note that it doesn't say, "she who finds a husband." And note also the assumption here: a wife is a gift from Yahweh, indicating that the husband is favored by Yahweh. This implies that a woman is conceived of as a prize *possession* of a man. Sure, it's not *misogynistic*, per se, because it says that a wife is a "good thing." But we must ask why a wife is a good thing. The answer is that a wife will bear her husband children and carry on his name, not hers.

6. Prov 19:26 says that "he who assaults his father and drives away his mother is a shameful and disgraceful son." See above, #3.

7. Prov 23:25 says, "Let your father and your mother be glad, and let her rejoice who gave birth to you." Seriously? Copan honestly thinks this is evidence of gender equality? This is the best he can do?

8. Song of Songs 6:3 says, "I am my beloved's and my beloved is mine." Yes, let's derive egalitarianism from erotic poetry attributed to a notorious polygynist!

Regarding the fact that Eve is identified in Gen 2:18 as a "suitable helper" for Adam, Copan argues that this implies equality because God is said elsewhere in the Bible to be a "helper" to Israel. Well, it's true that God is frequently called a "helper," but it's also true that the same word is used to refer to the king's slaves, for instance, in Ezek 12:14. And let's not forget that before God made Eve in Genesis 2, he had Adam look for a "suitable helper" among the animals! Are we really to believe that Adam was looking for an "equal" among the animals? On the contrary, according to Genesis 2, woman was created to better attend to man's needs, just as the king's "helpers" attended to his.

Copan attempts to argue that women were not considered property in Israelite society. He claims that the moral laws, for instance the sexual prohibitions, pertain to men and women irrespective of gender. He asserts that those who claim that adultery was a property offense have it wrong, because both men and women *could have been* executed (note the hedging) for adultery, but in Israel, in contrast to Hammurabi's code, the Mosaic law never prescribes capital punishment for property offenses (104).

First, Copan's claim that the sexual laws apply equally to men and women disguises the reality that the laws were by and large addressed to males. As Phyllis Bird points out,

The majority of the laws, especially those formulated in the direct-address style of the so-called apodictic law (the style used primarily for the statement of religious obligations), address the community *through its male members*. Thus the key verbal form in the apodictic sentence is the second person *masculine* singular or plural. That this usage was not meant simply as an inclusive form of address for bisexual reference is indicated by such formulations as the following:

Thou shalt not covet thy neighbor's wife.
(Exod. 20:19)

You shall not afflict any widow or orphan.
If you do . . . then your wives shall become
widows and your children fatherless. (Exod.
22:22-24)

You shall be men consecrated to me. (Exod.
22:31)

Similarly, the typical casuistic law (case law) begins with the formula "If a *man* does X . . ." The term used for "man" in this formulation is not the generic term, '*adam*', but the specifically and exclusively masculine term, '*ish*'. Even if one argues that these laws were understood to apply by extension to the whole community, it must be noted that the masculine formulation was apparently found inadequate in some circumstances. Thus '*adam*' is substituted for '*ish*', or the terms "man" and "woman" (*'ish*, '*issah*') are used side by side where it is important to indicate that the legislation is intended

to be inclusive in its reference.

The basic presupposition of all the laws . . . is a society in which full membership is limited to males, in which only a male is judged a responsible person. He is responsible not only for his own acts but for those of his dependents as well. These include wife, children and even livestock, in the extended and fluid understanding of household/property that pertained in ancient Israel (Exod. 20:17, 21, 28-29). The law addresses heads of families (the family is called appropriately a “father’s house” in the Hebrew idiom), for it is the family, not the individual, that is the basic unit of society in old Israel.²⁸

Bird further notes that although the conception of society as an “aggregate of male-dominated households” was later modified in Israel into a conception of the society as a “religious community,” it was nevertheless a “religious community composed in the first instance exclusively of males, or perhaps originally all adult males.”²⁹ Bird notes that when the congregation is addressed, the clear assumption is that the addressees are only males:

So Moses went down from the mountain to the people. . . . And he said to the people, “Be ready by the third day; do not go near a woman.” (Exod 19:14-15)

The term used above for the male congregation is “people.” It is also used as a designation for the male warriors (Judg 4:13; 7:2). Bird concludes, “In both cult and war the ‘true’ nature of Israel manifested itself.”³⁰ This meant that women in Israel were dependents in both the religious and in the political and economic spheres. “Discrimination against women was inherent in the so-

²⁸ Phyllis Bird, “Images of Women in the Old Testament,” in *Religion and Sexism: Images of Woman in the Jewish and Christian Traditions* (ed. Rosemary Radford Ruether; Eugene: Wipf & Stock, 1998), pp. 49-50.

²⁹ *Ibid.*, 50.

³⁰ *Ibid.*

cio-religious organization of Israel. It was a function of the system” which perpetuated “the dependence of women and the image of the female as inferior to the male.”³¹

Now what of Copan’s claim that the fact that adultery resulted in the death penalty proves that women were not conceived of as property? He argues that because property crimes in Israel did not warrant the death penalty, the prescription of the death penalty for adultery shows that women were not considered property.

But this is yet another obfuscation. First, in the Decalogue, no specific punishment is prescribed for any of the prohibited offenses. But when we turn to Leviticus 18, adultery (“with your kinsman’s wife,” Lev 18:20) is listed among the sexual prohibitions that are expressly condemned because of their association with the Canaanite peoples. “Do not defile yourselves in any of these ways, for by all these practices the nations I am casting out before you have defiled themselves” (Lev 18:24).

So for Copan to claim that the death penalty for adultery proves it was not considered a property crime is a bit of apologetic sleight of hand. It required the death penalty because it was considered to be associated, along with incest, bestiality, temple prostitution, etc., as a crime of Canaanite proportions. But that does not mean it was not also considered a property crime.

The Decalogue itself makes this clear, in relation to the prohibition of coveting:

You shall not covet your neighbor’s house; you shall not covet your neighbor’s wife, or male or female slave, or ox, or donkey, *or anything that belongs to your neighbor.* (Exod 20:17)

Here the wife is listed in between a house, slaves, and livestock, as property of the male neighbor. So it *was* a property crime. To sleep with a married or betrothed woman was considered a crime against the husband. To sleep with a virgin maiden was considered a crime against the father. The rape of a married or betrothed woman resulted in an execution, while the rape of a

³¹ Ibid.

non-betrothed virgin was punished by forcing the rapist to marry his victim, with a monetary payment to be made to the father. This is because a non-virgin female would be difficult to sell to a husband; so forcing the rapist to marry his victim was a punishment that secured the victim's father his right of payment.

Was it protective of the woman too? Yes, in that the rapist was prohibited from ever divorcing her, but that tells us a great deal about how these laws view women. A rape victim forced to marry her rapist; it's not she who has been violated but her father's honor and "pocketbook." There's a noticeable loophole in this law too. If a man found a particular virgin attractive, but knew for one reason or another he wouldn't be able to secure her as his wife, all he had to do was rape her and she was his for life!

Copan attempts to salvage the plight of the "wife" here in the Decalogue, arguing that she is not, despite appearances, property. He says that "critics" grumble that a wife is here portrayed as property, alongside a neighbor's house, ox, or donkey. (Interestingly, he forgets to mention that slaves are also included in this list, which will become relevant in subsequent chapters.) How does Copan respond to these grumbling "critics" (or, as I would identify them, "readers")? He gives two responses: (1) just a few verses earlier, children are ordered to give "equal" honor to both their father *and* their mother. He claims that this means a mother had the same amount of authority over her children as did their father. (2) He says that, unlike houses, oxen, or donkeys (once again he forgets to mention the slaves), women could not be sold. Therefore, they aren't properly "property" (107).

Let's examine this argument. First, is it really true that children are commanded to give "equal honor" to that of the father? Where does the text use this word—equal? Nowhere. But even if we were to grant this, does a child's duty to honor his or her mother mean that his mother is not someone's property? No it does not. It's just that she's not her own *child's* property. Rather, she's the property of the husband—hence the requirement to honor her. To disrespect the mother would be to disrespect the father, since she is his property.

Second, is it really true that a mother had the same measure of authority over her children as did their father? No, patently it is

not true. Did she have authority over them? Yes. Did she have an authority over them equal to that of her husband? No. It was the husband's right to arrange marriages for his children, not the wife's. It was the husband's right to allot inheritances, not the wife's. It was the husband's right to veto a vow made by his daughter, not the wife's. And so on. Women had authority over their children, but certainly not *equal* authority.

Third, is it really true that women weren't allowed to be sold? Well, yes and no. A husband couldn't trade his wife, for instance. But he could sell his daughter into slavery, if necessary. And when a man wanted to acquire a wife, he was required to pay a price to her father—not to the virgin. Moreover, if a man falsely accused his wife of not being a virgin when he married her, he was to pay her *father* 100 shekels. Why? Because in challenging his wife's virginity, he had challenged *her father's honor*. In other words, her father was responsible to make sure that he had delivered a product in-tact.

The wife's reward? Never to be rid of the husband who despises her, because he is prohibited now from divorcing her (so much for the "divorce a concession to hardness of heart" argument). Moreover, of course, if the wife *was found guilty* of not being a virgin at the time of marriage, *she* was to be punished, and not her father. How was she to be punished? By being stoned to death. Never mind that hymens break all the time without the aid of sexual intercourse. If she could not produce a blood-cloth to prove her virginity, she had a skull and chest crushed by rocks to look forward to. And note that if she is innocent, *her father is compensated for the dishonor*. If, however, she is guilty, *she is executed* and her father is awarded no punishment other than shame. Finally, the woman had no legal say in whom she married, and could own no property. She was wholly dependent upon either her father or her husband for her wellbeing. In this way, her plight was exactly that of a slave. If her husband divorced her, she would go back into her father's household, if he was still alive.

The Trial of Jealousy

One of the oddest treatments of the legal material offered by Co-

pan in this chapter is his treatment of the “trial of jealousy” in Numbers 5.

The law dictates that if a “spirit of jealousy” comes over a man, even if he has no rational reason to suspect his wife of adultery, then the man is to take his wife “before Yahweh,” i.e., to the priest, and she is to undergo a ~~magical~~, ahem, miraculous ritual which will expose her guilt or confirm her innocence. She brings a grain offering, and the priest prepares a concoction of holy water and dirt, which the bartenders call the *water of bitterness*. The priest then writes down some curses and the woman is to agree to accept the curses if she is guilty. The priest adds the curses to the water of bitterness. The woman consumes the water of bitterness. (It’s just dirt water, nothing harmful, unless there’s, you know, germs in the dirt. But germs didn’t exist back then because the Bible didn’t know about them.) Anyway, she drinks the water of bitterness, and the water goes down into her “bowels” (apparently avoiding the bladder), and if nothing happens to her, then she’s proven innocent. If, however, she experiences intense anguish, and if her “womb discharges” and her “uterus drops,” then she is guilty. Her punishment is that she has become barren, according to the curse, and would then bear the shame of being accursed among her people. If the husband falsely accused her, he receives no punishment, but his wife is vindicated, and he’s probably a little embarrassed.

So, apart from being a little strange and superstitious, this “trial of jealousy” wasn’t so terribly awful, that is, if the woman was innocent. If the woman was guilty, at least she wasn’t killed. The only way she would be found guilty is by divine intervention. There’s nothing in the concoction to produce barrenness (unless it was rigged). The whole trial depends upon Yahweh’s intervention if the woman is guilty. Otherwise, nothing happens to her.

So, insofar as Copan points this out, and emphasizes that this law actually served to protect wives from jealous husbands, then Copan actually does fine. That’s all he’d need to say.

Of course, that’s not all he says, and the rest of what he says is completely bogus. I’ll just highlight this not because I’m at all concerned about condemning this particular text, but because it’s a perfect example of the lengths Copan is willing to go to defend the

Bible. We'll note two further claims Copan makes regarding this text.

First, Copan asks us to take note of the context of the passage. He says that the laws immediately before and after the trial of jealousy apply to both men and women. He cites the NIV translations of Num 5:2, which speaks to "Israelites," and notes that the laws in Num 5:6 and 6:2 are expressly said to apply to "a man or woman." From this he concludes that the trial of jealousy could apply to men also, that a wife could potentially accuse her husband before the priest (104).

This argument is fatally flawed. Note first that he specifically quotes the NIV in Num 5:2, which uses the translation "Israelites." This translation masks the gender identification in the text. The Hebrew doesn't say "Israelites." It says, "sons of Israel." As we've already seen above, most of the legal material was addressed to men, unless specifically stated otherwise. This reflects the patriarchy that Copan concedes is there in the text, but for some reason wants at the same time to deny is there. Again in verse 4, the recipients of the command are identified as the "sons of Israel," twice. The command is to send all males and females who are leprous or who have some sort of discharge out of the camp. It's obvious that the command is given to males. Males were in charge. Women couldn't walk around telling men where to go, even if those men *were* leprous.

Now, it's true that in Num 5:6 and 6:2 the command given is explicitly stated to apply to both men and women, but it's also the case that those addressed in the command are the men—again, "Speak to the *sons* of Israel." So the laws are given to the men, and it is the men's duty to carry them out. But the important (and obvious) point here is that the commands given in 5:6 and 6:2 apply to both males and females *precisely because* males and females are expressly identified in the command.

But when it comes to the "trial of jealousy," there is no such gender-inclusive statement whatsoever. Just because this trial is sandwiched between gender inclusive commands doesn't mean that the "trial of jealousy" applied to men too. The text doesn't say, "If any man's wife, *or any woman's husband*, goes astray and is unfaithful to him *or her* . . ." It just doesn't say that.

And why wouldn't it? If males and females are distinguished in other commands, why not this one? Precisely because the "trial of jealousy" is only for women. Why? Because a husband could sleep with more than one woman, just so long as the woman he's sleeping with isn't married or engaged to someone else. But a wife can't sleep with more than one man. It's adultery for the woman no matter what, but it's only adultery for the man if he's sleeping with another man's wife. (Remember that the death penalty for premarital sex only applies to the woman. There is no penalty for the man.) That's why it should be called *polygyny* (multiple wives), not *polygamy* (multiple marriages). *Polyandry* (a woman with multiple husbands) was absolutely out of the question in Israel. But we'll get to polygyny in our next chapter. Suffice it to say that it's ridiculous to imagine a woman turning her husband in for adultery in this culture. It just didn't happen.

Another point to make here is the specifics of the test. The woman is to drink the bitter herb and if she is guilty, then her womb discharges and her uterus drops, apparently making her barren. If Copan really expects us to believe that this test could also be applied to men, does that mean part of the miracle is the man suddenly has a womb and a uterus? Or would his semen discharge and his testicles drop? And then he becomes sterile? The fact that the text makes explicit mention of the effects of the test upon the woman's anatomy, and no mention whatsoever of its corresponding effects on the male anatomy, is just further evidence that only a woman is in view here. Copan is trying desperately to salvage the text, when he could have just left his defense at, "It defended the innocent woman." But since he attempted to argue that it could apply to men as well, that brought up the whole patriarchal can of worms, and forced me to highlight that under Mosaic law, it was not illegal for a man to sleep around with unmarried women (it was only illegal for the women, that is, not for the man).

Another false move Copan makes here is to try, once again, to show how much worse the Code of Hammurabi is when compared to the Law of Moses. This "trial of jealousy" in Numbers 5 actually parallels similar sorts of practices in the ancient Near East, and actually other tribal societies all over the world and

throughout history. They all involve some kind of magic or superstitious interpretation of natural phenomena. In the case of Hammurabi's code (with parallels in Sumer and Assyria), if a charge was brought against someone, and there was no conclusive evidence, then the accused would jump into the river. (Now in Sumer it seems that this "river" was actually a bitumen tar well, called "river" because it was the abode of the god Id, whose name means "river." However, I am not certain that in Babylon and Assyria "river" doesn't just refer to an ordinary river. Nevertheless, Copan makes the assumption that it was a tar pit in every culture.) If they floated or were "spat out" (by the thrust of a current, which was interpreted as a divine action), they were innocent of the charge(s). If they drowned, they were guilty. First, as Copan notes, the vast majority of those who underwent this ordeal survived. But there are some points that Copan leaves out. Let's look at the Code of Hammurabi:

If a man bring a charge against one's wife, but she is not surprised with another man, she must take an oath and then may return to her house.

If the "finger is pointed" at a man's wife about another man, but she is not caught sleeping with the other man, she shall jump into the river for her husband. (131-132)

Note that both statutes involve precisely the same circumstances: a woman is accused of adultery, but there is no evidence; she is not caught in the act. Does that mean she jumps in the river? No. She may jump in the river; alternatively, she may take an oath in the name of the deity and that's that. This reflects how seriously they took the taking of oaths. If the woman was not willing to take the oath, then she would jump in the river, and most probably survive. Let's look at another example:

If anyone bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river prove that the ac-

cused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser. (2)

Note that in this case, no trial is in view. The accuser has no evidence. In cases like this, an oath could be taken and that would settle the matter. The law does not stipulate that the man *must* jump in the river. It stipulates what must happen subsequently *if he does elect to do so*. Why would a man voluntarily jump into the river? A simple reason: if he knew he was innocent, then he would expect to survive, and would then take possession of his accuser's house. This law reflects how seriously they took false accusations. In Babylon, if a person falsely accused another, the false accuser would be subject to whatever punishment the accused would have been subject to. Thus, in the case of the river ordeal, the false accuser is subject to death, because the accused would have died had he been guilty.

Copan notes that the river ordeal was the way they generally handled cases with inconclusive evidence. But Copan wants to differentiate this from the Mosaic law, by pointing out that in the Mosaic law, two or three witnesses were necessary in order to establish a charge; without two or three witnesses, no case could be made—period (104). Copan thinks that this speaks to the superiority of the Mosaic law over that of Hammurabi. But let's consider this. As we've already seen, an oath could be taken in lieu of the river ordeal, where evidence was lacking or inconclusive. Moreover, a third party was permitted to petition for (or in the case of a husband, grant) a pardon on behalf of the accused.

But the real point to be made here is that Hammurabi's code sought to allow for justice *even when evidence was insufficient*. If a crime was committed with no witnesses (or less than two), then in Israel the criminal could not be charged in court. Not so in Babylon. A single witness could produce evidence and take the criminal to court, or could make him or her subject to the ordeal. If the accused was innocent, he or she could take an oath in the deity's name, which was taken so seriously that it was considered to es-

tablish innocence. Could this system be abused? Of course, but at least it requires the criminal to risk the curse of his or her deity by taking a false oath (something no one would want to do); whereas in Israel, a crime with insufficient witnesses was no crime at all.

Now, what about cases where the evidence is conclusive? Here we see that the laws of Hammurabi are more morally progressive than those of Moses:

If a man's wife be surprised (*in flagrante delicto*) with another man, both shall be tied and thrown into the water, but the husband may pardon his wife and the king his slaves. (129)

Here they are *tied* and thrown in, meaning there is no chance of survival. But the important point here is that the betrayed husband may elect to pardon his wife, whereas in Israel, there was no such provision for an adulteress.

Another thing to note about these laws, as is clear from the very sources Copan cited, is that it was possible for someone to petition on behalf of someone or some group subject to the river ordeal, and their trial would be stayed. In other words, there was room for mercy.

So, once again, Copan's portrayal of the neighboring ancient Near Eastern cultures is jaundiced, without nuance, selective, and as uncharitable as the New Atheist's readings of the Laws of Moses.

While we're at it, here are some more laws from Hammurabi that reflect a higher moral standard than those of Israel:

If a man violate the wife (betrothed or child-wife) of another man, who has never known a man, and still lives in her father's house, and sleep with her and be surprised, this man shall be put to death, but the wife is blameless. (130)

Recall that in Israel, if a married woman is raped in the city and doesn't scream, she is to be executed along with her rapist.

But in Hammurabi's code, no such distinction is made between women who scream and don't scream. Perhaps they realized that a rapist might think to cover a woman's mouth or threaten her with death if she screamed. In all cases of rape in Babylon, "the wife is blameless." Not only is Hammurabi's code more progressive than the laws of Moses, it's more progressive than recent legal maneuvers in the U.S., where some states are beginning to identify rape victims not as victims but as accusers!

Code of Hammurabi:

If a judge try a case, reach a decision, and present his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgment. (5)

This intelligent law is unparalleled in the laws of Moses; I don't think there's anything comparable in U.S. law either, apart from cases of intentional misrulings (which are virtually impossible to prove, apart from evidence of bribery). In Hammurabi's code, the judge's office is taken so seriously that if he makes an error in judgment, he is liable for it and will be removed from office. Talk about incentive to be a just judge!

Recall that in Israel women are not permitted to own property. Well, in Babylon (among other places), they were:

If a man wish to separate from a woman who has borne him children, or from his wife who has borne him children: then he shall give that wife her dowry, and a part of the usufruct of field, garden, and property, so that she can rear her children. When she has brought up her children, a portion of all that is given to the children, equal as that of one son, shall be given to her. She may then marry the man of her heart. (137)

If a man wishes to separate from his wife who has borne him no children, he shall give her the amount of her purchase money and the dowry which she brought from her father's house, and let her go. (138)

Whereas in Israel, a divorced wife was sent away with nothing.

Code of Hammurabi:

If a man take a wife, and she be seized by disease, if he then desire to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives. (148)

Wow! Remember Copan's excuse for why divorce was permitted in the Law of Moses? Because of the "hardness of men's hearts," right? Well apparently in Babylon, men had much softer hearts, because they were not permitted to divorce a sick woman. In Israel, of course, a woman may be divorced for any reason, from barrenness, to illness, to ugliness, to burnt toast!

If this woman does not wish to remain in her husband's house, then he shall compensate her for the dowry that she brought with her from her father's house, and she may go. (149)

Now here's something you'll *never* see in the laws of Moses. A woman in Babylon is allowed to request a divorce if it is clear that her husband doesn't want her! And not only that, her husband is obligated to compensate her financially, to ensure her well-being.

The Prohibition of a Female Priesthood

Finally, Copan attempts to argue that the prohibition of a female priesthood in Israel is not a sign of patriarchy. In order to do so,

he makes a number of spurious moves.

First, Copan argues that we shouldn't make such a big deal out of the fact that women couldn't be priests because, after all, most Israelite males, and all *non*-Israelite males, couldn't be priests either. Only Levite males could be priests. Thus, lots of men were excluded from the priesthood too. How this is supposed to show that no patriarchal assumptions are involved here is beyond me. Just because membership in the class of priests was exclusive to one tribe, that does nothing to explain why *female* Levites could not be priests. The fact is, it is still a male dominated institution, as we would expect from a male dominated society.

From here on in, Copan's arguments only become more and more strained. First, he argues that Eve is depicted as a priest. On what grounds? He cites Genesis 2:12 and says that some scholars (without identifying any) argue that the location of Eden described in this verse presages the tabernacle. Furthermore, he claims that Adam and Eve both were engaged in priestly duties (worship and service), and that they walked and talked with God. Here he cites Gen 2:15 and 3:8 (107).

First, neither of the passages Copan cites refer to any kind of priestly duties whatsoever, not even to worship or service to God. Second, when we look at Genesis 2:15, what does it *actually* say? "Yahweh God took the man and put him in the garden of Eden to till it and keep it." Notice that Eve is not even mentioned here. God put *the man* in charge of tending the garden of Eden, not Eve! Moreover, not even Adam is ascribed priestly duties here. He's a glorified gardener. On what grounds does Copan claim Eve is depicted with priestly duties? None.

Now turning to Genesis 3:8, what does it say? "They heard the sound of Yahweh God walking in the garden at the time of the evening breeze, and the man and his wife hid themselves from the presence of Yahweh God among the trees of the garden." Right! Because Eve heard God coming and ran to hide, she must be a priest.

Copan's next move is to argue that God's plan was to make all of Israel, both men and women (Copan says), a "kingdom of priests." He cites Exod 19:6: "But you shall be for me a priestly kingdom and a holy nation. These are the words that you shall

speak to the Israelites.” Once again, Copan’s interpretation of the text depends upon a misleading translation. The Hebrew does not say, “These are the words that you shall speak to the *Israelites*.” Rather, it says, “These are the words that you shall speak to the *sons of Israel*.” Nowhere in the text does it say “male and female,” or any such thing.

In fact, the patriarchal meaning of this verse is reinforced in the broader context. It says that after Moses told them they are to be a kingdom of priests, “all the people” responded with affirmation. But who are these people? Male and female alike? No, absolutely not. A few verses later, it’s clear who this “people” is to whom Moses is speaking: “So Moses went down from the mountain to the people. He consecrated the people, and they washed their clothes. And he said to the people, ‘Prepare for the third day; *do not go near a woman*’” (Exod 19:14-15). Unless lesbianism was considered kosher, then it’s clear that “the people” addressed here are all Israelite *males*.

Next, Copan argues that the only reason the priesthood wasn’t given to the whole nation of Israel was because the people (i.e., males) refused to go up to the mountain to speak to Yahweh themselves (Copan cites Exod 20:19, 21). Copan says it was *because of this* that Yahweh instituted a male priesthood who would mediate between Yahweh and the people through the tabernacle/temple edifice (107). According to Copan, Yahweh only instituted a limited-membership male priesthood because all of Israel refused to go up to the mountain. But this is nonsense. The text says no such thing. There is no indication in the text that the male priesthood was established just because Israel failed to be a kingdom of priests. In fact, notice that Copan cites only verses 19 and 21 of chapter 20. He omits verse 20, which reads: “Moses said to the people, ‘Do not be afraid; for God has come only to test you and to put the fear of him upon you so that you do not sin.’” Why didn’t the people go up to the mountain? Because they were afraid of Yahweh. And in the verse Copan omits, that’s exactly what Moses says Yahweh wanted—“to put the fear of him upon you!” The truth is, the text does not say, as Copan claims, that a Levitical priesthood was established because the rest of Israel was too afraid. Rather, the Levitical priesthood was always in-

tended, because Aaron (a Levite) had already been functioning as priest.

Even still, even *if* we were to accept Copan's spurious reading, that doesn't explain why Yahweh didn't choose to institute a mixed-gender priesthood. If Yahweh *really* wanted male and female priests as Copan claims, then that's what we'd expect Yahweh to do. But Copan's God is not the God of the Bible. Copan argues that God had always wanted a mixed-gender priesthood, and that's what we get in the New Testament—a kingdom of priests (1 Pet 2:5, 9)! But note the patriarchal assumptions already in the word "kingdom." Moreover, the "kingdom of priests" idea is a metaphor, not an institution. But in fact, in the New Testament, when it comes to institutional structures, once again, as expected, women are expressly excluded from the most important ministerial positions; they are expressly subordinate to men.

Anyway, if as Copan claims God really wanted a mixed-gender priesthood, why didn't he give us one? Why restrict it to males only? Copan's answer? *To keep Israel's pure worship from being contaminated* (107). Copan notes that in the ancient Near East, sacred sex was a normal feature of cultic rituals. Thus, Copan argues, women were excluded in order to prevent Israel from engaging in sacred sex.

This is of course an utterly absurd argument. First, *nowhere* does the text, *any text*, say that female priests were prohibited in order to prevent sacred sex. That's Copan's idea. Second, sacred sex is prohibited in a number of places throughout the laws of Moses. There is no reason whatsoever why Yahweh could not have instituted a mixed-gender priesthood, while at the same time prohibiting sacred sex. By Copan's logic, Yahweh *also* should have prohibited animal sacrifices, because, after all, those other nations performed animal sacrifices to their deities! The only way to truly prevent Israel from sacrificing to other gods would be to forbid sacrifice altogether. This is of course silly. Yahweh had already condemned sacred sex. That doesn't excuse him for prohibiting a female priesthood.

The truth is, the laws of Moses are patriarchal through and through, and *Copan doesn't like Yahweh*. So Copan invents his own Yahweh, and tries to pass him off as the Yahweh of the Bible.

Polygyny, Rape, and Mutilation

Chapter 11:

Bride-Price?

Polygamy, Concubinage, and Other Such Questions

In this chapter Copan argues, contrary to the broad consensus, that polygamy was actually prohibited in the laws of Moses. He maneuvers through the rape laws in an attempt to give them a more progressive sheen. He argues that foreign women who were taken as war booty were treated with dignity and respect. He'll also attempt to do some fanciful exegetical work to argue that a certain mutilation punishment prescribed in the Mosaic law may not have been what conventional translations suggest. We'll see that just about every one of Copan's arguments misses the mark. We'll see, once again, the lengths Copan is willing to go to make the Bible say what he would prefer it said—to make Yahweh over into his own image.

Polygamy

First, after explaining that in the ancient Near East it was common for a man to take a maid-servant as a second-tier wife if his first wife was barren, Copan distorts, once again, the Code of Hammurabi to make it appear inferior to the Law of Moses. Copan says that in the ancient Near Eastern world, polygamy was a reality that was just taken for granted. It was legal in the Code of Hammurabi, which allowed the master of a slave woman (note that Copan has no compunction about identifying a *Babylonian* slave as property, though he'll later equivocate about the status of Israelite slaves) to use her for reproductive purposes. The code states that if her master died, and she had given him children, she was permitted to be released (109).

Copan is distorting Hammurabi here. First, there is a distinction between *polygamy*, as ordinarily understood (having multiple wives, as say David or Solomon had), and this practice of taking a slave-woman as a wife in order to ensure the man's name continued. The law here in Hammurabi speaks of this latter practice, not of polygamy as with David or Solomon. But let's look at

the specific law itself and notice what Copan is (obviously intentionally) leaving out of the picture he paints in his book:

If a man take a wife and this woman give her husband a maid-servant, and she bear him children, but this man wishes to take another wife, this shall not be permitted to him; he shall not take a second wife. (144)

We'll note two things about this law. First, note that polygamy proper is in fact prohibited in Hammurabi's code. If the man is able to have children by his wife's maid-servant, then the man is prohibited from taking any further wives. This shows that *the only purpose* for taking an additional wife in Babylon was to produce offspring. So when Copan says that in Hammurabi's code polygamy was sanctioned and not forbidden, he is distorting the truth.

Second, we'll note a glaring inconsistency in Copan's treatment of these various legal materials. When Copan later deals with Deut 21:15-17, which prohibits a man with multiple wives from favoring one more than the others, Copan argues that this is casuistic law (case law). That means, Copan argues, that it isn't *sanctioning* polygamy; rather, it's just prohibiting favoritism in the undesirable event that a man *did* have two wives. He has to argue this because he contends that another text (we'll get to it) officially prohibits polygamy in any form.

But here's where Copan's inconsistency lies. He doesn't treat the different legal codes with an even hand. Look at the quote above from Hammurabi. Note that it doesn't expressly *condone* taking a maid-servant as a second wife. It says, rather, that *if* a man takes a maid-servant in order to produce offspring, *then* he is not permitted to take another wife. This is casuistic also. But Copan doesn't read Hammurabi's law as casuistic. Rather, he says that polygamy was taken for granted and not expressly prohibited. And as we've seen by looking at the actual law (which Copan doesn't quote), to the contrary, polygamy *was* prohibited, except in the case of a barren wife. Copan wants to paint Hammurabi as inferior to Moses, but he can only do so (as we've seen so many times already) by offering a distorted presentation of Hammurabi.

Now, Copan gives an overview of numerous examples in the Hebrew Bible of men with multiple wives. Abraham had Sarah and Hagar. Jacob had Leah and Rachel (and their handmaids, because they were both barren). And so on. But Copan claims that these instances of polygamy in the Old Testament were not approved by God (111). Copan says this because he needs to argue that Yahweh didn't condone polygamy. Where does Copan get this idea—that these polygamous marriages were not approved by God? He means that the text does not explicitly say that God approved of these marriages. But there are some problems with this claim, intractable ones.

First, while it's true that in most cases, God doesn't utter some sort of blessing on any of these second wives, the fact is also that God doesn't utter a blessing on the first wives either! Nor does God ever condemn any of these polygamous men for their marriages. So when Copan says that they took place without God's express approval, he's making a tenuous and misleading argument from silence.

Second, more than one polygamous man *did* receive God's stamp of approval, and one of them—Moses—Copan never even mentions. And it's a pretty big omission, considering who the particular husband was!

Moses already had a wife, Zipporah, the daughter of a Midianite leader, whom he had married during his forty years in exile before the exodus. But in Numbers 12, after the exodus, and as we saw earlier, Moses took a second wife, a Cushite (Ethiopian) woman. Aaron and Miriam opposed Moses when he took this second wife. But Yahweh did not. Yahweh defended Moses, and punished Miriam (though not Aaron) for challenging Moses. I'd say that constitutes Yahweh's express approval. But Copan never even mentions that Moses had two wives.

Moreover, as we'll discuss with Copan later, 2 Sam 12:8 says that God blessed David with many wives. Copan will try to maneuver around this, but for now suffice it to say that this too clearly constitutes God's express approval on polygamy. And in both Moses and David's case, these additional wives weren't taken on account of barrenness. Moses and David both had children before taking additional wives.

Now, Copan concedes that the real problem with Solomon's marriages (700 hundred wives and 300 concubines) was that they were, besides being ridiculously excessive, political alliances that led to the worship of other gods. The problem with Solomon's polygamy was therefore not polygamy *per se*, but the infiltration of foreign deities into Israelite religion through Solomon's many wives.

Copan reads Deut 17:17 without any reference to source criticism whatsoever, as if Deut 17:17 was written in Moses' day and predicted or forewarned against kings taking an excessive number of wives. Here's what the text says:

When you have come into the land that the Lord your God is giving you, and have taken possession of it and settled in it, and you say, 'I will set a king over me, like all the nations that are around me', you may indeed set over you a king whom the Lord your God will choose. One of your own community you may set as king over you; you are not permitted to put a foreigner over you, who is not of your own community. Even so, he must not acquire many horses for himself, or return the people to Egypt in order to acquire more horses, since the Lord has said to you, 'You must never return that way again.' And he must not acquire many wives for himself, or else his heart will turn away; also silver and gold he must not acquire in great quantity for himself. (Deut 17:14-17)

Now, the broad scholarly consensus is that most of Deuteronomy was written during the time of King Josiah, in order to legitimate his novel religious and political reforms. This text is clearly anachronistic in the Mosaic period. One tradition in 1 Samuel says that God didn't want a king over Israel, but that Israel insisted upon having a king. But this Deuteronomistic text already grants Israel permission to have a king, well over a hundred years before they even insist on having one. And this particular passage was clearly written in direct response to Solomon's sins. It was writ-

ten after the fact, by Josiah's people, as an indictment of royal excesses which led to idolatry.

Referring to the things prohibited to the king here in Deuteronomy 17, Copan naïvely comments that, indeed, Solomon committed *all* of these acts (111). It apparently doesn't occur to him that the list of prohibitions was written precisely with Solomon's (already historical) excesses in mind. Solomon acquired many horses, he acquired silver and gold, and he acquired many wives, including an Egyptian princess, causing his "heart" to "turn away." See 1 Kgs 11:1-4, where the language closely matches that of Deuteronomy 17. And remember that the book of Kings was fashioned by the same author(s) who wrote most of Deuteronomy. What's taking place here in the Deuteronomistic History is that all of the events of the past are reinterpreted according to the ideology underwriting the Josianic reforms, and that ideology is legitimated by the forged Deuteronomy legislation which was said to have been "lost" in the temple walls and conveniently found by Josiah's high priest.³²

At any rate, Solomon's marriages really have no bearing on the polygamy discussion, because it's clear that the problems there were outrageous excess, political alliances, and the introduction of foreign cults into Israel.

Now, let's move on to Copan's actual arguments that polygamy is condemned in the laws of Moses. First, Copan claims that if polygamy was really allowed, then that would represent a departure from the widely understood norm of heterosexual monogamy established in Gen 2:24 (112). But here's what Gen 2:24 says: "Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh." This does not say that monogamy was "the standard." It doesn't say anything about monogamy at all. Remember, Copan thinks Genesis was written by Moses—who had two wives, and God defended Moses for having the second one! Just because only one wife is mentioned in Genesis 2 doesn't mean monogamy is being presented as the "standard."

³² On the problems with this official narrative, see my discussion in my review of Douglas Earl's book, under the heading, "Why Earl's Argument Fails," and the literature cited therein: Thom Stark, "The Joshua Delusion," *Religion at the Margins*, <http://religionatthemargins.com/2010/11/the-joshua-delusion/>

After all, every man has to start *somewhere!* He's not going to "leave his father and mother" every time he marries another woman; just the first time.

Now, Copan claims there is strong evidence that Lev 18:18 forbids polygamy (112). He quotes the NIV: "Do not take your wife's sister [literally, 'a woman to her sister'] as a rival wife and have sexual relations with her while your wife is living."

Copan's argument is, in addition to being egregiously wrong, extraordinarily convoluted. This verse comes at the end of a long list of anti-incest laws, before a new list of prohibitions having nothing to do with incest. Copan argues that this verse should not be included with the anti-incest laws, but rather with the subsequent list of prohibitions, which include a prohibition on having sex during a woman's menstruation period (an abomination, apparently), a prohibition on having sex with another Israelite's wife, a prohibition on sacrificing children to Molech, a prohibition on homosexual relations, and one on bestiality. Copan's argument for slotting verse 18 in with the second list, rather than with the incest list, is three-fold.

First, sentence structure. Each prohibition from verses 7-17 begins with the word *'erwat* (nakedness of). In English, it reads, "You shall not uncover the nakedness of..." But verses 18-23 have a different sentence structure. Each prohibition in these verses begins with what's called the *waw* conjunction, i.e., the word "and." So, Copan argues that verse 18 (the verse in question) should be grouped with the second list because it shares the same sentence structure with the second list. Copan notes that verses 7-17 pertain to *kinship bonds*, whereas verses 19-23 pertain to activities *outside* of kinship bonds. The question is whether verse 18 pertains to kinship bonds or not. But the argument from sentence structure cannot be conclusive. It is true that verse 18 shares the sentence structure of the verses that follow it, rather than those that come before it, but that does not mean it shouldn't be read as part of the first list of incest laws. Why? Because sometimes the structure will change at the end of a list to mark it as the end. So an argument from sentence structure cannot be conclusive.

Second, Copan notes that the word "rival" here ("do not take

... as a *rival wife*") also appears in 1 Sam 1:6. There, Elkanah has two wives, Peninnah and Hannah. Peninnah is called Hannah's "rival." Copan argues that because Hannah and Peninnah aren't sisters, then a "rival" wife is not a sister. Thus, in Lev 18:18, when it says, "Do not take [a woman to her sister] as a rival wife," it's not referring to sisters. Copan of course cheats here. He writes that Hannah and Peninnah were not sisters in the biological sense, but merely in terms of their nationality as Israelites (112). But 1 Sam 1:6 doesn't identify them as sisters at all, just as rival wives. So when Copan says, "or 'sisters,'" putting "sisters" in quotation marks, he's misleading the reader into believing that the two wives are identified as "sisters" but that "sisters" there just means "fellow Israelites." No. The text does not call them sisters. So the question is, what does 1 Sam 1:6 have to do with Lev 18:18? And the answer is: nothing.

But think about this for a second. If Lev 18:18 is *really* prohibiting having two, unrelated Israelite women as rival wives, then Elkanah would be violating a direct command of Moses. You may say that's no big thing, because people disobeyed the law all the time, but bear in mind that Moses *also* had two wives. Lev 18:18 isn't prohibiting having rival wives (later it stipulates that when a man has two wives, he's obliged not to favor one over the other). What Lev 18:18 is prohibiting is taking two *biological sisters* as rival wives. Why? Because that would unravel the familial bonds so important in Israel. And that is the point of all the incest laws: there are sexual relations, and blood relations, and to mix them up is to unravel the bonds of blood.

Third, Copan argues that the term, "a woman to her sister," is an idiom in Hebrew, just meaning "one to another." The same is true of the term, "a man to his brother." It is an idiom meaning "one to another." Copan is correct. But he overstates his case. Copan notes that the two idioms (a man to his brother and a woman to her sister) are used twenty times in the Hebrew Bible, but he claims that in all of these occurrences they never once refer to a literal sister or brother. As it happens, this isn't true. In Gen 37:19, the masculine form is used, "a man to his brother," when the brothers of Joseph were conferring with one another about Joseph. There it applies to literal brothers. But we'll grant that the

phrase *is* an idiom, meaning, “to one another,” or “one to another,” and that that *could* be its meaning here in Lev 18:18.

Here’s why it isn’t. The fact that it comes at the end of a list on incest laws gives us reason enough to interpret “a woman to her sister” literally in this case, as we should in Gen 37:19 with Joseph’s brothers. Moreover, Copan has already conceded that it was standard practice in the ancient Near East to take a second wife if the first was barren, in order to produce children. If, however, Lev 18:18 prohibits taking a second wife, then there would be no way for a man with a barren wife to have children. As Copan himself notes, when faced with the prospect of being childless, and thus heirless, men commonly employed the aid of lower-ranking wives in order to preserve the family (109). Copan acknowledges this, but if Copan’s reading of Lev 18:18 is correct, that would doom a man with a barren wife to be childless, ending his family line. That’s one big reason why Copan’s reading of Lev 18:18 is entirely untenable.

Moreover, as Copan acknowledges, when a second wife was brought in in order to produce children, she was usually a “second-tier” wife—that is, less respected. But that’s precisely what Deut 21:15-17 speaks to. If a man has two wives, he’s *not allowed* to love one more than the other. Copan argues that Deut 21:15-17 is just casuistic law, not *condoning* polygamy, but just offering a law in case polygamy is a reality. But if polygamy is really prohibited in Lev 18:18, then why *concede* to it in Deut 21? The fact is, Deut 21 is offering protection to second-tier wives, on the assumption that this is a normal thing.

That raises another important point here. Let’s look at the type of sins we’re dealing with here in Leviticus 18. (This is very important, so don’t zone out.) Here is a complete list of things that Leviticus 18 prohibits (excluding verse 18, the verse in question):

First List:

- Sex with one’s mother
- Sex with one’s father’s wife (i.e., not one’s own mother)
- Sex with one’s sister
- Sex with one’s granddaughter
- Sex with one’s half-sister

- Sex with one's aunt
- Sex with one's uncle's wife
- Sex with one's daughter-in-law
- Sex with one's brother's wife
- Sex with both a mother and her daughter
- Sex with both a grandmother and her granddaughter

Second List:

- Sex with a woman during her menstruation period
- Sex with your neighbor's wife
- Child sacrifice to Molech
- Homosexuality
- Bestiality

Now, let's add verse 18:

- Sex with a woman and her sister

Where does that fit? Think about it. It fits right in with all the prohibitions in the first list, and if it didn't belong in the first list, then the first list wouldn't be comprehensive. It has just prohibited sex with a mother and her daughter, and sex with a grandmother and her granddaughter. What's missing from the list? It's clear: sex with two sisters.

Why? Because it throws the familial bonds into upheaval by taking two blood relatives and making them into rivals. *That's the problem, and that's the prohibition in verse 18.*

But I'll say one more thing about this. Look back over both lists of prohibitions, and note that *all of them, every last one of them*, are identified as *abominations*, and are punishable by excommunication from Israel or death (Lev 18:29: "for whoever commits any of these abominations shall be cut off from their people").

So, does Copan's reading of 18:18 really fit into such a list? No, it doesn't. You're not going to find casuistic laws anywhere about what to do in the event that one of these laws is broken. You're not going to find a law that says, "Now if a man marries his wife's daughter, he is not to favor the daughter over the wife." Or, "Now if a man lies with another man, he must marry him and never di-

voiced him.” *None of the other laws in Leviticus 18 can conceivably have casuistic laws in the event of their disobedience. They are all punishable by excommunication, because they are all “abominations,” and they are all identified as the practices of the deplorable Canaanites.*

Is this really what Copan expects us to believe about polygamy? Abraham, Esau, Jacob, Moses, David, Elkanah, *and so many other “good” Israelite men*, had multiple wives. But if we accept Copan’s reading of Lev 18:18, then all of these men committed unforgivable abominations that required they be “cut off from their people.”

Or, we can translate the verse like pretty much all the major translations have done, and read it (as it should be read) as a prohibition against marrying two biological sisters. *That* fits the context, and *that* doesn’t contradict so many other passages all throughout the Bible.

So, Copan’s attempt to argue that the Mosaic law prohibits polygamy is an obvious failure.

Moving on, and nearing the end of Copan’s discussion of polygamy, Copan notes that 2 Sam 12:8 indicates that God gave David multiple wives:

I anointed you king over Israel, and I rescued you from the hand of Saul; I gave you your master’s house, and your master’s wives into your bosom, and gave you the house of Israel and of Judah; and if that had been too little, I would have added as much more.

So here is a pretty clear statement, from Yahweh to David, that Yahweh gave David wives, and the implication is that Yahweh gave them to David as a sign of his blessing and approval of David. How does Copan maneuver around this text? Two lame arguments. We’ll look at the second first.

He claims that the transference of Saul’s wives was merely the only explicitly noted portion of the “house” of Saul that God gave David, such that David became the master of Saul’s “estate” without actually being married to all of Saul’s wives. Noting that Saul’s

wife Ahinoam (1 Sam 14:50) was mother of David's wife Michal and that levitical law prohibits the marriage of a mother-in-law (Lev 18:17), he argues that the wives of Saul that David received as part of his new position should not be assumed to have become additional wives for David. So, Copan concludes, this text, despite appearances, really doesn't endorse polygamy (115).

But the text says Yahweh gave Saul's *wives* (plural) to David. Not all of them were Michal's mother. Only one, in fact. This isn't hard to reconcile. So either Ahinoam was dead, or God gave all of Saul's wives, *excepting Ahinoam*, to David. Enough said. But his first argument is the one that really displays Copan's capacity to grasp at straws.

Cautioning his readers not to take the terminology of "giving wives" too literally, he calls attention to the same word in 2 Samuel 12:11, in which God tells David that he would "give" his wives to his son Absalom. This, argues Copan, is clearly not evidence that God approves of polygamy, since the giving of David's wives over to a traitor is (apparently) hard to imagine (115).

On the contrary, it only *reinforces* the fact that these texts assume Yahweh gives multiple wives as a blessing. What verse 8 clearly says is that God gave David many wives as a blessing, and what verse 11 clearly says is that God will take away that blessing in order to punish David. Yahweh isn't giving Absalom David's wives because he approves of Absalom; he's giving them away because he (currently) *disapproves* of David. To wit: Yahweh gives and takes away the blessing of many wives. The many wives are assumed here to be a sign of David's greatness. "If that had been too little," Yahweh says, "I would have added much more!"

Copan concludes his argument on polygamy by stating, rather ludicrously, that when Proverbs 5:15-18 counsels men to find pleasure and sexual satisfaction within the confines of monogamous marriage ("Drink . . . fresh water from your own well"), this is the accepted norm (116). But this is misleading, because verse 20 makes clear what verses 15-18 mean. It's not arguing for monogamy over polygamy. Verse 20 specifically says not to be intoxicated by an "adulteress." It's warning against illicit promiscuity with another's wife (think David and Bathsheba), not against polygamy (think David and Michal and Abigail).

Rape

Regarding rape, Copan cites four laws from Exodus 22 and Deuteronomy 22.

1. If a man *seduces* (not “rapes”) a virgin who is not engaged, he has to pay a dowry to the father for her to be his wife, but the father has the option to refuse to give his daughter to the seducer. In that case, the man pays anyway, for spoiling the virgin. (Exod 22:16-17)

2. If a man “finds” (the word can also mean “overtakes”) an engaged girl in the city and lies with her, and they are caught in the act, then both the man and the girl are to be stoned to death. The girl is to be punished because she didn’t scream (in the city, her screams could be heard). (Deut 22:23-24)

3. If a man finds an engaged girl in the field, and forces [*chazaq*] her to have sex with him, then only the man is to be stoned to death, but the girl is not to be punished, because out in the field her screams could not have been heard. (Deut 22:25-27)

4. If a man finds a virgin girl *who is not engaged*, and seizes [*tapas*] her and lies with her and they are discovered, then the man is to pay the girl’s father fifty shekels of silver, marry her, and never divorce her. (Deut 22:28-29)

Copan makes a number of spurious moves here, but first let’s note some problems with these laws. First, it’s assumed that just because a woman was in the city and didn’t scream, she’s not a rape victim but a willing participant. Unlike Hammurabi’s code, the woman is not allowed to take an oath swearing her innocence here. Apparently it was inconceivable that a rapist could cover the girl’s mouth, or threaten to kill her immediately if she screamed, or something like that. No. If you happen to be found under a man who isn’t your fiancé or husband, and you happen to be in the city, then you’re dead.

Second, it’s assumed that if you’re in the field, you must be innocent. That would make the field a *great* place to go to commit adultery! But think about this: she’s innocent because she cried for help but no one was there to hear her scream and rescue her. But if no one was there, then there were no witnesses to the rape,

other than the girl. But remember, unlike in Babylon, in Israel (as Copan boasts) no one can be brought to trial unless there are two or more witnesses. So if there's no one in the field to rescue her, then there're no witnesses either, and the rapist cannot therefore be executed, let alone brought to trial.

Now, let's examine Copan's false moves with these laws. He claims, first, that the law in Deut 22:28-29 expands on the text in Exod 22:16-17 relating to seduction (118). I.e., #4 (above) expands upon #1 (above). In short, he's saying that #4 isn't about rape at all, but about *seduction*. How does he arrive at this conclusion? He argues that the word used here ("seizes," *tapas*) is a weaker verb than "forces" (*chazaq*) in v. 25 (117). Weaker? Perhaps, depends on the context. But can "seizes" (*tapas*) mean "seduces"? Absolutely not. When this same word (*tapas*) is used elsewhere in Deuteronomy, it refers to the conquest of an enemy city by force of arms (20:19), and to the taking of a rebellious son against his will before the elders to be executed (21:19). Every time this word is used in the Bible to refer to seizing a *human* or a *group of humans*, it connotes the violation of the will. I'll list its usages:

The people will be oppressed,
everyone by another
and everyone by a neighbor;
the youth will be insolent to the elder,
and the base to the honorable.
Someone will even seize [*tapas*] a relative,
a member of the clan, saying,
'You have a cloak;
you shall be our leader,
and this heap of ruins
shall be under your rule.'
But the other will cry out on that day, saying,
'I will not be a healer;
in my house there is neither bread nor cloak;
you shall not make me
leader of the people.' (Isa 3:5-7)

Tapas is used here to refer to the seizure of a brother against his will. The context is one of strife within families, and as an example of this strife, it is said that a brother will seize his brother and try to set him up as a leader. But the very next verse states clearly that this is against the brother's will. He refuses. "You shall not make me leader of the people." Next usage:

And although she spoke to Joseph day after day, he would not consent to lie beside her or to be with her. One day, however, when he went into the house to do his work, and while no one else was in the house, she caught hold of his garment, saying, 'Lie with me!' But he left his garment in her hand, and fled and ran outside. (Gen 39:10-12)

Here again, Joseph is seized against his will, as indicated by the fact that he ran away. The remainder:

and a man has intercourse with her and it is hidden from the eyes of her husband and she is undetected, although she has defiled herself, and there is no witness against her and she has not been caught [*tapas*] in the act. (Num 5:13)

Then it will be when you have seized [*tapas*] the city, that you shall set the city on fire. You shall do it according to the word of Yahweh. See, I have commanded you. (Josh 8:8)

But they captured [*tapas*] the king of Ai alive and brought him to Joshua. (Josh 8:23)

He captured [*tapas*] Agag the king of the Amalekites alive, and utterly destroyed all the people with the edge of the sword. (1 Sam 15:8)

Saul went on one side of the mountain, and David and his men on the other side of the mountain; and

David was hurrying to get away from Saul, for Saul and his men were surrounding David and his men to seize [*tapas*] them. (1 Sam 23:26)

Now when the king heard the saying of the man of God, which he cried against the altar in Bethel, Jeroboam stretched out his hand from the altar, saying, "Seize [*tapas*] him." But his hand which he stretched out against him dried up, so that he could not draw it back to himself. (1 Kgs 13:4)

Then Elijah said to them, "Seize [*tapas*] the prophets of Baal; do not let one of them escape." So they seized [*tapas*] them; and Elijah brought them down to the brook Kishon, and slew them there. (1 Kgs 18:40)

When they come out of the city, we will capture [*tapas*] them alive and get into the city. (2 Kgs 7:12)

He killed of Edom in the Valley of Salt 10,000 and took [*tapas*] Sela by war, and named it Joktheel to this day. (2 Kgs 14:7)

So the king of Assyria listened to him; and the king of Assyria went up against Damascus and captured [*tapas*] it, and carried the people of it away into exile to Kir, and put Rezin to death. (2 Kgs 16:9)

Now in the fourteenth year of King Hezekiah, Sennacherib king of Assyria came up against all the fortified cities of Judah and seized [*tapas*] them. (2 Kgs 18:13)

Then they captured [*tapas*] the king and brought him to the king of Babylon at Riblah, and he passed sentence on him. (2 Kgs 25:6)

Is God a Moral Compromiser?

Then Joash king of Israel captured [*tapas*] Amaziah king of Judah. (2 Chron 25:23; 2 Kgs 14:13)

In pride the wicked hotly pursue the afflicted ; Let them be caught [*tapas*] in the plots which they have devised. (Psalm 10:2)

God has forsaken him; Pursue and seize [*tapas*] him, for there is no one to deliver. (Psalm 71:11)

Now in the fourteenth year of King Hezekiah, Sennacherib king of Assyria came up against all the fortified cities of Judah and seized [*tapas*] them. (Isa 36:1)

I will spread my net over him, and he shall be caught [*tapas*] in my snare; and I will bring him to Babylon, the land of the Chaldeans, yet he shall not see it; and he shall die there. (Ezek 12:13; also 17:20)

The nations sounded an alarm against him; he was caught in their pit; and they brought him with hooks to the land of Egypt. (Ezek 19:4; also 19:8)

But to them it will seem like a false divination; they have sworn solemn oaths; but he brings their guilt to remembrance, bringing about their capture. Therefore, thus says Yahweh God: Because you have brought your guilt to remembrance, in that your transgressions are uncovered, so that in all your deeds your sins appear—because you have come to remembrance, you shall be taken in hand. (Ezek 21:23-24)

Then all the inhabitants of Egypt shall know that I am Yahweh because you were a staff of reed to the

house of Israel; when they seized [*tapas*] you with the hand, you broke, and tore all their hands; and when they leaned on you, you broke, and made all their legs unsteady. (Ezek 29:6-7)

And when Jeremiah had finished speaking all that the Lord had commanded him to speak to all the people, then the priests and the prophets and all the people seized [*tapas*] him, saying, 'You shall die!' (Jer 26:8)

And you yourself shall not escape from his hand, but shall surely be captured [*tapas*] and handed over to him. (Jer 34:3)

But Irijah would not listen to him, and arrested [*tapas*] Jeremiah and brought him to the officials. (Jer 37:14)

All your wives and your children shall be led out to the Chaldeans, and you yourself shall not escape from their hand, but shall be seized [*tapas*] by the king of Babylon; and this city shall be burned with fire. (Jer 38:23)

Then they captured [*tapas*] the king and brought him up to the king of Babylon at Riblah in the land of Hamath, and he passed sentence on him. (Jer 52:9)

You set a snare for yourself and you were caught, O Babylon, but you did not know it; you were discovered and seized [*tapas*], because you challenged Yahweh (Jer 50:24).

Kerioth has been captured And the strongholds have been seized [*tapas*], So the hearts of the

mighty men of Moab in that day Will be like the heart of a woman in labor. (Jer 48:41)

How Sheshach is taken, the pride of the whole earth seized [*tapas*]! How Babylon has become an object of horror among the nations! (Jer 51:41)

Those last three from Jeremiah show that the Hebrew word for “captured/taken/caught” (*lakad*) and the Hebrew word for “seized/taken/captured/caught” (*tapas*) are synonymous, sharing a semantic domain. Again, *tapas* and *pathah* (“seduced”) are not synonymous. Here’s another important use of *tapas*:

Or I shall be full, and deny you,
and say, ‘Who is Yahweh?’
or I shall be poor, and steal,
and profane [*tapas*] the name of my God.
(Prov 30:9)

There it means “profane,” which is an extension of the same semantic domain, indicating a violation.

And that about does it. That’s all the examples where *tapas* is applied to the grabbing of a person or population, and every time, and I’ll reiterate, every single time, it refers to the seizure of a person or population against their will.

Thus it clearly refers to the violation of the girl’s will here in Deuteronomy 22. The difference in punishment (i.e., the rapist isn’t executed) is due to the fact that the girl isn’t engaged in this scenario. That’s why there’s no differentiation between city or field in this case. A man can rape a woman anywhere he pleases, so long as she isn’t engaged. His only punishment is to pay fifty shekels and marry her (for life).

This is emphatically *not* an expansion of Exod 22:16-17 (two different books entirely). In Exodus 22, rape isn’t the context at all. And the word used there is “seduces” (*pathah*), also translated “persuades.” In Deut 22:28, the word is “seized, captured, arrested, laid hold of” (*tapas*). Just because *tapas* may or may not be “weaker” than *chazaq* (“forces”)—a tenuous assertion to begin

with—doesn't mean *tapas* is suddenly *pathah*.

But Copan argues that because Deut 22:28 (the rape passage) says "*they*" are discovered, that must mean they're both guilty. If only the man was guilty, Copan protests, it would say "*he*" was discovered. He concludes, therefore, that the girl in Deut 22:28 isn't acting against her will. This is a strained and unsuccessful argument. They were not *condemned* in the plural. They were *discovered* in the plural, as any two people discovered in a sexual act (consensual or otherwise) would be. And the text itself makes it clear that only the man is being punished and that only he is at fault: "The man who lay with her shall give fifty shekels of silver to the young woman's father, and she shall become his wife. *Because he violated her* he shall not be permitted to divorce her as long as he lives" (Deut 22:29). And as already noted, *tapas* means "seized," and whenever the word is applied to a person who is *seized*, it *always* refers to being captured or taken against one's will, throughout the entire Hebrew Bible.

It is also worth noting, moreover, that the LXX translation clearly indicates that a rape and violation of the girl's will is in view here. The LXX translates *tapas* in Deut 22:28 as *biazomai*, which means "to experience a violent attack" or "to employ violence in doing harm to someone or some thing" (Louw & Nida). In TDNT "the reference of the term is always to force as a distinction from voluntary acts." Cf. Matt 11:12 ("the kingdom of heaven is being violently forced [biazetai] and the violent take it by force"). Thus the translators of the LXX clearly saw Deut 22:28-29 as a rape law.

Finally, in Exodus, there is no mention of rape anywhere. The context is actually property crimes, until verse 18 (*after* the seduction law). The one wronged in Exod 22:16-17 is the father. The seduction of an unengaged virgin is a property crime, coming at the tail end of a long list of property crimes. It does not belong to the subsequent list of crimes because they are punitive crimes for a moral breach, whereas the previous crimes (including the seduction of the daughter) are property crimes with a prescribed monetary restitution.

So Copan's claim that the man in Deut 22:28-29 wasn't a nasty old rapist against whom the young woman tried to struggle is en-

tirely unsubstantiated, in fact, *contradicted*, by the text itself. And thus his claim that this text doesn't demean women is unfortunately completely wrong. The law in Deut 22:28-29 is absolutely, unequivocally, demeaning to women.

Next, Copan attempts to imaginatively rewrite the text. He claims that if the father *and daughter* consent to it, the seducer [*sic*, actually a rapist] is required to marry the woman and support her for as long as she lives. Copan goes on to state that the father makes the final decision *in conjunction with the daughter*, but that she is under no obligation to marry the seducer (118).

Two egregious errors here. First, he's still conflating Exod 22:16-17 with Deut 22:28-29. The former refers to a seducer, *and in that case alone* is it said that the father may refuse to give his daughter to the seducer. In Deut 22:28-29, *absolutely no such statement is made*. Rather, the rapist (not a seducer in this scenario) *is law-bound to marry the girl for life*, and neither the girl nor her father is given any choice in the matter.

Second, Copan is *completely fabricating out of thin air* this idea that the girl has *any say whatsoever* in whether or not she will marry the man. In Exod 22:16-17, *only the father* has the right to refuse to give his daughter to the seducer. No mention whatsoever is made of the girl being allowed to throw her weight in. Why? Because women didn't have a legal say. A daughter was her father's property. Period. Furthermore, to reiterate, in the case of the rape, *neither the father nor the daughter* has any say. The law requires that the rapist marry his victim. *This is his punishment*.

Woman as War Booty

Quickly, a few brief comments on Copan's treatment of women as war booty. According to Deuteronomy 20 and 21, Israel was allowed to take women and children captive as booty from wars, so long as the women and children lived outside of the borders of the Promised Land (women and children *inside* those borders were to be killed). Deuteronomy 21 stipulates how Israelite males are to treat any women taken captive from wars against Israel's enemies. I'll just quote it:

When you go out to war against your enemies, and Yahweh your God hands them over to you and you take them captive, *suppose you see among the captives a beautiful woman whom you desire and want to marry, and so you bring her home to your house: she shall shave her head, pare her nails, discard her captive's garb, and shall remain in your house for a full month, mourning for her father and mother; after that you may go in to her and be her husband, and she shall be your wife. But if you are not satisfied with her, you shall let her go free and not sell her for money. You must not treat her as a slave, since you have dishonored her.* (Deut 21:10-14)

So, if an Israelite soldier killed a woman's husband, and found her attractive, he was allowed to capture her, give her one month to mourn, and then force her to marry him. Moreover, if after marrying her, he doesn't find her satisfying, he's allowed to divorce her and send her away with nothing, just so long as he doesn't sell her for money. Copan claims this is legislation that "protects" the foreign women.

First, he claims that it was only the foreign woman who was advantaged by this legislation (119). Right! The man who gets an *attractive wife without having to pay a bride-price* most certainly didn't benefit!

Second, he claims, the fact that he had to wait a month before sleeping with her means he wasn't allowed to be motivated by lust. I'll just quote the actual Bible again and let that be my response: "*Suppose you see among the captives a beautiful woman whom you desire and want to marry, and so you bring her home to your house. . . . But if you are not satisfied with her, you shall let her go.*"

Third, he claims that the "month of mourning" (Deuteronomy's words) was actually a reflection period for her, or rather, a period for transitioning both internally and externally from her former religious life. According to Copan, this period was a necessary prerequisite to being taken as a wife (119). But no, that's not what the text says at all. It allows her a period of mourning, but

Copan wants to turn this “mourning” period into a religious conversion period. The text says no such thing.

Finally, I’ll just say that Copan’s treatment of these texts lacks authenticity and even a hint of the sense that there’s something horribly wrong here morally. He laments that war is necessary—fine. But he says in the ancient Near East that was just the way things were. Well, it’s a good thing Yahweh was intervening in history to improve the way things were! Oh, wait. No, Yahweh was perpetuating it. Copan goes to great pains to show that *no rape of the captive women* is in view here. Fine, if by rape he just means “spontaneous premarital rape.” But this is so disconnected from reality. What *do* you call it when you kill a woman’s husband, forcibly take her captive, and force her to be your wife and bear your children? Just because you give her a month to cry in a stranger’s house with no loved ones around before making the exploitative arrangement “official” with a wedding ceremony doesn’t make this any less an act of brutal rape. It’s even more brutal than a rape-her-and-leave-her situation, because this is lifelong. A lifetime spent being violated by the sweaty man who impaled your husband before your children’s eyes. Yahweh’s laws are *so progressive*.

Thou Shalt Give Her a Brazilian Wax

All right. Enough about rape. Here’s the last item of the chapter—a mutilation law.

If men get into a fight with one another, and the wife of one intervenes to rescue her husband from the grip of his opponent by reaching out and seizing his genitals, you shall cut off her hand; show no pity. (Deut 25:11-12)

I’ll make this as quick and painless as possible. Copan argues that “cut off her hand” should actually be translated “shave her groin.” He argues that the woman’s crime was not to harm the man’s testicles, but to humiliate him by grabbing his testicles. So, her punishment was to be humiliated in turn, by having her pubic

hair shaved off in public. One would think this would be considered sexual assault, but let's never mind that and just accept that this would somehow prove that Yahweh isn't a moral monster, were it even remotely a possible translation.

Copan begins, once again, by contrasting the laws of Moses with those of Hammurabi and other ancient Near Eastern codes. He claims that Hammurabi contains numerous laws prescribing mutilation as punishment, whereas Israel (he'll argue here) has no mutilation laws. Of course, we must remember that Copan has used sources which argue that these kinds of mutilation laws were not meant to be taken literally in the other ancient Near Eastern legal materials, an argument I find unpersuasive at any rate. But Copan concedes this to be the case, and yet continues to portray Hammurabi and other ancient Near Eastern codes as infinitely more barbaric than that of Israel. In other words, Copan is engaging in special pleading.

Now, how does Copan derive "you shall shave her vagina" from "you shall cut off her hand"? Copan follows *very* closely an untenable argument made by Jerome Walsh.³³ First, Copan argues that *kaph*, the word normally rendered as "hand" in most translations, refers to the palm of the hand or other cupped shapes such as spoons or bowls and would thus be hard to single out for amputation. Why, he wonders, would such a word as "palm" be used instead of another word for "hand" like *yad* that, he claims, is a more generic word for "hand" than *kaph* (121)?

Already Copan, following Walsh, has made his first mistake. First, a little alphabet history. The Semitic alphabet was originally depicted by pictographs, before letters were introduced. For instance, the original pictograph for the letter *ayin* was a picture of an eye, because the word *ayin* (pronounced the same as the later letter *ayin*) meant "eye." To the above-right is the ancient Hebrew pictograph for an *ayin*.



Now, the pictograph for the letter *kaph* was a picture of a hand, because the word *kaph* meant "hand." Although it *sometimes* referred just to the palm, its regular sense was the whole

³³ Jerome T. Walsh, "You Shall Cut Off Her . . . Palm? A Reexamination of Deuteronomy 25:11-12," *Journal of Semitic Studies* 49 (2004): 47-48.

hand. This is clear from the pictograph, shown to the right:

You'll note that the pictograph for *kaph* clearly has fingers. It's not just a palm. It's a whole hand.



Copan says that the word most often used for "hand" (*yad*) isn't used in Deut 25:12. But this is another mistake. The reality is *not* that *kaph* referred to "palm" as we conceive of a palm, whereas *yad* referred to a "hand" as we conceive of a hand in English. In the Hebrew use of the terms, *yad* referred to the whole length of the arm from the shoulder down to the tips of the fingers (or sometimes to the forearm, from the elbow to the fingers). Koehler-Baumgartner defines *yad* as "hand (forearm)." This is clear if we look at the pictograph for the letter *yod*, from which *yad* is directly derived:



Yad was the arm + hand, as is absolutely clear from the pictograph, which shows an arm and a hand.

Kaph on the other hand (no pun intended), referred just to what we call the *hand*. Koehler-Baumgartner defines *kaph* as (1) "flat of the hand" and (2) "whole hand." But many of the references to definition #1 clearly refer to the whole hand as well.

So Copan is mistaken. *Kaph* refers to the hand specifically (palm + fingers) whereas *yad* referred to the whole arm (or the forearm) + hand. (When I showed Copan's argument to a friend of mine who lives in Israel, he laughed and said, "Every Jew in the world knows that *yad* means 'arm' and *kaph* means 'hand.'") Thus when Copan says that it would be weird to amputate just the *palm* of a hand, he's displaying he doesn't understand the terms as used in Hebrew. He's also misunderstanding Walsh's argument, because Walsh himself acknowledges that *kaph* means "whole hand" as well as "palm." A few examples of *kaph* to demonstrate that it just meant "hand" as we conceive of hand:

But Yahweh said to Moses, "Stretch out your arm [*yad*] and grasp it by its tail." So he stretched out his arm [*yad*] and caught it, and it became a staff in his hand [*kaph*]." (Exod 4:4)

So Yahweh tells Moses to stretch out his *arm* (*yad*) and grasp the snake with his *hand* [*kaph*]. Clearly *kaph* can't just mean "palm," without reference to the fingers. Imagine trying to catch a snake in your *palm* without use of your fingers! The distinction between *yad* and *kaph* is thus crystal clear in this text. Moses extends his *yad*, and grasps with snake with his *kaph*. Here are some more:

Also whatever walks on its paws [*kaph*], among all the creatures that walk on all fours, are unclean to you. (Lev 11:27)

Did he not himself say to me, 'She is my sister'? And she herself said, 'He is my brother.' In the integrity of my heart and the innocence of my hands [*kaph*] I have done this. (Gen 20:5)

God has seen my affliction and the toil of my hands [*kaph*], so he rendered judgment last night. (Gen 31:42)

Now Pharaoh's cup was in my hand [*kaph*]; so I took the grapes and squeezed them into Pharaoh's cup, and I put the cup into Pharaoh's hand [*kaph*]. (Gen 40:11)

And it will come about, while my glory is passing by, that I will put you in the cleft of the rock and cover you with my hand [*kaph*] until I have passed by. Then I will take my hand [*kaph*] away and you shall see my back, but my face shall not be seen. (Exod 33:22-23)

Thus will I bless you while I live; I will lift up my hands [*kapot*] in your name. (Ps 63:4)

Note the last reference from Psalm 63 parallels Ps 134:2: "Lift up your hands [*yadēcem*] in the sanctuary, and bless Yahweh." This shows that both *kaph* and *yad* share a semantic domain and can

be synonymous. In short, Copan's attempt to make it sound absurd to cut off a woman's "palm," therefore requiring a different interpretation of the text, is a failure.

Next, Copan argues that *kaph* means "groin area." I should point out that Copan is following Walsh (obviously very uncritically). To substantiate his claim that *kaph* occasionally refers to various concave areas around the pelvis, he calls attention to its meaning "hip socket" in Jacob's encounter with the angel of Yahweh (Gen. 32:26, 32). Then, citing Song of Songs 5:5, he notes that the NIV translates the plural *kaphot* [*sic*] as "handles" on the gate of the metaphorical garden of virginity: "I arose to open for my lover, and my hands dripped with myrrh, my fingers with flowing myrrh, on the handles [plural: *kaphot* (*sic*)] of the lock." He then notes that "the lock" refers back to the "locked garden" in 4:12: "You are a locked garden, my sister, my bride; you are an enclosed spring, a sealed-up fountain" (NET), and notes that the garden metaphor refers to the female sex organs and that its "locked" status is a reference to her virginity (121).

Perhaps to some readers without any background in Hebrew at all, this argument will seem dazzling. But in fact, it's incredibly tenuous. It's true that *kaph* is used four times (out of 177) to refer to the hip socket, all of which are found in two verses in Genesis 32 (vv. 25 and 32). Here *kaph* refers to the socket of Jacob's hip which is dislocated as he wrestles with Yahweh's angel.

But let's examine Copan's use of the obscure reference in Song of Songs 5:5. First thing to note is that *this is poetry*. *Kaph* is being used metaphorically here, and this can't be stressed enough. If it is being used metaphorically, then this is emphatically *not* the normal meaning of *kaph*. Remember that the text we're arguing about is a legal text—not exactly the right genre to employ metaphorical language! The second thing to note is that *kapot* here emphatically does *not* refer to the woman's private area, but (if we accept that this is a metaphorical usage—more on that below) to the "handles" of the woman's private area. (Pause to think about this: the poetic use of *kapot*—derived from "hands"—is *handles!*) According to Copan and Walsh, the "lock" in Songs 5:5 refers back to the "locked garden" of 4:12, which is to say, the vagina. But Copan doesn't seem to notice that the *kapot* aren't re-

ferring to the vagina, but to the “handles.” That is, *kapot* here just means “hips,” or as we sometimes call them, *the love handles*.

As already noted, *kaph* can refer to the hip. But not the groin! So if *kaph* in Deuteronomy 25 doesn't refer to a hand (as Copan claims), then it's ordering that her hips be cut off, or if we take Copan's (Walsh's) poor argument that “cut off” here means “shave,” then we're talking about shaving her hips. This is how far Copan has to stretch to salvage Yahweh's reputation. This is very misleading to any readers not familiar with the Hebrew language.

Now, Copan's final major argument is that the word for “cut off” here means “shave off” rather than “amputate.” Copan bases this on the fact that the word for “cut off” here (*qatsats*) appears in the Qal form rather than the Piel form (these are the same consonants but with different vowels, giving the same word a slightly different meaning). For a long time Hebrew grammars have taught that one of the primary functions of the Piel form of a word was to “intensify” its meaning. So with *qatsats*, in the Qal it would be less intense, but in the Piel, more intense (hack, amputate, what have you). Copan assumes that this is what's going on here. While *qatsats* is frequently used in the Piel form to refer to hacking off hands, feet, fingers, toes, etc., throughout the Bible, here it appears in the Qal form. Copan notes that the other places it appears in the Qal (three places in Jeremiah), it just refers to the cutting off of hair, so it is “less intense.”

There are a number of problems with Copan's argument. First, the obvious: cutting off hair is *still* cutting off hair. You're still *amputating* your hair, in a sense. So this is an equivocation.

Second, all of the cases where the Piel is used involve hands or feet in the plural, but here in Deuteronomy 25 it is a hand in the singular. This adequately accounts for the difference in verb form, since one of the Piel's senses is the *quantitative* sense.

Third, Copan seems unaware that the notion that the Piel carries an “intensive” meaning is heavily disputed now, and most grammars are moving away from the idea. It's certainly true that in a few specific cases, the Piel form intensifies the Qal form, *but this is only in a few specific cases*, and is not the norm. Waltke and O'Connor show that the “resultative” sense is the primary sense of the Piel: “The *Qal* stem of fientive verbs signifies the verbal idea

as an act, an event. In contrast to the *Piel* stem, which has an achieved result in view, the *Qal* sees the action in its execution, in its course.”³⁴ Waltke and O’Connor actually go on to identify the verb *qatsats* as one of the verbs often mistakenly thought to have an *intensified* meaning in the *Piel*, when really its meaning in the *Piel* is *resultative*. So, what this means is that the *Piel* isn’t an intensified form of the verb, but rather, the *Piel* has the sense that the action has been completed, whereas the *Qal* has the sense of the action as it is being carried out.

Copan notes that in Jeremiah 9:26; 25:23; and 49:32, the *Qal* is used (as in Deut 25:12). And in Jeremiah, all three are references to those who cut off the edges of their hair (i.e., non-Hebrews, or “bad guys”). But what Copan fails to mention is that in Deut 25:12, the form is *Qal* perfect (which is a construction often used in an imperative sense) whereas in the three texts in Jeremiah, the form is the *Qal* passive participle. Moreover, as noted, this still describes the “cutting off” of hair. In ancient and in modern Hebrew, *qatsats* clearly connotes a cutting off, with scissors or a knife or some such instrument. Finally, what is cut off here is the “edge of the hair,” again, an object in the singular, making the use of the *Piel* unnecessary.

Thus, Copan’s translation, which is really that of Walsh, is utterly untenable. Rather, in the text is a clear command to cut off the woman’s hand, because it was her hand that grabbed the man’s testicles. Copan protests (in the book) that this wouldn’t be a proper *lex talionis* punishment. She didn’t *cut* the man’s member off, so why cut off her hand? But *the text doesn’t say “eye for eye” here, so I don’t know why Copan thinks that’s a point against the proper mutilation translation*. This is not identified as a *lex talionis* law.

Finally, I should point out that the LXX and the Aramaic translate this passage as a mutilation law. Here I’ll quote Hector Avalos from his response³⁵ to Copan’s argument:

³⁴ Bruce K. Waltke and M. O’Connor, *An Introduction to Biblical Hebrew Syntax* (Eisenbrauns, 1990), 406.

³⁵ Hector Avalos, “Underhanded Biblical Interpretation,” *Debunking Christianity*, online: <http://debunkingchristianity.blogspot.com/2011/07/underhanded-biblical-interpretation.html>

Copan completely ignored the Septuagint, the complex of Greek translations made by those who understood Hebrew in the pre-Christian era. They understood Deut. 25:11-12 to mean “cut off her hand” not shaving of the groin. Note the passage:

11 ἂν δὲ μάχωνται ἄνθρωποι ἐπὶ τὸ αὐτό
ἄνθρωπος μετὰ τοῦ ἀδελφοῦ αὐτοῦ καὶ προσέλθῃ
γυνὴ ἐνὸς αὐτῶν ἐξελέσθαι τὸν ἄνδρα αὐτῆς ἐκ
χειρὸς τοῦ τύπτοντος αὐτὸν καὶ ἐκτείνασα τὴν
χεῖρα ἐπιλάβηται τῶν διδύμων αὐτοῦ 12
ἀποκόψεις τὴν χεῖρα αὐτῆς οὐ φείσεται ὁ
ὀφθαλμὸς σου ἐπ' αὐτῇ

Note that the passage translates *KAPH* with the Greek *CHEIRA* (χεῖρα), which is the normal word for hand. It uses ἀποκόψεις, a form of ΑΠΟΚΟΠΤΟ, which is not normally used for cutting pubic hair, but is used for chopping and mutilating. Liddell and Scott (*Greek-English Lexicon*, p. 100), render it “to cut off, hew off, of men’s limbs.”

There is no indication of shaving hair or groin areas, for which there were different Greek words. The Aramaic translators of Deuteronomy 25:12 use the words “*ydh*” (“her hand”) and so also understand that a hand is being cut, not hair on a groin.

By way of a bit of humor, the word *yad* (“arm”) was sometimes used as a euphemism for a penis. Thus, if the woman grabbed his penis, then cutting off her hand would truly be a *kaph* for a *yad*.

Copan says shaving her pubic hair would be a humiliation punishment to match the humiliation of a man having his testicles woman-handled in a brawl. But this is not what’s going on here. The crime was taken so seriously because it threatened the man’s capacity to have children, which was the whole basis of the structure of Israelite society. Cutting off her hand is a way to express the seriousness of her crime in this culture. She wasn’t humiliat-

ing him; she was threatening his children—and that most likely would have been the intent of any woman who did this anyway.

Now, Copan has recently responded³⁶ to Avalos's critique of his and Walsh's reading of Deut 25:11-12. His responses (and lack thereof) display that he is not yet ready to give up his tenuous reading. I'll critique his response point-by-point here. Copan writes:

Avalos's repeated identification of *kaph* = "hand" as the "literal" meaning is misleading. While it may be the commonest meaning, the term has less-common usages too (the bowl of a spoon, the frond of a palm tree). It's unproductive to start from the assumption that commonest meaning is the only one allowable unless one can prove otherwise.

This is backwards. It's methodologically unsound to argue that a word with a common meaning carries some other very rare meaning (a meaning neither Copan nor Walsh actually establish; *kaph* never means "groin") unless there is good evidence to take that reading. There is not. And I don't think Avalos is saying that the common meaning is the "only one allowable" at all. He's saying that Copan and Walsh's arguments for a different meaning are unsound. Copan continues:

The point in the article is that *yad* tends to refer to the hand without connotation or nuance, or when the hand is envisaged, as an instrument of pointing, hitting, doing. *Kaph*, so far as he can see, connotes the hand as an instrument of grasping and holding, thus the curvature and the focus on the palm.

This is true in some cases, but not at all in every case. Sometimes, as established above, it just means "hand." We looked at Ps 63:4

³⁶ Paul Copan, "Guest Post: Paul Copan Replies to Hector Avalos—Deuteronomy 25:11-12, an Eye for an Eye, and Raymond Westbrook," *MandM*, online: <http://www.mandm.org.nz/2011/07/guest-post-paul-copan-replies-to-hector-avalos-deuteronomy-2511-12-an-eye-for-an-eye-and-raymond-westbrook.html>

("I will lift up my hands [*kapot*]"). Here there is no connotation of curvature whatsoever. It is simply and exactly synonymous with *yādēcem* in Ps 134:2. Both words (*kaph* and *yad*) are frequently used in this way throughout the Hebrew Bible, and are thus interchangeable here. Copan has ignored this. Moreover, *yad* is also at times used for "grasping," or has the connotation of "curvature" in the sense that an object is *inside* a *yad* (as shown below), so the overlap is obvious. But let's look again at some usages of *kaph* to see that in no wise does it always (or even usually) carry a connotation of "curvature."

Did he not himself say to me, "She is my sister"?
And she herself said, "He is my brother." I did this
in the integrity of my heart and the innocence of
my hands [*kapot*]. (Gen 20:5)

God saw my affliction and the labor of my hands
[*kapot*], and rebuked you last night. (Gen 31:42b)

Moses said to him, 'As soon as I have gone out of
the city, I will stretch out my hands [*kapot*] to
Yahweh; the thunder will cease, and there will be
no more hail, so that you may know that the earth
is Yahweh's. (Exod 9:29; same usage again in v. 33)

and while my glory passes by I will put you in a
cleft of the rock, and I will cover you with my hand
[*kaph*] until I have passed by; then I will take away
my hand [*kaph*], and you shall see my back; but my
face shall not be seen.' (Exod 33:22-23)

All that walk on their paws [*kapot*], among the an-
imals that walk on all fours, are unclean for you.
(Lev 11:27)

The examples go on and on; there's no point to cite them all.
Here's an important one:

But now Yahweh has cast us off, and given us into the hand [*kaph*] of Midian.' Then Yahweh turned to him and said, 'Go in this might of yours and deliver Israel from the hand [*bəkaph*] of Midian; I hereby commission you.' (Judg 6:13b-14)

Note here that *kaph* is used in the idiom, "deliver into the hand" of an enemy. But in other instances of this idiom, *yad* is used: "for I shall deliver into your hand [*bəyedācem*] the inhabitants of the land" (Exod 23:31; also Num 21:2; Deut 1:27; etc.). What this shows is that *yad* and *kaph* were often interchangeable. They are both used within this idiom ("deliver into the hand of," "save from the hand of") numerous times each.

While the two words sometimes have nuanced meanings, this is always clear from the context. For instance, when *kaph* means "palm of hand" it is always introduced in construct with another word for hand (*yad* or *sema'liy*), i.e., "palm of his hand," or "palm of his own left hand." It is not used for "palm" without first being introduced within this construction. It can sometimes mean "branches" in reference to palm trees. This meaning is analogous to a hand (the branches are like the trees' hands). But it is never used in this way unless it is in construct with "trees" or "palm trees," indicating that its usage is different from the norm. It can sometimes mean "bowl" or "spoon." Again, it is always clear from the context that this is how it is being used. When it refers to the hip-joint, it is in construct with "thigh" (*yarak*)—"the hollow of his thigh" (the *kaph* of the *yarak* of him). Even in Songs 5:5 where Copan and Walsh argue that it is used metaphorically, there it is in construct with "lock," and it is in the plural, not the singular as in Deut 25:12. But when *kaph* is used alone, on its own, it means "hand." And in Deut 25:12, there is nothing in the context to indicate that *kaph* should not be translated "hand."

A nice example of how *kaph* means "palm" when in construct with another word for "hand" is found in 1 Sam 5:4. This passage is especially apropos because it uses *kaph* in precisely the way Copan in his book ridiculed as "very strange."

Dagon had fallen on his face to the ground before the ark of Yahweh, and the head of Dagon and the palms [*kapot*] of his hands were lying cut off upon the threshold; only the trunk of Dagon was left to him. (1 Sam 5:4)

Recall in his book that Copan had said that *kaph* meant “palm of hand,” but that *yad* was the normal word for “hand.” He then remarked that it would be very strange to cut off *just the palm* of a hand. Of course, he was misunderstanding Walsh’s argument, or at least misrepresenting it. Walsh knows that *kaph* means “hand” normally, and now, it seems, Copan has realized this. But the point is, this text does exactly what Copan said would be absurd: it expressly and clearly says that the *palms* of Dagon’s hands were cut off. There’s no other way to translate this sentence. Does the text mean that *only* Dagon’s palms were cut off, but not that the rest of his hand was cut off? Obviously not. What Copan ridiculed as a very strange way to talk about cutting off a hand is exactly how this text articulates it. All it means, of course, is that Dagon’s hands were cut off at the wrists. This is because (as we’ve seen), the normal meaning of *yad* included the forearm. So if someone’s *yad* was cut off, it could potentially include the forearm, or part of it. But if their *kaph* was cut off, it means specifically that their hand was cut off at the wrist.

Copan continues:

In Walsh’s estimation, Avalos seems to be operating from the position of a methodological absolutism: “X” is the common opinion, and unless one can definitively prove not-X, then one must espouse X. He doesn’t appear to leave much room for “more likely” or “less likely” as the possible evaluation of a hypothesis.

Well, Walsh’s estimation is mistaken. Avalos’s argument is that Walsh’s reasons for reading *kaph* in a different sense than “hand” are not adequate. And it humors me that Copan brings up what is “more likely” or “less likely,” since the fact of the matter is, even if

Walsh's reading *were* possible (I do not grant this), it is emphatically *far less likely* than the standard reading, for all the reasons discussed above and below, most of which Copan has ignored in his response. Copan:

Walsh's argument simply treats *kaph* as the curve of the groin, a very likely meaning in Song of Solomon, and (pace Cortez) in Genesis as well.

There is nothing at all "very likely" about Walsh's translation of Songs 5:5. It is incredibly tenuous, as argued above. Neither is there anything "very likely" about a "groin" translation of Gen 32:25, because the text expressly says that Jacob's thigh was "out of joint" or "dislocated." The word here is *yaqa'* which means in this case "dislocated" or "out of place" (cf. Ezek 23:17-18; Jer 6:8, where it is rendered "alienated" and "departed" respectively). Copan continues:

there is no reason whatsoever for treating the qal of *qatsats* as if it were the piel. In the piel, it clearly means "to cut off." In the few other instances of its appearance in the qal, it means "to cut (hair)." Why, in this unique case, should the qal be translated as if it were a piel?

Copan continues to display a lack of understanding of how the Qal and Piel work. First, as I noted above, in the three instances where *qatsats* is used in the Qal apart from Deut 25:12 (Jer 9:26; 25:23; and 49:32), each uses the Qal passive participle form. The literal translation of each instance is: "the ones cutting away the edge of their hair." This is a way of speaking about non-Hebrews, because Hebrews were prohibited from cutting the edge of their hair at their temples. Again, that the verb appears in the passive participle is instructive. In Hebrew, participles function as adjectives. But in Deut 25:12 *qatsats* appears in the Qal perfect, which, as I said, is a form often used in an imperative sense. In other words, the Qal perfect is used here because this is a command.

Another point Copan misses is that "the ones cutting away the

edge of the hair” are not *shaving* their hair; they are literally *cutting off* their hair. This is a crucial point. Copan does not understand this. He writes:

The verb *qatsats* means “cut off” in the D-stem (the piel). To assume that it means that in the qal has no justification in Hebrew. Our only qal examples of the verb other than the passage under consideration are universally accepted as meaning “to shave.”

Those observations invalidate the translation “cut off her hand”; Walsh’s proposal is an attempt to cope with that invalidation and offer an alternative that is consistent with what we know of Hebrew.

This is absolutely false. First, the verb *qatsats* means “cut off” in the Piel *and* in the Qal. It does not mean “to shave” in Jer 9:26, etc. It refers to the *cutting off* of edge portions of hair that the Hebrews did not cut off. In English we have a distinction between cutting our hair and shaving our hair. Cutting our hair does not imply shaving it down to nothing. But shaving does. The same is true in Hebrew. They *cut off* the edges of their hair; they did not shave all the hair off. Moreover, it does *not* say that they cut off their hair; it says they cut off the *edge* of their hair. The edge was quite literally cut off.

Also in English, we can use cut to refer to the cutting off of hair, and we can use cut to refer to the cutting off of a limb. Just because we use it for the one does not mean it cannot be used for the other. The same is true of Hebrew. Verbs don’t have specific kinds of nouns inherently attached to them. That’s what actual nouns are for.

But importantly, there are clear and common words for “shave” that would have been used had that been the meaning in Deut 25:12. Some examples:

Then Pharaoh sent for Joseph, and he was hurriedly brought out of the dungeon. When he had

shaved [*galach*] himself and changed his clothes, he came in before Pharaoh. (Gen 41:14)

On the seventh day the priest shall examine the itch; if the itch has not spread, and there is no yellow hair in it, and the itch appears to be no deeper than the skin, he shall shave [*galach*], but the itch he shall not shave [*galach*]. The priest shall confine the person with the itch for seven days more. (Lev 13:32-33)

The one who is to be cleansed shall wash his clothes, and shave off [*galach*] all his hair, and bathe himself in water, and he shall be clean. After that he shall come into the camp, but shall live outside his tent for seven days. On the seventh day he shall shave [*galach*] all his hair: of head, beard, eyebrows; even all his hair he shall shave off [*galach*]. (Lev 14:8-9)

If someone dies very suddenly nearby, defiling the consecrated head, then they shall shave [*galach*] the head on the day of their cleansing; on the seventh day they shall shave [*galach*] it. (Num 6:9)

Then the nazirites shall shave [*galach*] the consecrated head at the entrance of the tent of meeting, and shall take the hair from the consecrated head and put it on the fire under the sacrifice of well-being. The priest shall take the shoulder of the ram, when it is boiled, and one unleavened cake out of the basket, and one unleavened wafer, and shall put them in the palms of the nazirites, after they have shaved [*galach*] the consecrated head. (Num 6:18-19)

And so you bring her home to your house: she shall shave [*galach*] her head. (Deut 21:12)

So he told her his whole secret, and said to her, 'A razor has never come upon my head; for I have been a nazirite to God from my mother's womb. If my head were shaved [*galach*], then my strength would leave me; I would become weak, and be like anyone else.' . . . She let him fall asleep on her lap; and she called a man, and had him shave off [*galach*] the seven locks of his head. He began to weaken, and his strength left him. . . . But the hair of his head began to grow again after it had been shaved [*galach*]. (Judg 16:17, 19, 22)

So Hanun seized David's envoys, shaved off [*galach*] half the beard of each, cut off their garments in the middle at their hips, and sent them away. (2 Sam 10:4 = 1 Chron 19:4)

And when he shaved [*galach*] his head, (for it was at every year's end that he shaved [*galach*] it: because the hair was heavy on him, therefore he shaved [*galach*] it:) he weighed the hair of his head at two hundred shekels after the king's weight. (2 Sam 14:26)

On that day Yahweh will shave [*galach*] with a razor hired beyond the River—with the king of Assyria—the head and the hair of the feet, and it will take off the beard as well. (Isa 7:20)

They shall not shave [*galach*] their heads or let their locks grow long; they shall only trim [*kacam*] the hair of their heads. (Ezek 44:20)

Then Job arose, tore his robe, shaved [*gazaz*] his head, and fell on the ground and worshipped. (Job 1:20)

Shave off [*gazaz*] your hair; cast it away. (Jer 7:29)

Make yourselves bald
and shave off [*gazaz*] your hair
for your pampered children;
make yourselves as bald as the eagle,
for they have gone from you into exile.
(Micah 1:16)

Copan claims that the usages of *qatsats* in the Qal passive participle form in Jeremiah “invalidate the translation ‘cut off her hand.’” This is egregiously incorrect. Copan ignores that the usages in Jeremiah are in the participle form and thus function as adjectives, unlike its use in the Qal perfect in Deut 25:12. He wrongly claims that “cut off the edge of the hair” means “shave”—it does not. The edge of the hair was literally cut off. Moreover, just because we have limited examples of *qatsats* in the Qal and more in the Piel does not mean what Copan wants it to mean. The fact is, with several words, usage in the Qal dropped out over time and was taken over by the Piel. In other words, some words fell into disuse in the Qal, and the Piel pulled double duty. Yet Copan persists:

It is true that, sometimes, a verb can be used in both piel and qal in almost the same senses. But this is clearly *not* the normal practice with Hebrew verbs. The D-stem (the piel) transitivizes an intransitive qal, or (often) intensifies it. Sometimes it means something entirely different.

False. The Piel *sometimes* intensifies the Qal, but only very rarely and with specific words. *Qatsats* is not one of them, as Waltke and O’Connor state. Moreover, it is frequently the case that a word appears in the Piel and the Qal in the same sense, not just “sometimes” as Copan states. His claim that “this is clearly *not* the normal practice with Hebrew verbs” is misleading. It is not at all *abnormal* for a Qal and Piel to have the same sense of action. Again, Waltke and O’Connor state that the primary sense of the Piel is resultative. Thus, a verb appearing in the Qal perfect would have the sense of an action as it is being carried out, whereas in the Piel

it would have the sense of an action that has been made a reality. Thus, the Qal is perfectly appropriate in Deut 25:12 to denote a command to “cut off her hand” (especially since the Qal perfect is used here in an imperative sense, as a Qal perfect often is in legal texts), and the Piel is perfectly appropriate in other amputation texts, because the amputations were already completed (they are historical texts, not legal texts)—the resultative sense.

Moreover, as Avalos has rightly pointed out, the Piel also has a quantitative sense, which means that it is often employed when an action occurs in the plural, whereas an action with a singular object may be expressed in the Qal. It can also mean that the action creates an effect in the plural (as in cutting one object into several pieces). That’s another good reason why the Piel may be used to refer to the cutting off of “hands” in the plural, and the Qal used to refer to the cutting off of a “hand” in the singular.

Thus, in both of these functions of the Piel, the verb carries precisely the same *sense* as it does in the Qal. The same type of action is being described; it is just that it varies in sense of completion or of number. It is simply not the case that the Piel is intensifying *qatsats*, nor is it the case, at all, that its usage in the Qal indicates that something other than a “cutting off” is taking place, despite Copan’s bald assertions.

There are then at least three good explanations for the use of the Qal in Deut 25:12:

- (1) The Qal perfect is often used in legal texts in lieu of an imperative form.
- (2) The action is not yet complete because it is an imperative, thus the Piel’s resultative sense would not be appropriate here. Note that none of the instances of *qatsats* in the Piel refer to incomplete actions.
- (3) The Piel’s quantitative sense is not appropriate, because the *kaph* appears here in the singular. Note that all of the other instances where *qatsats* is used to refer to amputations of body parts, the body parts are in the plural.

Copan continues:

Here the intensifying force is [*sic*] seems³⁷ inescapable. Why assume that the *qal* and *piel* do mean the same thing unless that conclusion is inevitable? Otherwise, why distinguish two morphological categories?

All this statement shows is that for Copan it is yet to sink in that the *Piel* does not ordinarily change the meaning of the *Qal*. Copan continues:

Now, Walsh readily acknowledges that his [reading of Deut 25:12 in his] article is *not* the standard reading of the passage, and that Cortez's evaluation of others' interpretations of Deut 25:11-12 is judicious, careful, and sober. He would agree with Cortez completely that the peculiarities of this unique law in the Israelite corpus have led scholars to some truly egregious attempts to make sense of its oddity. And Cortez is very good indeed at identifying the unpersuasive lengths to which some scholars have gone. But he, like all of those scholars, has not *looked at the words*. This is the contribution that Walsh's article proposes to make. Instead of accepting unquestioningly that "you shall cut off her hand" is what the Hebrew words mean, he has argued that that is a misreading of the Hebrew terms.

This statement is again quite false. Beyond false, it is absurd. Scholars have all looked at the words (as did the translators of the Septuagint and the Aramaic). The words are clear: *kaph* means "hand" (unless it appears in a construct that indicates otherwise, or unless context indicates otherwise, and in this case, neither applies). *Qatsats* means "cut off." Koehler-Baumgartner gives "to cut, chop off" as the first definition of *qatsats* in the *Qal* and cites Deut 25:12 as the example. Just because Walsh has made a tenu-

³⁷ It appears that Copan originally sought to make a stronger claim ("is inescapable"), then backed off a bit ("seems inescapable").

ous argument that *qatsats* does not mean “cut off” in the Qal does not mean that scholars have “not looked at the words.” It’s just that Walsh’s argument is incorrect. His argument that “you shall cut off her hand” is a misreading of the Hebrew itself constitutes a misreading of the Hebrew. When *kaph* refers to the hip (never the groin), it is always in construct with another noun clarifying its usage. But in Deut 25:12, *kaph* stands alone. Copan writes:

The first and most important question that must be addressed with respect to the woman’s punishment is WHAT THE WORDS MEAN [*sic*]. Only then can we even *approach* the question of whether or not the punishment is a talionic counterpart to the crime.

I agree. It’s just that Walsh and Copan are incorrect about what the words mean. Copan writes:

Hezekiah “shaved off” the gold leaf from the Temple doorposts, using the D-stem of *qatsats* (2 Kgs 18:16). That is the reading of RSV, NRSV, NIV (and probably other versions as well); they translate it “stripped.” It is unconvincing. If the decoration is gold plate, one “removes” it or “cuts it off” (*qatsats*, D-stem), one does not “shave” gold plate.

I agree that one “cuts off” a gold plate. Of course, the point is that one also “cuts off” the edge of one’s hair. One does not *shave* the edge of one’s hair. Cutting hair short (and thus cutting *off* the edges) is not the same thing as shaving hair. Hebrew has different verbs to refer to the different tasks. I can *cut off* my pony tail, just as I can *cut off* my finger. *Qatsats* in the Qal covers that domain just as well as the English. Copan wants to use *lack of extant usage* as positive evidence for a strict limitation in semantic domain. This is bad methodology. Copan continues:

In the qal, *qatsats* is very rare. Aside from Deut 25, it occurs only three times, always in the same

phrase, and always in Jeremiah, to describe a particular group of desert raiders (Jer 9:25; 25:23; 49:32). There is nothing in any of those texts to suggest that this shaving was ritual, that it was considered “mutilation,” or that it deserves the term “hacking off” (which tries to reintroduce the intensification of the D-stem sub rosa). There is absolutely nothing in any of the three Jeremiah texts to indicate that the term refers to more than a distinctive hair-style (or perhaps beard-style), created precisely by the way the hair was cut or shaved (*qatsats* in the qal). (The Hebrew is, literally, “shaved at the edges”; “temples” is a more or less conventional translator’s guess as to what part of the cranium the “edges” are.) Far from being scorned as a form of mutilation, hair-shaving appears in approved Yahwistic rituals, as Walsh mentions in his article (see Numbers 6 on the Nazirite; Deut 21:12 [what appears to be a mourning ritual]; and especially Numbers 8:5-14, where the purification of a Levite in preparation for undertaking his sacred duties includes shaving *all* his hair, presumably including pubic hair).

This paragraph is confused on a number of levels. First, yes, *qatsats* in the Qal is very rare. But so is *qatsats* in the Piel. Yes, it occurs more often in the Piel, but it is still rarely used. *Qatsats* is a rare word. Thus, that it occurs in the Qal rarely means nothing.

Second, no one (to my knowledge) is arguing that cutting off the edge of the hair was some sort of ritual or mutilation. At least, I’m certainly not arguing that. Nor am I arguing that it should be translated “hacking off.” But this is irrelevant. Obviously if *qatsats* involves the cutting of hair, it’s not talking about mutilation. But if it involves the cutting off of a hand, that *does* refer to mutilation. There’s a thing called semantic domain. Let’s do this backwards and show the absurdity of this argument: *qatsats* appears in the Piel to refer to the mutilation of certain soldiers’ hands, feet, thumbs, etc. Obviously that’s referring to mutilation. But it also

refers to cutting inanimate objects up into pieces, or (as Copan noted) to cutting gold plates off of doors. Does that mean this is referring to mutilation, just because it does in other instances? Of course not. In the same way, just because in the Qal it is used to refer to cutting off hair does not mean that it does not refer to a mutilation in another text.

Third, no one argues that hair-shaving is “mutilation,” so Copan’s statement, “far from being scorned as a form of mutilation, hair-shaving appears in approved Yahwistic rituals,” is a waste of words. Moreover, to contrast the “scorn” of mutilation with the “approved Yahwistic rituals” is question begging, since Deut 25:11-12 would indeed refer to an approved Yahwistic mutilation, were the standard translation correct (which it is).

Finally, note that Copan brings up the shaving rituals for the nazirites and for mourners. I’ll quote him again:

Numbers 6 on the Nazirite; Deut 21:12 [what appears to be a mourning ritual]; and especially Numbers 8:5-14, where the purification of a Levite in preparation for undertaking his sacred duties includes shaving *all* his hair, presumably including pubic hair

Of course, what Copan forgets to mention is that in each of these cases, the verb *qatsats* (“cut off”) is not used. Rather, the verb *galach* (“shave off”) is used, or the phrase, “*pass over all their flesh with a razor.*” Either of these is precisely what we’d expect to see in Deut 25:12 if indeed it meant to refer to the shaving off of a woman’s pubic hair. Unfortunately for Copan and Walsh, it is not the verb used. Copan continues:

In short, there is no evidence in *any* of the appearances of *qatsats* of an overlap between piel (“to cut off, to sever, to amputate”) and qal (“to cut [hair]”) meanings.

This again is very confused and misses the point. Just because it refers to the cutting of hair in Jeremiah does *not at all* mean that that’s the only way it is used anywhere else. It is at least noteworthy that none of the words for “hair” are used in Deut 25:12.

While the verbs that actually mean “shave” can sometimes be used without reference to hair (e.g., “shave his head”), the verb *qatsats*, when it is used to refer to cutting off of hair, is always used with “hair” as its direct object, but not so in Deut 25:12. But back to Copan’s statement, and contrary to it, there is indeed overlap between the “cut off” meaning and the “cut [hair]” meaning: the overlap is the word “cut!” That’s the same overlap between the “amputate, sever” meaning in the Piel and the “cut off, remove” meaning in the Piel. As we’ve noted, the sense in every single case (Qal and Piel alike) is that something is being removed from something else by an act of cutting; whether it be toes, feet, a gold plate, the edge of the hair, or a hand. Copan’s whole argument revolving around the verb *qatsats* is a waste of time. He has failed to establish that *qatsats* cannot mean “cut off” in the Qal; it clearly does, in the very passages he cites to say that it doesn’t. The real question revolves around whether *kaph* should be understood as “hand” or as “groin,” and I’ve already done enough to dispense with the latter reading, but I’ll continue to engage Copan’s attempts to make it seem plausible:

Kaph does not refer to the “hand,” simply speaking. It refers to the hand as an instrument of *containing* (thus as a curved holder, often translated as the “palm of the hand”). *Yad* refers to the hand as an instrument of control, of holding, of pointing. To treat the two terms as synonyms in order to establish the talionic quality of the law is unconvincing.

Well, first of all, I do not need to establish them as synonymous in order to establish the talionic quality of the law because in my opinion the question of whether this is a talionic law is entirely irrelevant to the translation of the text. Nevertheless, Copan’s statement is false. The fine distinctions he’s putting on the meaning of *kaph* and *yad* are at best tenuous, applying only rarely, and the semantic overlap between the two words is obvious. I’ve already shown how both words are used in identical ways in literally dozens of texts. Moreover, recall Dagon’s *palms*. They were cut

off. Whatever we say about the fine semantic distinctions Copan wants to make between *kaph* and *yad*, they are irrelevant—entirely irrelevant—to our case. If Dagon’s *kaph* could be cut off, and if a soldier’s *yad* could be cut off, then there is no point trying to make a distinction between the two words in order to argue that Deut 25:12 should not refer to a mutilation. Finally, we don’t need to treat *kaph* and *yad* as synonymous in order to establish some other argument; we need to treat them as synonymous because they often clearly are.

Next, Copan writes:

Yes, *kaph* certainly does mean “whole hand” in numerous instances. It doesn’t refer only to the palm of the hand.

This is progress since Copan’s book, in which he claims that it would be “strange” to talk about cutting off “just the palm” of a hand. He continues:

Yad can be distinguished primarily by the nuance of grasping or holding (*kaph*) versus that of pointing or striking (*yad*), but there is clearly a great deal of denotational overlap. Therefore, there could be a talionic quality to the law, despite the shift from *yad* to *kaph*: she puts out her *yad*, but grasps with her *kaph*, which is the instrument of crime and therefore the object of punishment. (Others have argued, in somewhat the same vein, that *yad* means the hand-including-[part-of-]the-forearm, whereas *kaph* means the hand from the wrist down. Thus only the *kaph* gets punished, since the *kaph* is the specific part of the *yad* that touched the assailant’s genitals.)

All of this is essentially correct. He continues:

Even though *kaph* refers preponderantly to the human hand, not to other objects, the meaning

of *kaph* is not the starting point of Walsh's argument. Given that *kaph can* mean other parts of the body as well, and that the usages in Genesis and in Song of Solomon indicate that it *can* be used of some bodily area below the waist, one shouldn't foreclose the possibility of such a meaning here before having examined the rest of the verse. Eslinger's arguments for a sexual referent (especially in the explicitly sexual context of grasping the assailant's genitals) are strong.

There is nothing sexual about attacking a man's genitals in a brawl. We'll discuss Song of Songs next.

Finally, Copan writes:

Kaph clearly *can* refer to the genital region. Even if one does not follow Eslinger's particulars (and I most certainly do not), the uses in Genesis and Song make it clear that something below the waist is intended. *Kaph* can also refer to several other bodily and non-bodily curved objects.

On the contrary, it is not at all clear that *kaph "can"* refer to the genital region. I argue that it refers to the hip in Genesis 32, and a closer look at Song of Songs 5 will show that there is even less reason to accept Walsh and Copan's appeal to this text. If it's meant to be metaphorical for sexual activity, then my previous statements apply: the "lock" is the groin, but the "handles" are the hips. But I am not at all convinced that it should be read metaphorically. Let's examine it closely. The verse is recited by the female lover:

²I slept, but my heart was awake.
Listen! my beloved is knocking.

Now the male lover speaks:

'Open to me, my sister, my love,

my dove, my perfect one;
for my head is wet with dew,
my locks with the drops of the night.'

Now back to the female's voice:

³ I had put off my garment;
how could I put it on again?
I had bathed my feet;
how could I soil them?
⁴ My beloved thrust his hand into the opening,
and my inmost being yearned for him.

In other words, her lover is knocking at her gate, trying to get to her. But she has just taken a foot bath and doesn't want to put her clothes back on and get her feet dirty. Nevertheless, she goes to the gate anyway:

⁵ I arose to open to my beloved,
and my hands dripped with myrrh,
my fingers with liquid myrrh,
upon the handles of the bolt.

The above is the text in question. The translation of "the handles [*kapot*] of the bolt" is what's at issue. Her lover is still outside the gate. Is she touching herself in her private area, or is she unlocking the gate to let her lover in? I could go with the former, were it not for two problems: (1) *kapot* would refer to her hips, and (2) the fact of the following verses:

⁶ I opened to my beloved,
but my beloved had turned and was gone.
My soul failed me when he spoke.
I sought him, but did not find him;
I called him, but he gave no answer.
⁷ Making their rounds in the city
the sentinels found me;
they beat me, they wounded me,

they took away my mantle,
those sentinels of the walls.
⁸ I adjure you, O daughters of Jerusalem,
if you find my beloved,
tell him this:
I am faint with love.

Clearly the poem says that she unlocked her gate to let her lover in, but he had already gone. She had taken too long to get to him. So she wanders through the streets to find him, but cannot. The subsequent verses go on to establish that this verse is about yearning for a lover who is absent. The daughters of Jerusalem ask her, “What’s so special about this lover? Aren’t they all the same?” She then must justify, describing his beauty, why she is committed to finding him and him alone.

Could “the handles of the bolt” be a double entendre? Perhaps, but I do not think that the poem’s narrative allows for it. The claim of Walsh and Copan is that the “bolt” or “lock” here in 5:5 refers to her vagina because in 4:12 the woman is described as a “garden locked.” While I wouldn’t want to ignore allusion in poetry, I think that the story in ch. 5 rules out the allusion, and, moreover, in 4:12 the word “locked” is a verbal adjective, whereas in 5:5 it is a noun. If there is indeed a sexual connotation to the opening of the lock in 5:5, it is not that the “lock” is her vagina. In 4:12 the *garden* represents her vagina, not the “lock.” Who knows whether the “lock” refers to anything physical at all. Perhaps it refers to permission. Or perhaps it really does refer to the lock on the gate that is literally preventing her lover from getting into her “garden.” There are just too many possibilities and the whole argument is all too tenuous to be taken seriously.

The fact is, this is poetry, and it may not mean to allude to anything specific. Moreover, in poetry words are often given entirely *new meanings*, and this is clearly the case throughout Song of Songs. So even if we were to accept the tenuous argument that *kapot* in Songs 5:5 refers to the groin, this would not and could not establish that this is its meaning elsewhere. Deut 25:12 is not poetry; it is a legal text, where clarity is of central importance. For that reason, it is about 144,000 times more probable that *kaph* in

Deut 25:12 refers to the woman's "hand" than that it refers to some obscure (thinly possible but unlikely) meaning derived from a poetic text.

No doubt Copan and Walsh will continue to believe that their "reading" is (somehow) "more likely." Meanwhile, the majority of us will be summarily unconvinced.

Slavery (1 of 2)

Chapter 12:

Warrant for Trafficking in Humans as Farm Equipment? (I) Slavery in Israel

Copan's chapters on slavery in the Bible seek to sugarcoat the institution of slavery through a number of spurious arguments that once again (1) pay little attention to the actual text of the Hebrew Bible and (2) misrepresent the other ancient Near Eastern sources. Copan argues that biblical slavery should not be called "slavery," but rather "indentured servitude." It's true that Hebrew male slaves served only a term of six years, to be released in the seventh, but this was emphatically not true of any and all non-Hebrew slaves, despite Copan's attempts to force the text to say otherwise. Moreover, most ancient Near Eastern societies had release laws comparable to Israel's mandates, and while a six year term of service was stipulated in the laws of Moses, only a three year term of service was permitted in the Code of Hammurabi!

Copan quotes John Goldingay, who writes that "there is nothing inherently lowly or undignified about being an *'ebed* [slave]." Copan adds, astoundingly, that the term "slave" is even an respectable, noble designation (125). This is about as far from the truth as one can get. The reality is that slaves in Israelite society had limited rights, could be physically abused, were legally worth less than free-persons, and lived in shame.

Copan is correct that there are many laws which protected slaves from *too much* injustice, but this is true of all ancient Near Eastern legal materials. He is right that slavery is not depicted as the ideal in the Bible, but this is only true of *Hebrew* slaves, not of foreign slaves; and despite Copan's claims to the contrary, slavery was not considered ideal in other societies either. For instance, in the Code of Hammurabi, the king was described as "the shepherd of the oppressed and of the slaves." We should expect a lot more from Israel, a society that supposedly just came out of four hundred years of slavery in Egypt, but what we get, despite Copan's attempts to paint a rosy picture, is pretty much standard fare.

Copan strains to contend that slaves were not considered property. He actually tries to portray slaves as employees, assert-

ing that the transference of slaves from one master to another is analogous to the trading of players between pro sports teams—after all, both sports stars and slaves are referred to as “acquisitions” and they can both be said to be under “ownership” (125).

To compare the institution of slavery to modern-day sports is as asinine as it is calloused. Modern-day athletes are paid exorbitant amounts of money, get to go to their own homes when they’re done playing for the day, don’t have to leave their wives and children when they’re traded (as slaves did), can’t be physically abused (as slaves could), and so on and so forth.

Moreover, Copan claims that terms like *buy*, *sell*, or *acquire* are misrepresentative, and that slaves weren’t considered property. This is false. Here is how the laws of Moses describe a slave:

When a man strikes his male or female slave with a rod so hard that the slave dies under his hand, he shall be punished. If, however, the slave survives for a day or two, he is not to be punished, since the slave is his own property [literally, “his money”]. (Exod 21:20-21)

Here is how the laws of Moses describe non-Hebrew, foreign slaves:

However, you may purchase male or female slaves from among the foreigners who live around you. You may also purchase the children of such resident foreigners, including those who have been born in your land. You may treat them as your property, passing them on to your sons as a permanent inheritance. You may treat your slaves like this, but the sons of Israel, your fellow countrymen [this only refers to the males], you shall not rule over one another severely. (Lev 25:44-46)

Non-Hebrew slaves are identified as property. And although male Hebrew slaves were to be released every seventh year, as we’ll see later, there was a legally-sanctioned way in which a slave

owner could coerce the male Hebrew slave to voluntarily devote himself to his master *for life, without possibility of manumission*.

Copan attempts to portray the story of Jacob and Laban as an illustrative example of how non-exploitative slavery was. He identifies slavery as a “contracted employer/employee relationship” (125). In this story, Jacob worked for Laban for seven years as payment to Laban for his daughter’s hand in marriage. According to Copan, this demonstrates that slavery in the Bible was just a happy contract. Of course, a reading of the actual text will show otherwise. Note especially the second paragraph:

When Laban heard the news about his sister’s son Jacob, he ran to meet him; he embraced him and kissed him, and brought him to his house. Jacob told Laban all these things, and Laban said to him, ‘Surely you are my bone and my flesh!’ And he stayed with him for a month.

Then Laban said to Jacob, ‘Because you are my kinsman, should you therefore serve me for nothing? Tell me, what shall your wages be?’ Now Laban had two daughters; the name of the elder was Leah, and the name of the younger was Rachel. Leah’s eyes were lovely, and Rachel was graceful and beautiful. Jacob loved Rachel; so he said, ‘I will serve you seven years for your younger daughter Rachel.’ Laban said, ‘It is better that I give her to you than that I should give her to any other man; stay with me.’ (Gen 29:13-19)

Just a cursory look at the actual text shows that Copan’s portrait is the opposite of the reality. Laban said to Jacob, “*Because you are my kinsman, should you therefore serve me for nothing?*” In other words, ordinarily, Laban’s slaves would *not be paid*, but he’s making a special exception for Jacob, because Jacob is a close relative! The reality is that slaves were *not* “employees.” They didn’t earn “wages.” Now, there *were* hired laborers, but they were not slaves. *Slaves* were given enough just to subsist, to keep them healthy in order to perform their duties. If they were a male He-

brew slave, then upon their release they were to be given some provisions in order to get started again, but this wasn't unusual in other ancient cultures.

Now, let's talk about Copan's biggest obfuscation in his chapters on slavery. A frequent refrain is that Israelite slavery was *not* like slavery in the antebellum South in the U.S. In the antebellum South, slaves were slaves for life, were captured or purchased against their will, and were treated harshly. But in Israel, Copan argues, slaves only served for six years, could not be kidnapped but rather indentured servitude was *voluntary* in order to pay off debt or to survive during a bout with poverty. He constantly reiterates this fallacious claim that slavery was not inflicted by an outsider like it was in the antebellum South (125). According to Copan, unavoidable lifelong slavery was forbidden (126). Pointing to the anti-kidnapping laws (Exod 21:16; Deut 24:7), which ban kidnapping Hebrews to make them slaves, Copan avers that anyone who compares servitude in Israel with slavery in the antebellum South either disregards or simply fails to grasp this prohibition (130).

The obfuscation is obvious. It's only to *Hebrew slaves* that all this applies. *Hebrews* were indentured servants, to be released on the seventh year, who could not be kidnapped, and who could not be treated harshly. Conversely, non-Hebrew slaves (foreign slaves) were slaves for life, their children were slaves for life. They could be kidnapped, they could be captured in war, they could be purchased, *against* their will. They could be treated harshly, as "slaves," which means they could be beaten, *even beaten to death*, so long as they didn't die immediately! This is *exactly* like slavery in the antebellum South. In the South, you couldn't enslave a U.S. citizen. But you could purchase a kidnapped African. In the same way, in Israel, you couldn't permanently enslave an Israelite, but you could kidnap, capture, or purchase a foreigner against their will. Moreover, *there was in fact* a way in which an Israelite could coerce another Israelite to be a slave for life. (We'll get to that later.) So Copan is blatantly obfuscating here. There is no excuse for this.

Now, as we'll see in our discussion of the next chapter, Copan will make some strained attempts to argue that what I've just said

about foreign slaves in Israel isn't true. His every attempt, however, is based upon a flagrant misreading and distorting of the actual text. We'll get to that later, but for now, suffice it to say that the *main thrust* of Copan's defense of the Israelite institution of slavery—that it is completely different from slavery in the antebellum South—is false.

Copan goes on to stress that enslaving Israelites wasn't Yahweh's ideal. Of course, this wasn't the ideal in any culture. He stresses that many laws sought to protect the poor from their plight. But again, this is the case in all cultures. All kings were seen as the defenders of justice and the caretakers of the poor and disenfranchised, and all legal codes had laws that sought to do just that. Israel is by no means special in this regard. And stacking up positive laws one after the other, as Copan does, in order to give a sense of how progressive Israel was, *does absolutely nothing* to justify or legitimate Israel's multitudinous unjust and immoral laws. Copan complains that critics focus on all the negatives and on none of the positives. But this is a juvenile defense. *Good laws should be taken for granted*. We don't praise a society for doing what's right. *That's what a society is supposed to do*. That's the absolute *least* that's expected. *But we have a moral obligation to condemn societies for systemic injustice*, and when we engage in special pleading and sleight of hand apologetics to *defend* the immoral laws, to give them a positive spin, *we become immoral*, even if we think we're doing it for a good cause.

Every society in history has had immoral laws, and every society in history has had *immoral defenders* of those immoral laws, propagandists and spin doctors who forge careers convincing the masses that things aren't as bad as they seem, that such laws are "necessary" for this or that reason. Politicians and their supporters engage in this sort of thing incessantly, defending immoral policies and laws in the name of this or that ideology, or attempting to hide their existence by distracting attention. This is what Paul Copan does, alongside so many other Christian apologists, *and Christians need to get wise and stop accepting dishonest answers just because they're the kind of answers we'd like to hear*. If our faith is such that we have to be dishonest in order to maintain it, then woe to us!

Nevertheless, Copan argues that Mosaic law was more humanitarian in terms of its treatment of those servants who were injured, stating that the master was obliged to release his servants of either sex when they lost an eye or tooth on the job (Exod. 21:26-27). He contrasts what he argues to be the norm in other ancient Near Eastern law codes, which only promised compensation to the master when their slaves were injured, with Israel's law that put the responsibility on the master for the well-being of his own servants (or rather, "employees") (129).

This is mostly correct but some things need clarified. The law in Hammurabi requiring payment for an injured servant applied when another man injured the slave of someone else's household. Israel's law about releasing a permanently disfigured slave applied to the *master's* treatment of the slave. No law is stipulated for the event that someone else other than the owner disfigures a slave.

Second, Copan pretends that a slave's life was just as valuable as a freeperson's in Israel, but the ox goring laws show otherwise. If a man's ox gored another man's slave, the price for the slave was set at thirty shekels of silver, to be paid to the master. However, if it gored a freeperson, there was no maximum penalty; the ox-owner could be charged whatever was imposed by the court (Exod. 21:30-32).

Third, Copan fails to mention that the laws about the emancipation of a disfigured slave apply to Hebrew slaves, not to foreign slaves. There is no discussion at all of foreign slaves in this passage in Exodus. In Exodus 21, it is clear that only Hebrew slaves are in view (because a master is not permitted to sell such a slave to foreigners). This is consonant with what we already know. Hebrew slaves were not to be treated harshly, because all Hebrews were Yahweh's special possession. But the prohibition of harsh treatment of slaves emphatically did *not* apply to foreign slaves, as we will see later on.

Fourth, Copan says, unequivocally, that masters were not allowed to physically abuse their slaves. But this is patently false. A slave was permitted to be beaten, even beaten to death, so long as the slave did not die immediately from the beating (Exod 21:20-21). We saw this above. If the slave doesn't die immediately, then

“there is no punishment” for the master, “because the slave is the owner’s property.” So, it is clear (as Copan will later, quietly, concede) that a slave was only freed if the injury caused was *permanently disfiguring*. But a master could beat a slave with impunity so long as the slave was not permanently disfigured or immediately killed.

Now it’s true that a punishment was meted out to a master who killed his slave immediately. Copan states that this punishment was the death penalty. The word used for the punishment is *naqam* (“to avenge”). Copan claims that this word is very strong and that it *always connotes capital punishment* (129). Well, this actually isn’t true. It is true that this is a strong word, but it’s an ambiguous word in this context. And it certainly is *not* true, as Copan claims, that this word (“to avenge”) always referred to the death penalty. In fact, it *never* refers to the death penalty. It never appears in a legal context anywhere, except here. So it doesn’t refer to the “death penalty,” although it certainly implies killing (almost always in warfare). So, it may be true that the master is to be killed for killing his slave (if s/he died immediately), but it’s not certain that’s what *naqam* means in this context. It could be that the vengeance required for a slave’s life was monetary compensation. There was a standard way to refer to the death penalty in the legal texts. The phrase is *mot yumat*, which means, “to be put to death, he shall be put to death.” It’s an emphatic construction which uses the same word twice to connote the finality of the act. So there are not sufficient grounds to conclude that *naqam* here refers to the death penalty. It is ambiguous.

Yet, Copan anticipates, what about the relatively hard standard of releasing servants only upon grievous injury compared to the leniency of Hammurabi’s code that allowed a woman-slave and the children fathered by her master to be freed when the master did not wish to adopt the children? Copan complains that this question is “skewed” and counters that Israel’s law was once again more humanitarian because all of Israel’s servants were to be given the option of freedom every seven years (130).

No, the question is not skewed; Copan’s answer is skewed. Again, while Israel released *Israelite* servants on the seventh year, Babylon released indentured servants every *three* years! Moreo-

ver, that's not the only scenario in Hammurabi's code in which slaves could be freed before their term was up. For instance, code 119 prohibits a man from selling a female slave who has borne him children in order to pay off a debt. If he attempts to do so, he has to pay the money back to the slave trader and let the slave woman go free.

In an effort to paint a rosy picture of slavery, Copan then cites 1 Chron 2:34-35, where Caleb's descendant Sheshan gave his daughter in marriage to his Egyptian servant Jarha. Copan comments that this certainly was quite a move up the "social ladder." Yes, this sort of upward mobility was characteristic of slavery in many ancient cultures, and was *emphatically the exception to the rule*, not at all the norm. In Hammurabi's code, it is stipulated that if a slave woman is married to a freeman, then her children are free, not the property of her master. Some slaves in Rome were very well off, and were highly honored, within their class. They wielded a significant amount of power. *But these were the elite among the slave classes.* The vast majority of slaves were treated heinously; their plight was dire and their prospects bleak at best. Copan's attempt to point to *exceptional episodes* (such as Jacob and Laban or Sheshan's slave/son-in-law) just shows that Copan is *stretching* to paint a rosy picture of slavery. Copan might as well say that poverty isn't a problem in the U.S. because a homeless person can always win the lottery! He wouldn't say this, but this is in effect what he's saying about Israelite slavery. (Again, we need to keep the distinction between Hebrew slaves and non-Hebrews slaves at the forefront of our mind.)

Copan makes a big to-do about the fact that Deuteronomy 23 commands Israelites to provide protection for runaway foreign slaves. It says that slaves who escape to Israel from their masters are to be given safe-harbor and are to be allowed to reside in any one of Israel's cities, wherever they please. Copan contrasts this with Hammurabi and other ancient Near Eastern codes which prescribe (in some cases) the death penalty or (in other cases) monetary fines for harboring runaway slaves. It's true that there is a real difference between Israel and other nations on this point, but let's think about this. Are Israelites to provide safe harbor to foreign slaves because they are opposed to enslavement? Obvi-

ously not! Why then?

Copan alludes to the answer to this question in the next chapter. He says that the prophet Isaiah had a similar concern for Gentiles who were fugitives escaping Moab (148). He quotes from Isaiah: “Hide the fugitives, do not betray the refugees. Let the Moabite fugitives stay with you; be their shelter from the destroyer.’ The oppressor will come to an end, and destruction will cease; the aggressor will vanish from the land” (Isa. 16:3-4 NIV).

Why was this? The text is clear: precisely because *Moab* (“the oppressor”) was *Israel’s enemy!* Letting refugees in was a way of sticking it to their oppressors. The same is true for Deuteronomy 23. Earlier in the chapter, Israel is told not to intermingle with Ammonites and Moabites. The Ammonites and Moabites were Israel’s enemies. Obviously, then, it makes sense that they wouldn’t return slaves to Ammonites and Moabites and other enemy tribes and nations. Why should they help their enemies? *The reason slave-harboring was prohibited in other cultures was because of international treaties, which included extradition treaties. Israel was permitted to have no such treaties with their enemies.* By treating runaway slaves with a modicum of dignity, the Israelites were sticking it to their enemies and erstwhile oppressors. Good for them, but this hardly exonerates them. In the antebellum U.S. South, people in the North would harbor slaves, *because they were against slavery.* But in Israel, they obviously were not against slavery. They harbored slaves for more selfish, even juvenile, reasons. *The enemy of my enemy is my friend.*

Copan will attempt to argue that this mandate to harbor runaway slaves applied as well to slaves who ran away from Israelite masters. He claims that this mandate was not merely for foreign slaves escaping to Israel from outside, but that it also applied to foreign slaves already within Israel, who were escaping a harsh Israelite master (146). The trouble with this claim is there’s no support for it at all in the text. This reflects little more than Copan’s wishful thinking. Let’s look at the text:

Slaves who have escaped to you from their owners shall not be given back to them. They shall reside with you, in your midst, in any place they choose in

any one of your towns, wherever they please; you shall not oppress them. (Deut 23:15-16)

The “you” here is the Israelite people, not the individual Israelite. Look at v. 4, for instance: “. . . because they did not meet you with food and water on your journey out of Egypt, and because they hired against you Balaam son of Beor, from Pethor of Mesopotamia, to curse you.” The “you” here is the same as the “you” in v. 15. It refers to Israel as a singular entity. Thus, “Escape to you” means “come to the land of Israel for refuge.” So, no, this mandate did not apply to slaves already owned by Israelites.

To conclude our discussion of this chapter, we’ll address Copan’s final attempt to show how superior Israel was to its ancient neighbors. Copan attempts to argue a contrast between the class structures of Israel and of other Near Eastern law codes. He states that such rigid class systems were not a part of Israel under God’s law, citing the cases of kings such as David and Ahab being held accountable by God for killing ordinary citizens, though he acknowledges that the kings were not judged or sentenced by the Mosaic law specifically. As an aside he remarks that Naboth’s devotion of his land to God was only possible in Israel, since other Canaanite peoples treated all the land as belonging to their kings alone (132-33). Copan proceeds to list a series of punishments that God inflicted on Israel’s and Judah’s kings for their sins. Let’s break all this down.

First, Israel had class distinctions too, as well as more severe gender distinctions. Copan’s attempt to paint Israel as egalitarian (except for that whole slavery thing, oh, and the patriarchy) is an abject failure. Were the class distinctions less marked in the laws of Moses than in imperial Babylon? Yes, but they were still there. A slave was still worth less than a freeperson. A woman was still worth less than a man. A child was still worth less than an adult. And a foreign slave was worth *much less* than a Hebrew slave.

Second, Copan claims that Israel’s kings were not above the law, but then he goes on to admit that God didn’t subject the kings to the judicial system! I’d say that puts them squarely above the law, wouldn’t you? The fact that it took divine intervention to punish kings for their sins means precisely that they were above

the law. They do not operate under its constraints. We'll say two more things about this.

(1) *All ancient Near Eastern kings* were punished for their sins by their deities. That's how calamities, illnesses, military defeats, etc., were explained in the ancient world, in and outside the Bible. Moreover, prophets regularly came before kings and chastised them for failure to conform to the cultic deity's demands. Prophets like Nathan, who confronted David about his murder of Uriah, were a dime a dozen in the ancient Near East. Every king had them, and they were considered necessary, if unpleasant, in order to secure the deity's continued favor. *Israel is not special here.* Prophets functioned as diviners, predicting the outcome of military battles, etc. (as with Elisha in 2 Kings 3, who wrongly prophesied in Yahweh's name that Israel bring Moab back into subjection), and they functioned as interpreters of events *after the fact*. So if calamity struck the king or kingdom, the prophet would tell the king that the calamity was punishment for this or that sin. *This was a way of interpreting events that didn't comport with their ideas about possessing their deity's favor.* It was standard. For instance, as we've seen, Mesha of Moab interpreted Israel's oppression of the Moabites as a punishment inflicted on them by their own deity Kemosh for their corporate sins against their deity. So this kind of thing emphatically *does not mean* that kings weren't above the law. They were above the law until calamity struck, and then a prophet would pick a sin and identify it as the cause of the calamity.

(2) David committed a lot more murders and crimes than the text of Samuel lets on. The Book of Samuel was propaganda literature, as Kyle McCarter calls it, "royal apologia," written to defend the king against common charges brought against him by his opponents from within and without. So beneath the surface of the text (if we're willing to look there), we'll see strong clues that David was guilty of a number of crimes the text glosses over, and for which no prophetic censure is ever recorded. For instance, David most probably killed or ordered the execution of the husband of Abigail, before taking Abigail for himself as yet another wife. And he probably was directly responsible for King Saul's death. David was fighting in the same battle in which Saul died, and David was

fighting for the *other side*. Moreover, immediately after the battle was over, David was already in possession of Saul's sword. There are a number of additional clues here, and it's best to read Kyle McCarter's work on royal apologia in Samuel for the full picture.³⁸

Third, Copan also says that "though Canaanite kings assumed that the land belonged to them and their royal families, Naboth knew that the land belonged to God, which he [God] graciously gave for Israelite families to use." This is of course a grossly inaccurate picture. All ancient Near Eastern nations had ancestral property laws, and kings were not legally permitted to override ancestral rights to land. Kings did this of course, just like Ahab did, but they were breaking the law when they did so. Look for instance at what Hammurabi says to a senior official in Babylon:

To Shamash-hazir, speak! Thus says Hammurabi, Sin-ishme'anni of Kutalla, the orchard-keeper of the Dilmum date-palms, has informed me as follows: "Shamash-hazir expropriated from me a field of my paternal estate and gave it to a soldier." Thus he informed me. The field is a permanent estate—when can it be taken away? Examine the case and if that field does belong to his paternal estate, return the field to Sin-ishme'anni. (Thureau-Dangin 1924: 15).

Thus, it's clear that ancestral property rights were taken seriously by the law and by just kings, and this was true not just in Israel and in Babylon, but everywhere.

Moreover, all land in the ancient Near East belonged to whatever patron deity ruled over that region. See Deut 32:8-9: "When Elyon apportioned the nations, when he divided up humankind, he fixed the boundaries of the peoples, according to the number of the sons of the gods. Yahweh's portion was his people, Jacob his allotted inheritance." Here, as I argue in chapter four of *Human*

³⁸ P. Kyle McCarter, "The Apology of David," *JBL* 99/4 (1980): 489-504. See also McCarter's two volume Anchor Bible commentary on the book of Samuel, and his *Interpretation* article, "The Historical David." Also worth examining is Baruch Halpern's *David's Secret Demons: Messiah, Murderer, Traitor, King*.

Faces of God, is a standard picture of the divine economy in the ancient Near East. The high god El Elyon gave a nation to each of his sons (the junior deities in the pantheon), as their inheritance. And Yahweh, one of El Elyon's sons here in this earliest of biblical texts, was given Israel as his inheritance. So the land belonged to the local deity but was obviously for the deity's client people. This was true ubiquitously.

So when Copan says that the Canaanite kings thought that the land was their own personal possession, Copan is mischaracterizing the reality. The Canaanite kings believed their land belonged to their gods, and they were its tenants. When they fought against the Israelites, they were defending their god-given land against invaders (that is, if we accept the portrait of conquest found in the biblical texts). Yes, monarchs sometimes were bad; but no nation idealized absolute royal dominion over the whole land. The whole land was the deity's, and it was the king's duty to protect and defend the land on behalf of the people who worshiped the deity. This was standard.

Copan quotes Leviticus 19:15: "You shall not render an unjust judgment; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbor." But to this he adds that this rule applied both to the average Israelite *and* to the kings (133). First of all, the text does not say this. Why not? Because this was a law for Israel more than a hundred years before the monarchy even came into existence. Of course, it's true that the king of Israel (and of Judah) was required to comply with this, so I won't quibble much. But this is the same thing that is said ubiquitously throughout the ancient Near East about kings. All kings were required to uphold justice, to mete it out with an even hand, to be defenders of the poor and punishers of those who exploit them. As Raymond Westbrook says, "it was indeed to the king that oppressed citizens looked to fulfill the demands of social justice. A principal function of the king was to intervene in cases of oppression, for the legitimacy of a king's reign was based upon a divine mandate, the terms of which included ensuring social justice in the realm."³⁹ We saw that above when Hammurabi inter-

³⁹ Raymond Westbrook, "Social Justice in the Ancient Near East," in *Social Justice in the Ancient World* (Brill, 2001), 150.

vened at the request of Sin-ishme-anni (a lower-class citizen) in order to restore his ancestral land to him which had been expropriated unlawfully by the upper-class citizen Shamash-hazir. Moreover, all codes had measures in place to protect against *legal* oppression as well. That is to say, there were measures to protect families from legal foreclosures and the like, because oppression was wrong, even if it was technically legal. Israel is far from special in this regard. And often the other protective laws in the ancient Near East are superior to those of Israel. (For instance, Hammurabi's code put a maximum of three years on indentured servitude, whereas in Israel it was six.)

Just look at some of the language from the prelude to the legal material in the Code of Hammurabi:

When Anu the Sublime, King of the Anunaki, and Bel, the lord of Heaven and earth, who decreed the fate of the land, assigned to Marduk, the over-ruling son of Ea, God of righteousness, dominion over earthly man, and made him great among the Igigi, they called Babylon by his illustrious name, made it great on earth, and founded an everlasting kingdom in it, whose foundations are laid so solidly as those of heaven and earth; then Anu and Bel called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak; so that I should rule over the black-headed people like Shamash, and enlighten the land, to further the well-being of mankind.

Hammurabi, the prince, called of the Lord am I, . . . *who cared for the inhabitants in their need, provided a portion for them in Babylon in peace; the shepherd of the oppressed and of the slaves; . . . who recognizes the right, who rules by law; . . . the Sublime, who humbles himself before the great gods; . . . When Marduk sent me to rule over men, to give the protection of right to the land, I did right and*

righteousness . . . , and brought about the well-being of the oppressed.

As should by now be abundantly clear, Copan's attempts to portray Israel's theology and ideas about justice as progressive and unique are undermined by the actual comparative data. Israel had a few laws that were better than others, and others had a few laws that were better than Israel's. This amounts to nothing. Israel was a product of its times. Its ideas about divine ownership of the land, about justice, as well as its ideas about slavery, about women, etc., these were all thoroughly conditioned by their upbringing among the more ancient cultures that surrounded them. Israel's bad ideas, *and its good ideas*, were indebted to standard assumptions ubiquitous throughout the ancient world.

And once again, even if it *were* true that Israel was leaps and bounds ahead of their neighbors in terms of morality (and that clearly is not the case), that doesn't justify or legitimate anything. Trying to distract attention from the immoral laws by pointing to the (barely) moral ones is just a sleight of hand trick. We don't care about the moral ones. They should be taken for granted. It's the immoral ones that are the problem. It doesn't matter if there's a thousand immoral laws, or just one of them. If it's immoral, we have a moral obligation to protest.

Slavery (2 of 2)

Chapter 13:

Warrant for Trafficking in Humans as Farm Equipment? (II) Challenging Texts on Slavery

Now we come to Copan's full treatment of Exod 21:20-21:

When a slave-owner strikes a male or female slave with a rod and the slave dies immediately, the owner shall be punished. But if the slave survives for a day or two, there is no punishment; for the slave is the owner's property. (NRSV)

Copan uses the NET, which instead of, "for the slave is the owner's property," translates the clause, "for he [the master] has suffered the loss." I'll offer a literal translation:

And if a man strikes a male or female slave with a club, and he [the slave] should die at his hand, he shall surely be avenged. However, if he [the slave] survives for a day or two, he shall not be avenged, because he [the slave] is his [the master's] money.

As we noted in the last segment, Copan contends that the word "avenged" (*naqam*) implies the death penalty. This may or may not be the case. Another phrase is generally used in the case of the death penalty in a judicial sense, and the word "avenged" is nowhere else used in legal material within a judicial context. So its meaning here is ambiguous at best, but it is certainly plausible that it implies the death penalty. We just can't be as certain of this as Copan seems to be.

Nevertheless, Copan contends that because the death penalty is required, this indicates that the servant was seen as a human with dignity (134). So the question hinges on what "he is his money" means. Copan denies the implication that slaves/servants were considered chattel or property by asserting that the master-servant relationship was voluntary for the repayment of a debt: under this system the master/employer was monetarily incentiv-

ized to treat his servant/employee well (136).

But is this what the text says? No, it isn't. It says that if the slave doesn't die immediately, but dies a few days later, then his life is not to be avenged, "because he [the slave] is his [the master's] money." What it means is that the slave was his commodity. The master suffered a financial loss, *and that alone was his punishment*. Thus, if the slave's death was classified as manslaughter rather than murder, then his life was valued solely in terms of the amount of debt the slave owed to his master. In other words, if you kill your slave, you forfeit whatever labor the slave would have given you. That's *some* punishment!

Note the difference between this scenario and the manslaughter of a freeperson. If a man unintentionally kills a freeperson, he was to flee to a city of refuge in order to avoid being killed in a blood feud. In other words, those who committed manslaughter had to give up their livelihood and live in a "safe house" (like an ancient witness relocation program). But not so if the manslaughter was committed against a slave! In that case, the victim's life was less valuable. The master had no need to flee. The financial loss suffered was considered payment in full for the victim's life—but note that no restitution actually exchanges hands to the victim's next of kin. The "debt paid" is just that the master now has one less slave to work his land.

Copan quotes Harry Hoffner who argues that the clause should be translated not, "he is his money" but rather, "that [fee] is his money." Hoffner argues that what this suggests is that the master's punishment is to pay the medical fee for the slave's recuperation. This is a huge stretch. Remember that in this scenario envisioned in the text, the slave still dies. And Hoffner's translation isn't the clearest rendering of the text at all. But even if we were to grant it, what does that mean? The master's only punishment for inflicting mortal wounds on his slave is to pay a doctor to attempt to heal him. Is this really different from chattel? Wouldn't a man also pay a doctor to try to salvage a mule, or a cow? Yes, he would. He has a vested interest in ensuring that his labor force (human and livestock) is in working order. Slave-owners in the antebellum South certainly paid doctors to tend to their slaves when they had been beaten too badly or had fallen ill.

This just makes good business sense. It is a far cry from morally progressive.

But the only thing all of this misses is the obvious: the master is permitted to beat his slave so long as he doesn't disfigure the slave permanently, or kill the slave immediately. So even if we find it "progressive" that murdering a slave was still considered murder, *the law still assumes that a master may beat a slave, and in fact beat the slave so severely that the slave could eventually die from the beating*, yet with impunity. Now what does Copan do to attempt to respond to this moral problem?

He says that the rod with which the master beat his slave was not a deadly weapon, not at all like a sword or a spear (134)! All right, I have to stop right there. The staff or rod wasn't a deadly weapon? Well, clearly it was, if the servant died from a beating with a rod! That's like saying a baseball bat isn't a deadly weapon. In fact, a rod is a *brutally lethal weapon*. A sword or a spear is designed to kill fairly quickly. A club, on the other hand, is designed to *punish*. It is just as lethal as a sword or a spear, it just has to inflict *more pain* before it does the job. I can't believe I'm actually having to say this. Anyway, here are some texts in which the rod is used as a deadly weapon, as a weapon, or in order to inflict suffering (just a sampling):

"A scepter [rod] shall rise from Israel, and shall crush through the forehead of Moab, and tear down all the sons of Sheth" (Num 24:17). "Let him [God] remove his rod from me, and let not dread of him terrify me" (Job 9:34). Here the "rod" is a metaphor for all of Job's suffering and afflictions. "You shall break them with a rod of iron, you shall shatter them like earthenware" (Psalm 2:9). Also, the mighty man Benaiah uses a club as a weapon against an Egyptian in 2 Sam 23:21 (par. 1 Chron 11:23).

Now, let's get back to Copan's response to the moral problem of beating a slave. In the case of a rod-beaten servant not dying immediately (but after a few days), Copan merely says that the assumption was that the master must have only been disciplining the servant, not trying to murder him (or her), absolving the master of punishment (134).

Oh. Never mind. Turns out Copan *doesn't* address the moral problem of beating a slave. He just accepts that if the intent wasn't

to kill the slave, then paying the doctor's bill is a "punishment" worthy of the crime. This, then, is a tacit admission that the Law of Moses raises no moral objection to the practice of beating a slave. (Sorry, I mean "disciplining" an "employee.")

Next, Copan turns to one of the passages we've been anticipating:

When you buy a male Hebrew slave, he shall serve for six years, but in the seventh he shall go out a free person, without debt. If he comes in single, he shall go out single; if he comes in married, then his wife shall go out with him. If his master [lord] gives him a wife and she bears him sons or daughters, the wife and her children shall be her master's and he shall go out alone. But if the slave declares, "I love my master, my wife, and my children; I will not go out a free person," then his master shall bring him before God. He shall be brought to the door or the doorpost; and his master shall pierce his ear with an awl; and he shall serve him for life. (Exod 21:2-6)

Copan concedes that this is certainly not an ideal situation (137), but wants to probe deeper into the text (whatever that means). He begins by arguing that this law is not gender specific. The text "seems" (Copan says) to imply that women were stuck as slaves forever. But Copan says that the text doesn't tell us specifically whether or not this law can apply to a woman. He then rewrites the passage with the woman as the subject: "If you buy a Hebrew servant, she is to serve you for six years. But in the seventh year, she will go out free. . . . If her master gives her a husband, and they have sons or daughters, the husband and the children will belong to her master, and she will go out by herself." Copan then claims that the "spirit" of the law is not violated by making this shift (137).

By putting the words up there for his readers to read, Copan hopes to make it seem as though this is what the text is saying. After all, *it's right there on paper* (Copan's paper). The problem is,

this isn't what the text says, and as I've already shown, when a law such as this is gender-inclusive, males and females are always both identified. Some examples: Exod 21:20, 26-27, 28; 36:6; Lev 27:5; Num 5:3; etc. Copan is attempting to do with this text what he did with the Trial of Jealousy text, in which he argued that a woman could bring her husband before the priest on suspicion of infidelity, and put him through a test in which—if he was found guilty—his, um, uterus would drop and he would become barren.

The fact is, this law does not work in reverse. Nowhere is it ever said that a husband was "given" to a wife. It is always the wife who is given to the husband. Moreover, as we'll see, in the book of Exodus, the seventh-year manumission law did not apply to women. Only men were to be released on the seventh year, but women were expressly said *not* to be released. This will change by the time Deuteronomy is written, several hundred years later. But the text in question here is further evidence that in the Exodus material, a woman was a slave for life.

Copan protests that those "critics" who do not assume that all these scenarios apply to men and women alike do so because they are putting up "resistance" and trying to make the law look as bad as it possibly can. He then claims that we don't have any good reason to do this (134).

I'll have to demur here. First, note that Copan always uses the term "critics" for anyone who disagrees with his interpretation of the text. He doesn't use the neutral term "scholars." He uses "critics" because he wants to paint those who disagree with him as hostile. Of course, when it comes to the Code of Hammurabi, Copan is by his own definition a "critic." In fact, let's be straightforward here. Copan spent an entire chapter arguing that the laws of Moses were imperfect, less than ideal, and reflected patriarchal assumptions that aren't morally tenable. Even if he believes these were "divine concessions" to a corrupt culture, he can't honestly claim that he's not being a "critic" when he makes these statements about the Law of Moses. He is exercising critical scrutiny, arguing that the Law of Moses is not morally perfect or ideal. How does he know this? Do the laws of Moses tell him this? No, his deficient reading of Jeremiah 31 and the Pharisees' (well, Matthew's version of the Pharisees') deficient reading of Deuteronomy 24

tell him this. But his critical readings of the Law of Moses aren't limited to Jesus' reading of Deuteronomy 24. No, Copan is making *his own* judgments about the text. He's concluding, based on his own ideas, that the laws of Moses are deficient. So let's not pretend that Copan himself isn't a "critic."

Second, many biblical scholars (whom Copan would deride as "critics") are believing Christians, some of them not even "liberal" ones, and they have no problem recognizing that patriarchal assumptions are to be found pervasively throughout the Law of Moses.

The fact is, contrary to Copan's assertion that we have no good reason to accept that this law applied to men and not to women, we do have a good reason—an utterly compelling reason. The very next verse, after this passage discussing what happens when a male slave "goes out" on the seventh year, states plainly: "When a man sells his daughter as a slave, *she shall not go out as the male slaves do*" (Exod 21:7). I'd say that's a compelling reason. But Copan ignores it entirely.

Let's stop to address another of Copan's strained attempts to make the text say something other than what it says. The text says, "When you buy a male *Hebrew* slave." Now, Copan wants to argue (later) that foreign, non-Hebrew slaves were not slaves for life (against the clear statement to that effect in Lev 25). Copan wants to argue that foreign slaves were *also* to be released on the seventh year. What does that have to do with this passage, which explicitly identifies the male slave as a "Hebrew"? This is a real gem. Equating the designation *habiru* (which he defines as an amorphous, non-national people group) with the word *Hebrew*, he asserts that *Israelite* was a more specific term than *Hebrew* in this early period. So since this law referred to *Hebrews* and not *Israelites* proper, the release of servants after six years is open to be interpreted as applying to more than native Israelites, perhaps anyone at all living in the land (137-38).

There are two fundamental problems with this argument. First, the notion that the word *habiru* (*apiru* in Egyptian) relates in any way to the Semitic word for "Hebrew" is one that has long ago been abandoned by scholars. *Apiru/Habiru* and the Semitic *ibri* (Hebrew) are emphatically *not* related roots. As Anson Rainey

concludes, “the plethora of attempts to relate *apiru* (Habiru) to the gentile (i.e. biblical word) *ibri* are all nothing but wishful thinking. The two terms were never related, and . . . the social status and the activities of the *apiru* bear no valid resemblance to the ancient Hebrews.”⁴⁰ Ancient Near Eastern scholars know this, but then, Copan isn’t an ancient Near Eastern scholar. Apologists, of course, would very much like *apiru* to be *ibri*, because then they would have early extrabiblical evidence for the early existence of the Hebrew people. But, what apologists would like to be the case and what is the case aren’t always the same thing.

Second, *every single occurrence* of the word “Hebrew” in the Bible refers to the line of Abraham. *Not once* does the word refer to anybody other than Abraham or one of his descendants. Once Jacob (Abraham’s grandson) is given the name “Israel,” the word “Hebrew” is used interchangeably with “Israelite.” *Moreover*, in a parallel to this specific law (about releasing the slaves on the seventh year) found in Deut 15:12, the text says this: “And if your kinsman [brother], *a Hebrew man*. . .” In Deut 15, the “Hebrew” is identified expressly as a *kinsman*.

There is absolutely no way that the word “Hebrew” in Exod 21:2 can *possibly* be referring to anyone *other* than an Israelite male. Copan’s attempt to argue that foreign slaves only served a six-year term, by distorting the text, is definitively a failure.

Now, Copan returns to discuss the passage, in contrast to the unidentified “critics” who wish to present the law in the worst possible light, with an argument designed to present it in the best possible light. He says that the Hebrew male at the end of his term had three options:

(1) He could wait for his wife and children to finish their term while he went off and worked elsewhere. Copan here claims that the slave’s wife and children were not trapped in the “employer’s” home for their entire lives, but that they could be released whenever the wife finally worked off her debt. But this would mean

⁴⁰ Anson F. Rainey, “Unruly Elements in Late Bronze Canaanite Society,” in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom* (ed. David P. Wright, David Noel Freedman and Avi Hurvitz; Eisenbrauns, 1995), 483. The full discussion begins on p. 482. See also Nadav Na’aman, “Habiru and Hebrews: The Transfer of a Social Term to the Literary Sphere,” *Journal of Near Eastern Studies* 45/4 (Oct 1986): 271-288.

that the man would be separated from his wife and children, and wouldn't have his "boss's" (give me a break with the employer/employee language already!) provisions of food, clothing and shelter. Conversely Copan contends, if the man chose to remain with his family after his manumission, he would then have the problem of paying for food and lodging. (138)

(2) He could work elsewhere and save up to pay the "boss" to release his wife from her contract. But this wouldn't work because he'd be hard pressed to pay for his own living expenses *and* save up for his wife's release in addition. (138)

(3) He could commit himself to working permanently for his "employer"—"a life contract." This way he could stay with his family and find stable provisions. (138)

Copan is really "putting up resistance" here, resistance *against the text* "in order to make this law look its very [best]." Let's see why this picture of Copan's is wholly untenable.

First, he continues to ignore the very next verse (v. 7), which states clearly that a female slave "shall not go out" on the seventh year as the male slaves do. The fact that the woman did not (in the book of Exodus) have this option is abundantly clear in the very alternatives Copan himself presents. If the woman only had, say, (at most) six years left on her "contract," *why on God's green earth did the man have to commit to an entire lifetime of service in order to remain with his wife?!* Why not just commit to another six years? If this was just a "contractual arrangement," as Copan incessantly characterizes the situation, why was a whole lifetime of service necessary in order to remain with his wife? *Precisely because his wife, as a woman, was obligated to the master for her whole life,* as verse 7, the very next verse, plainly says.

Note also what the text says about the children. If the master gives the man a wife, and she bears him children, "the wife and her children shall be her master's, and he shall go out alone" (21:4). Wait, the *children* belong to the master? I thought they were just along for the ride until the wife finished her contract! No, the text plainly says that the children are the master's slaves too. And this is the same thing that we see in other ancient Near Eastern legal codes. If a slave's spouse is a freeperson, then the master has no claim on their offspring. But if the slave's spouse is

another slave, then the children belong to the master.

See for instance, the Code of Hammurabi: "If a State slave or the slave of a freed man marry the daughter of a free man, and children are born, the master of the slave shall have no right to enslave the children of the free" (175). Copan himself notes this sort of thing, citing the Akkadian Nuzi texts from the second millennium BCE. Copan notes that single or married slaves would remain single or married upon release, but that if he married someone given to him by his master, the wife and children would remain in bondage to the master (137).

Copan spells it all out right there in plain English. Any offspring from a slave woman were born into slavery. *And Exodus 21 says precisely the same thing.* Note also that Copan uses the word "master" here when referring to the Akkadian texts, but uses "boss" or "employer" when "translating" the biblical material, even though this Akkadian text too speaks of a system in which the male slave's term of service isn't permanent! If this isn't special pleading then I'm an apologist's uncle!

The fact is, I don't have to be invested in finding the worst possible reading of this law to see what the law is saying. In fact, I'd hope that this law (or any law from any nation) would reflect a more progressive moral code. But the meaning of the text is clear, and it's only Copan who's twisting it because he doesn't like the Bible. What this law says is that a slave who is given a slave woman by his master *has to sacrifice his freedom and commit to a lifetime of slavery* if he wants to keep his wife and children.

And this is what I was referring to earlier when I mentioned a way that a master could legally coerce a male Israelite slave to become a slave for life. If a male slave came in single, his master had *fantastic incentive* to "generously" offer him a wife. Not only would their union produce more cute little slaves scampering about the place, it would coerce the man into sacrificing his freedom in order to be a slave for life.

Copan concludes this discussion with another lame attempt to argue that Israel's slavery was better than chattel slavery in the antebellum South. On the contrary, Israel's slavery laws prove to be *worse!* In the antebellum South, only foreigners, non-citizens, could be chattel—lifelong slaves. And in Israel, that was the gen-

eral rule as well. Non-Hebrews could be slaves for life, but Hebrew males could ordinarily only be slaves for a six-year term. But what's worse in Israel than in the U.S. is that a *citizen female* could be a slave for life, and not only that, there was this loophole which allowed an Israelite to coerce his own kinsman to be his slave until the day he dies.

Moving on to the case of the engaged servant girl found in Lev 19:20-21:

If a man has sexual relations with a slave woman, designated [to become the wife] of another man, yet not yet ransomed or given her freedom [i.e., given to the freeman in marriage], there will be a punishment, but they shall not be put to death *because she was not free*. The man shall bring a guilt offering to Yahweh at the door of the tabernacle of the congregation, a ram for a trespass offering.

No need to go into Copan's reading of this passage in detail. Essentially, he argues that the law serves to protect the woman. Copan *reads into* the text that the woman, because she was a slave (wait, I thought she was an employee), was more vulnerable. The man was clearly taking advantage of her. Therefore, this isn't like the case where a *free* engaged girl commits pre-adultery with a man and is executed for it (Deut 22:23-24; that's the one where the girl is executed for not screaming in the city). In *that* case, the girl wasn't at all vulnerable to the man (because free women had superpowers?). But the slave girl, she's more vulnerable, Copan claims. Therefore, she isn't executed. This law protects her.

Of course, Copan ignores the fact that the *man* isn't executed either in this case. If he's a rapist or even just an adulterer or pre-adulterer (my term for a man who has consensual sex with a betrothed woman), and his victim is betrothed, ordinarily the law requires him to be executed. But here in this case, the man sleeps with a betrothed woman and his only punishment is he has to sacrifice a ram. Why no execution? I don't buy Copan's argument, but let's concede it anyway, that the slave girl isn't executed because she's somehow more vulnerable. Conceding that, and buy-

ing Copan's claim that this law served to protect the slave girl, *then why is the rapist or pre-adulterous male here not executed as he normally would be?* What does Copan say about this quandary? Well, nothing. What does the *text* say about this quandary? Well, "because she was not free." The text is clear. His crime wasn't a capital offense because she wasn't a free woman; in other words, as a slave girl, her life wasn't worth as much as that of a free woman. Copan's almost half-hearted attempt to salvage the text from this classist reality is entirely unpersuasive.

Moving on, at last, to the question of the status of foreign slaves. Here Copan wants to argue that foreign, non-Hebrew slaves were to be given their freedom on the seventh year just like the Hebrew male slaves. Copan has much to prove, contending with the clear statement in Leviticus 25 to the contrary. Will he pull it off? Take a guess.

Here's the long-awaited text in question (be sure to read the whole passage carefully):

If any who are dependent on you become so impoverished that they sell themselves to you, you shall not make them serve as slaves. They shall remain with you as hired or bound laborers. They shall serve with you until the year of the jubilee. Then they and their children with them shall be free from your authority; they shall go back to their own family and return to their ancestral property. For they are my servants, whom I brought out of the land of Egypt; they shall not be sold as slaves are sold. You shall not rule over them with harshness, but shall fear your God. As for the male and female slaves whom you may have, it is from the nations around you that you may acquire male and female slaves. You may also acquire them from among the aliens residing with you, and from their families that are with you, who have been born in your land; and they may be your property. You may keep them as a possession for your children after you, for them to inherit as property. These

you may treat as slaves, but as for your fellow Israelites, no one shall rule over the other with harshness. (Lev 25:39-46)

Before launching into Copan's "treatment" of this passage, I'll just highlight the pertinent bits for our purposes. First, Copan is at last vindicated. Here Leviticus tells us that an Israelite is not to be treated as a slave, but rather as a hired or bound laborer, for six years maximum. (Unless of course the Israelite happened to be a female, or happened to be a male with a slave wife, in which case permanent slavery was the "best" of his available options.) Furthermore, Israelites are not to be ruled over with harshness (just an occasional beating with a club, so long as you don't leave any permanent marks or kill them on the spot).

Now, in contrast to Israelites, who are not to be made into chattel, Leviticus gives Israelites permission to take foreigners, either from the surrounding territories, or from among the resident aliens, and make them into lifelong slaves. These foreign slaves are expressly considered to be the "property" of their Israelite master. The word here for "property" isn't "money," this time. It's *achuzzah*, which means—you guessed it—"property." It appears in the Hebrew Bible 66 times. 42 times it means "possession/s," 19 times it means "property," and 5 times it means "site," as in a "property" in the real-estate sense of the word. Twice here in Leviticus 25, the foreign slaves are identified as "property," and in the second instance, the text says that the slaves may be passed on from one generation to the next as inherited property. Then the clincher. In contrast to Israelite indentured slaves, the foreign slaves "you may treat as slaves." What does that mean? What it means is clear from the subsequent contrast. "But as for your fellow Israelites, no one shall rule over the other with harshness." Thus, what this means is that Israelites *are permitted* to rule over their foreign slaves "with harshness." Since Exodus 21 gives masters tacit permission to beat *Hebrew slaves*, so long as they don't instantly kill them or permanently disfigure them, that must be the definition of what it means *not* to treat Israelites with harshness. Thus, we can infer that foreign slaves, as property, were subject to beatings without the protection of the law for Hebrew

slaves. In short, they could be disfigured or killed, if the master saw fit.

What does Copan do with this text? Well, he has a long, roundabout way of saying nothing whatsoever about it. He attempts to argue that the text *doesn't mean* that foreign slaves are considered property, but none of his arguments (except one really bad one) even touch on that question. He makes four initial points, before going on a hiatus through several texts that have nothing to do with the treatment of slaves.

(1) Copan claims that the foreign slaves in Israel are still a far cry from the status of chattel slaves in the antebellum South (140). This is Copan's claim. Does he provide any evidence to support it? No, he does not. He just makes the bald assertion and assumes his readers will just accept it. But as we have seen, the plight of foreign slaves in Israel was precisely that of African slaves in the antebellum South. They were taken away from their families, they were subject to beatings without the protection of the law (which applied to *Hebrews* only), they were expressly considered property, and were passed on from one generation to the next without hope of manumission.

(2) Copan claims that because there were a lot of foreigners who resented Israel (I wonder why! Hint: war booty), that means that some more severe measures were necessary than were necessary for the other resident aliens who happily complied with Israel's legislation (140-41). First, this has nothing at all to do with slavery. Copan will go on to make a distinction between the alien (*ger*) and sojourner (*toshab*) on the one hand, and the foreigner (*nokrim*; *bene-nekar*) on the other hand. He will argue that those identified as "aliens" and "sojourners" were those who embraced Yahweh worship, while the "foreigners" were those who rejected Israel's religion and customs. So when Copan says that the presence of a lot of foreigners who resented Israel meant more severe measures were necessary, what he's leading his reader to believe is that the view of foreign slaves as "property" applied to the "foreigners" (*nokrim*), because they were hostile, and not to the "aliens and sojourners" (*garim*; *toshavim*), who embraced Yahweh worship and Israel's customs. The problem? The words Leviticus 25 uses to identify the chattel slaves are *ga-*

rim and *toshavim*, “aliens” and “sojourners” (25:45). So his point number 2 is just a red herring, an attempt to pull the wool over his readers’ eyes.

(3) Copan claims that because non-Israelites were not permitted to own land in Israel, then the foreigners who came into Israel for reasons other than commerce were usually made slaves, unless they chose to live outside of Israel (141). And? First, this isn’t true. It’s true that foreigners couldn’t own land, but they could rent and work land. Second, even if it were true that the majority were made into slaves in Israelites’ homes, what does that mean? According to Copan himself (though without any evidence to support the claim), *the majority of aliens in Israel were slaves*. Now, as I said, this isn’t true. As we’ll see next, although they couldn’t own land, it was still possible for resident aliens to live within Israel’s borders and prosper. (This will be key for Copan’s attempt to argue that foreign slaves could be released on the seventh year.)

(4) Copan claims that the only viable option for impoverished foreigners was slavery, but that these foreign slaves in the land of Israel could not only choose to be released from bondage but also become prosperous by pinching their hard-earned pennies as slaves (141). Let’s deal with this claim. Copan contends that foreign slaves could (if they wanted to!) be freed. But wait a minute! Didn’t we *just read* in Leviticus 25 that foreign slaves were property who were to be passed on from one generation to the next? Let me make sure: “You may keep them as a possession for your children after you, for them to inherit as property. These you may treat as slaves.” Oh, right. That’s what I thought I’d read. So *how* then does Copan imagine that these foreign chattel slaves could gain their freedom? By a straightforward misreading of the text, of course! Here’s what Copan does. Directly after the passage quoted above, comes this passage:

If resident aliens among you prosper, and if any of your kin fall into difficulty with one of them and sell themselves to an alien, or to a branch of the alien’s family, after they have sold themselves they shall have the right of redemption; one of their brothers may redeem them, or their uncle or their

uncle's son may redeem them, or anyone of their family who is of their own flesh may redeem them; or if they prosper they may redeem themselves. (Lev 25:47-49)

Before I explain what Copan does with this text, I'll explain what it means, in case it isn't clear. (I say that because Copan will later read it to mean the opposite of what it says, for no particular reason whatsoever. We'll get to that.) This passage begins a shift in subject, from Israelites enslaving foreigners, to foreigners taking on Israelites as indentured servants. The scenario is this: one of the resident aliens has become prosperous, and an Israelite got into debt with the alien, and had to sell himself into servitude in order to pay off the debt. The text says that if this should happen, the Israelite may be redeemed *before the year of Jubilee*. That's *all* the text says.

Now, what does Copan do with this text? He argues that because it speaks of a "resident alien" who has "prospered," this means that it's possible for a foreign slave to have prospered and have purchased his own freedom. That's Copan's whole argument. Of course, the text itself offers no provision whatsoever for a foreign slave to buy his or her freedom or to be redeemed. It offers *Israelites* provision to be redeemed, but why is that? Because, as the conclusion to this passage says, "For to me the people of Israel are servants; they are my servants whom I brought out from the land of Egypt: I am Yahweh your God" (25:55). In other words, *Israelites* are to not to become permanent slaves because *Israelites* were already redeemed by Yahweh to be his special possession. Because he brought them out of slavery in Egypt, *they are not allowed to be permanent slaves to anybody else* (unless that somebody else is another Israelite, and the slave is a female, or a man who wants to live with his wife). That's why provision is made for the Israelite to be redeemed, because *Israel is special to Yahweh—Israel is Yahweh's chattel*.

But the foreigner? They're not Yahweh's chattel; they're not special to Yahweh; therefore, they can be chattel to Israelites. No provision for the redemption of a foreign slave is offered, and in fact, the opposite is explicitly stated. I'll quote it again just in case

it hasn't sunk in: "You may also acquire them from among the aliens residing with you, and from their families that are with you, who have been born in your land; and they may be your property. You may keep them as a possession for your children after you, for them to inherit as property. These you may treat as slaves, but as for your fellow Israelites, no one shall rule over the other with harshness." And this is hardly surprising. As Copan himself notes, all sorts of special exemptions were given to Israelites that didn't apply to foreigners. Israelites were to be given no-interest loans, but foreigners were to be charged interest. Israelites were to have their debts forgiven on jubilee (once every 50 years), but the debts of foreigners were not to be forgiven. And so on.

There you have it. Copan wants to read the prosperous resident alien as evidence that a former slave has prospered (yeah, prospered as chattel) and bought his freedom. Now we know why he wanted to argue earlier that *most resident aliens had to be slaves in Israel*. So that he could pull this one on us later. If they were mostly slaves, then it stands to reason that a prosperous alien was a former slave. But this is preposterous. The text contradicts it, and the reality is that many aliens lived in Israel and prospered, without ever being a slave. For example, the law in Exodus 12:48 makes it clear that foreigners lived in Israel *in their own households*, not in a master's household. "A foreigner residing among you who wants to celebrate Yahweh's Passover must have all the males in his household circumcised; then he may take part like one born in the land." Again, Exodus 20:10 distinguishes between a Hebrew male's slaves, and the foreigner who lives in an Israelite town. "But the seventh day is a sabbath to Yahweh your God. On it you shall not do any work, neither you, nor your son or daughter, *nor your male or female servant*, nor your animals, *nor any foreigner residing in your towns*." Moreover, look at what Lev 25:45 itself says: "You may also acquire them [slaves] from among the aliens residing with you, and from their families that are with you, who have been born in your land; and they may be your property." If Israelites could acquire (i.e., purchase) slaves from the aliens living in Israel, what does that imply? That there were aliens living in Israel, whole households of aliens, *who weren't slaves!* Where does Copan get this idea that most of the

aliens in Israel were slaves? Fact is, he pulls it out of thin air. But let's consider this. If there is a prosperous resident alien in Israel, who is it more likely to be: the businessman or farmer working for himself, or the slave working for his master?

Copan then rehashes his failed argument that "Hebrew" slave in Exod 21:2 could refer to a non-Israelite. But we've already shown above why this argument fails monumentally on multiple levels. *Habiru* and "Hebrew" came from two entirely different roots—they were never connected.

Copan's remaining arguments for why Leviticus 25 *can't mean what it says* when it identifies foreign slaves as inheritable property don't even touch on the issue of slavery. He points out that multiple texts command Israel to be friendly to strangers (141), because Israel knows what it's like to be a stranger in a foreign land. Yeah, that's all very well, but that's not talking about slaves—that's talking about resident aliens who live in Israel as productive members of society. None of this relates in any way to the discussion of foreign slaves as chattel in Leviticus 25.

Now let's look at a few relatively insignificant (to his argument) yet major blunders nonetheless, before moving on to the final major discussion in this chapter.

First, Copan claims, twice, that resident aliens were not permitted to have an Israelite indentured servant in their home. He says that because God delivered Israel from bondage in Egypt, Israelites could not be slaves to resident aliens, citing Lev 25:47-49 (141). He further claims that a resident alien was prohibited from hiring an Israelite (144). I just want to be sure that we're clear this is what Copan is claiming. And note that he explicitly cites Lev 25:47-49 as evidence that an alien was not permitted to take an Israelite in as an indentured servant. Now, let's quote Lev 25:47-55. Be sure to read it all.

If resident aliens among you prosper, and if any of your kin fall into difficulty with one of them and sell themselves to an alien, or to a branch of the alien's family, after they have sold themselves they shall have the right of redemption; one of their brothers may redeem them, or their uncle or their

uncle's son may redeem them, or anyone of their family who is of their own flesh may redeem them; or if they prosper they may redeem themselves. They shall compute with the purchaser the total from the year when they sold themselves to the alien until the jubilee year; the price of the sale shall be applied to the number of years: the time they were with the owner shall be rated as the time of a hired laborer. If many years remain, they shall pay for their redemption in proportion to the purchase price; and if few years remain until the jubilee year, they shall compute thus: according to the years involved they shall make payment for their redemption.

As a laborer hired by the year they shall be under the alien's authority, who shall not, however, rule with harshness over them in your sight. And if they have not been redeemed in any of these ways, they and their children with them shall go free in the jubilee year. For to me the people of Israel are servants; they are my servants whom I brought out from the land of Egypt: I am Yahweh your God. (Lev 25:47-55)

First, note that even vv. 47-49 only state that the Israelite *may* be redeemed from the alien, not that the Israelite *must* be redeemed. But look at the second paragraph. Right there in plain binary: if the Israelite cannot afford to be redeemed, s/he is to carry out the full term of service under the alien's authority (anywhere from 49 years to 1 year, depending on how close they are to the year of Jubilee). How, then, does Copan derive from this passage that an alien was not permitted to have an Israelite as an indentured servant? Who knows! Perhaps Copan skimmed the text; perhaps he didn't read far enough; perhaps he thought it was opposite day. Take your pick. This of course has no bearing on any of his major arguments, but it's significant nonetheless.

Regarding captured enemies, Copan claims that when captured enemies were resistant to Israel's laws and threatened Isra-

el's national security from within, slavery was imposed in order to pacify and monitor these threats. And here Copan cites Num 21-22; 25; and 31 as examples (143). It's interesting that he cites Numbers 21-22; 25; and 31, because in none of those texts is servanthood used as an option for controlling a menace. The only option in those texts is *slaughter*. In Numbers 31, for instance, because a few Midianite women had been a theological "menace" to a few Israelite men, the Israelites attack the Midianites. Now the soldiers take all the women and children as spoil. Do they press them into servitude, as Copan implies? No. Moses orders that all of the non-virgin women, and all of the male children, are to be executed *en masse* right there and then. They left alive only the 32,000 virgin girls. To be servants? Well, not exactly. They left them alive in order to become wives and concubines, spread out among the tribes of Israel, with 320 going to the Levites, *and 32 virgins going to one man, the High Priest*. Now, think about those numbers. If there were 32,000 virgin girls, how many non-virgin women and male children must there have been? I'll estimate a total of 44,000. So rather than using slavery to monitor the threat, they slaughtered 44,000 women and children in a single afternoon. Brilliant example of your point, Copan.

Now, in order to argue that foreign slaves weren't oppressed in Israel, Copan argues that foreign slaves who had escaped to Israel as refugees seeking protection were to be given safe-harbor and were not to be given back to their cruel foreign masters, citing Deut 23:15-16. He extrapolates from this that these runaway slaves were then made into slaves in Israel, but that their servitude in Israel was a way to offer them safety, as well as financial stability (144). Yeah, except that Deut 23:15-16 *does not* say that runaway foreign slaves were to become slaves in Israel. It says, "Slaves who have escaped to you from their owners shall not be given back to them. They shall reside with you, in your midst, in any place they choose in any one of your towns, wherever they please; you shall not oppress them." In other words, they have free choice about where they're going to live. They're not made into slaves; they're given a place to live and make a life for themselves of their own choosing.

Copan argues that when Lev 25:44 says that Israel may "ac-

quire” (*qanah*) male and female slaves from the “pagan” [*sic*] nations around you, this doesn’t mean they are bought and sold like property. As justification for his contention that Leviticus 25:44 does not imply possession of foreign slaves, Copan cites Boaz’s announcement that he had “acquired” the Moabitess Ruth as his wife. Here he quotes a small portion of the passage: “Moreover, I have acquired [*qanah*] Ruth the Moabitess, the widow of Mahlon” (Ruth 4:10). Does this text view Ruth as Boaz’s property? Copan answers with an emphatic no and actually claims that Boaz and Ruth were joined in an egalitarian relationship, giving the “acquisition” language a different spin (145-46).

First, where does the text say that Boaz saw Ruth as an “equal partner”? Well, nowhere. He respected her because of her loyalty to her in-laws, and thus allowed her to glean wheat from his fields. The highest praise Boaz gives to Ruth is this gem of a statement: “I will do for you all that you ask, for all the assembly of my people know that you are a worthy woman” (Ruth 3:11). Wow! Boaz thinks just as highly of her as all the people of his assembly. He really had special feelings for her.

But Copan claims that when Boaz said he “acquired” Ruth, that didn’t mean he acquired her as property. Of course, we’ve already seen that wives were considered property in Israel, but just to reinforce this point, let’s quote Boaz’s *full statement* to the assembly, not just the few choice words Copan selected. Once again, be sure to read the whole passage:

Then Boaz said, “The day you acquire [*qanah*] the field from the hand of Naomi, you are also acquiring [*qanah*] Ruth the Moabite, the widow of the dead man, to maintain the dead man’s name on his inheritance.” At this, the next-of-kin said, “I cannot redeem it for myself without damaging my own inheritance. Take my right of redemption yourself, for I cannot redeem it.”

Now this was the custom in former times in Israel concerning redeeming and exchanging: to confirm a transaction, one party took off a sandal and gave it to the other; this was the manner of attest-

ing in Israel. So when the next-of-kin said to Boaz, “Acquire it for yourself,” he took off his sandal. Then Boaz said to the elders and all the people, “Today you are witnesses that I have acquired [*qanah*] from the hand of Naomi all that belonged to Elimelech and all that belonged to Chilion and Mahlon. I have also acquired [*qanah*] Ruth the Moabite, the wife of Mahlon, to be my wife, *to maintain the dead man’s name on his inheritance, in order that the name of the dead may not be cut off from his kindred and from the gate of his native place; today you are witnesses.*”

Boaz acquired a piece of property, and along with it a wife. And why the wife? So that her dead-husband’s name would remain attached to his property. How utterly romantic! Boaz was such an egalitarian.

Unfortunately, that’s the only text Copan cites to “prove” that “acquire” didn’t mean the foreign slaves were considered property. Of course, the word *qanah* means “buy,” “purchase,” “acquire,” “possess,” that sort of thing. One thing the word *doesn’t* mean is, “Golly, I got lucky and happened upon a foreigner who came up to me and asked if he could be my slave for life!”

Moreover, Copan just ignores that the word “property” (*achuzzah*) is used twice in Leviticus 25 to refer to the status of the foreign slaves.

All right. Now for the concluding discussion in this chapter. Copan examines what he identifies as “tensions” between legal texts. We’ll look first at his treatment of Exod 21:4 and Lev 25:40-41. In Exod 21:3-4, the law dictates that if a man comes into servitude already married, then his children are not the property of the master. But if he comes in single and the master gives him a wife, and they produce children, then those children *are* the property of the master.

But in Lev 25:40-41, no distinction is made between whether the man was married first or whether he was given a slave woman as a wife by his master. It just says, “they shall serve until the year of jubilee, then they and their children with them shall be

free from your authority.” So Copan argues that because no distinction is made, then Leviticus 25 represents a revision of Exodus 21. This is possible, but unlikely. More likely is that Leviticus 25 is just assuming the distinction made explicit in Exodus 21. Note here what drives the hermeneutic of apologists like Copan. If they *don't* want a contradiction in the text, then they'll harmonize two texts. But if they *do* want a contradiction (or rather a “tension”) in the text, then they'll refuse to harmonize, even when harmonization, as in this case, is quite easy. And in fact, this is the way legal material works. Look at any state's laws. The laws build upon one another and depend upon one another. Not every restatement of a law is going to restate every detail, when those details have already been made explicit. Rather, those details are assumed, and in the restatement, a different feature is emphasized. So there's no good reason to think that Leviticus 25 isn't assuming the distinctions made in Exodus 21, and the release of the children mentioned in 25:41 refers to children produced from a marriage that existed prior to the term of indentured slavery. It's hardly conceivable that a master would let his slave woman go just because her husband's debts were paid off.

However, there is notable difference between Leviticus 25 and Exodus 21, a difference that may indicate Leviticus 25 *does not* assume the material in Exodus 21. In Leviticus 25, the Hebrew slave is not said to be released on the *seventh* year. Rather the Hebrew slave is to be released on the year of Jubilee. The year of Jubilee occurs once every 50 years. So if a man sold himself into slavery, the length of his term of service depended on how far off the year of Jubilee was. If it was next year, he'd have a short term of service before his debts were forgiven. If it was 48 years off, he'd be looking at a lifetime of servitude.

What's startling to me is that, in his attempt to portray Leviticus 25 as more progressive than Exodus 21, on the grounds that Leviticus 25 doesn't distinguish between pre-slavery or post-slavery wives, Copan actually admits that the release law here is not a seventh-year law. He explicitly references the fifty year interval of Jubilee years in Leviticus 25:40-42 as the time when children were released along with their fathers and, he conjectures, their mothers (147).

Does Copan discuss this significant difference? No, he doesn't. He wants to portray Leviticus as more progressive than Exodus, but forgets to point out that while Exodus has a seventh-year release law, in Leviticus the term of service could be up to forty-nine years long. This is clear because in Lev 25:51-52 it talks about what to do "if many years remain" until Jubilee, and what to do "if few years remain." (This is in the case where a Hebrew has become a servant to a resident alien, and it discusses how to calculate the Hebrew's redemption price.)

So, let's say Leviticus 25 does post-date Exodus 21. In that case, the law is *regressive*, not progressive. Now let's flip it around chronologically. Perhaps Exodus 21 was progressive in that it shortened the term of servitude from up to 49 years to a fixed term of six years. But then we have to acknowledge that the distinction between pre-slavery and post-slavery marriages are part-and-parcel of that *progressive* text, and therefore it's clear that in the "progressive" text, female slaves are slaves for life. Either way we arrange these two texts chronologically, there's a significant moral regress.

Now, Copan may wish to argue that the seventh-year release law of Exodus 21 is *assumed* in Leviticus 25. In that case, the Jubilee would release a slave *before* his six-year term ended, if it fell on a year within that six-year term. But if it was, say, thirty years away, then the six-year term of service still applied. That's all very well. This may be. *But note the inconsistency in Copan's thinking in this case. Leviticus 25 doesn't mention a seventh-year release law, not at all. So if Leviticus 25 is not assuming the distinction from Exodus 21 between a pre-slavery and post-slavery marriage, then we have no reason to believe that it's assuming the seventh-year release law from Exodus 21. So either we have a double contradiction (with both moral "progress" and regress), or we have two laws that assume the continuing validity of two earlier laws.*

Moving on to another legal problem. Copan says that scholars see "tension" between Exod 21:1-11 and Deut 15:1-18, particularly v. 17. Recall that Copan attempted to argue that the manumission law in Exod 21 applied also to females. I showed that this could not be the case, for at least two reasons. (1) Verse 7 says that a female slave "shall not go out as the male slaves do." "Go

out” refers to their release on the seventh year. (2) The fact that a male slave would have to give himself over to his master *for life* in order to remain with his slave wife and children indicates that in Exodus, the female slave was a slave for life. And this is reinforced, as noted in point (1), in v. 7.

But Deuteronomy 15, after giving similar instructions to those found in Exodus 21 pertaining to the release of the male slave on the seventh year, says in v. 17, “You shall do the same with regard to your female slave.” So in Deuteronomy, the female slave *is* to be released on the seventh year, whereas this is explicitly denied in Exodus. Copan identifies this as a “tension,” as if it’s not a clear difference, and he attempts to try to erase the tension. He asserts that although Exodus 21:7 never explicitly mentions female servants when it mandates a seventh-year release for male slaves, this is implied by virtue of its being, so he claims, case law (147).

For the reasons noted above, his argument that it’s “case law” has failed. He goes on to point out that another law in Exod 21:26-27 specifically says that it applies both to males and females. So, Copan thinks we should read the manumission law in light of the other law that expressly declares it is to be applied to both genders. The problem, of course, is that not only does 21:1-7 *not* state that the manumission law applies to both genders, *it expressly denies* that it does.

Again, Copan claims that Exod 21:7 does not explicitly say that female slaves are to be released on the seventh year. But this is a very deceptive way to put it, and it aids in the deception that Copan *never* quotes this verse here. He does quote it in his chapter on polygamy, but he doesn’t address the fact that verse 7 expressly says that the manumission law doesn’t apply to the female slave. I’ll quote it again just to make this clear: “When a man sells his daughter as a slave, *she shall not go out as the male slaves do.*” Just to make it clear what “go out” means, I’ll quote the manumission law from v. 2: “When you buy a male Hebrew slave, he shall serve for six years, but in the seventh he shall go out a free person, without debt.”

So when Copan says that 21:7 “doesn’t expressly say that female servant were to be set free,” he’s either unknowingly or knowingly covering over the fact that it *does* expressly say that

they're *not* to go free.

So this attempt to “resolve the tension” between Exod 21:7 and Deut 15:17 is a failure. Which Copan seems to recognize he has to concede in the next paragraph (so kudos to him). He says that if there is a real tension here, then it's clear that Deut 15:17 indicates that the law in Exod 21:7-10 had been superseded (147).

Copan acknowledges that the scholarly consensus identifies the Exodus material as earlier than that of Deuteronomy, and that Deuteronomy reflects a legislative revision (147). Copan quotes Evangelical biblical scholar Christopher J. H. Wright, who sees Deuteronomy “modifying, extending, and to some extent reforming earlier laws, with additional explicit theological rationale and motivation.” So, according to Wright, to obey Deuteronomy “necessarily meant no longer complying with Exodus” (148).

But wait, doesn't this mean the Bible contradicts itself? How does Copan cope with this? He essentially says that we need not despair at the contradictory texts. What is shown is an adjustment and upgrade in morals over a *short period of time* in Israel's history. This is an example of a change in the nation's laws from “inferior legislation” to an upgraded morality (147).

First, I'll critique the assumption that this kind of legal revisionism is unproblematic for the belief that the laws of Moses were direct revelation from God. Then I'll critique the claim that these revisions took place over a short period of time in Israel's history.

So, if it's immoral for a female slave to be a slave for life (let alone immoral to be a slave at all), and the revision constitutes a significant “moral upgrade,” *why didn't Yahweh just begin with the moral upgrade?* Because of the “hardness of men's hearts”? It would have been too difficult for Yahweh to prohibit lifelong slavery for females? Out of all the radical changes that Yahweh expects Israel to make as they separate themselves from those wicked other nations, *this isn't one of them?* We're seriously to believe that a people who had supposedly just come out of four hundred years of slavery wouldn't be ready to have progressive slavery laws? There is no good explanation for why Yahweh would mandate lifelong female slavery first, only to revise the law

later. The best explanation is that the law didn't originate with Yahweh to begin with, but was, just like the laws of all the other nations, only *said* to have been given by the deity (either that or Yahweh *did* give the laws but Yahweh is fickle and immoral). This whole idea that the laws progressively got better just makes no sense of the claim that they were offered by a deity who is supposedly the ultimate source of all this is good and moral.

Now, let's talk about this claim of Copan's that these revisions took place over a short period of time in Israel's history. On the one hand, Copan wants to enlist the scholarly consensus in support of his argument. Remember, he says that the scholarly consensus sees Exodus as predating Deuteronomy, which was a revision and expansion (147). But what Copan forgets to mention is that this *same* majority of scholars maintain that the Deuteronomic law code was introduced *in the seventh century BCE* under the reign of King Josiah. Copan pretends that Exodus and Deuteronomy were all written within Moses' lifetime, while the reality is that scholars don't even date *Exodus* as far back as Moses, let alone Deuteronomy. So this appeal to the scholarly consensus is a deception. Copan is picking and choosing what aspects of scholarship he wants to employ in service of his thesis, without offering any kind of account for why he rejects *the very reasons they posit Deuteronomy as a later source!*

So let's grant (just for purposes of discussion) that Exodus *does* date to the time of Moses. So that's about 1250 BCE. Now the Deuteronomic law code was introduced during the reign of King Josiah (640-609 BCE). So what does that tell us? If these laws really do come from God, then God waited *six hundred years* to change the law that allowed masters to enslave women for their whole lives! That's problematic.

The picture becomes even *more* problematic if we attempt to understand *why* this particular law was changed under the reign of King Josiah. It does appear to be a case of moral progress. In Exodus, a woman is a slave for life. In Deuteronomy, she can only be enslaved for six years. Moral progress, right? Well, yes and no.

As scholars who have done primary work in Josiah's reforms have pointed out, there is a reason more freedom is given to women in the Deuteronomic law, and it's not a very moral one.

This revision needs to be understood within the context of Josiah's reforms, which were all about breaking up local institutions of authority and *centralizing power in Jerusalem*. And one of the strategies for breaking up local institutions of authority (the body of elders that functioned throughout Israel's history to mediate disputes and authorize punishment and reward, etc.) was to *strengthen the nuclear family*. So while the Deuteronomic laws appear more progressive, in that women are given somewhat more dignity, *the purpose of this* was to destabilize local institutions by reconfiguring society around the nuclear family. This had the effect of making the nuclear family increasingly dependent upon the centralized government in Jerusalem, in several ways. It was about controlling the population by breaking up longstanding community dynamics and atomizing Israelites into nuclear units. So while this had the effect of giving women a few more freedoms (not many), its motivation was not moral; its motivation was imperialistic.⁴¹

Thus, Copan hasn't come close to doing the work necessary to make the case he wants to make. And in fact, it's a wholly untenable case that once again displays his unawareness of what biblical scholarship is actually saying. He wants to cherry pick bits and pieces of scholarship when he can twist it to support his case, but he seems to be unaware that the bits and pieces he cherry picks are *conclusions* that were arrived at based entirely upon arguments *that undermine* his portrayal. He wants to take a portion of the conclusion (ignoring the part about *how much* later Deuteronomy is than Exodus), and wants to avoid the reality that the conclusion comes from arguments that date the Deuteronomic law code to the seventh century.

But Copan will no doubt argue that, even if this were the case, when the final redaction of these various legal materials took place, the fact that they were put together into one body must be evidence that the redactor didn't see them as contradictory. Copan says that the texts were purposefully united, partially to show

⁴¹ For a good introduction to this dynamic in the Josianic reforms, see Naomi Steinberg, "The Deuteronomic Law Code and the Politics of State Centralization," in *The Bible and Liberation: Political and Social Hermeneutics* (ed. Gottwald and Horsley; rev. ed.; Maryknoll: Orbis, 1993), 365-75.

this change, and that ostensibly, the tension wasn't viewed as contradictory to the editor of this part of the Bible (148).

This displays an unfamiliarity with source and redaction criticism. I'll have more to say about this when I get to Copan's treatment of the Canaanite genocides, but for now suffice it to say that ancient redactors didn't care about contradictions like moderns do. What they cared about was preserving their source material relatively intact. The contradictions in the text weren't a problem for them (and they aren't for me), because unlike modern-day Evangelical inerrantists, ancient Hebrews' use of the text didn't depend upon the notion that the texts were internally consistent. Especially with the legal material, how the texts were used depended upon the official institutions of authority, and in Josiah's period, the Deuteronomic law code was forged in order to institute reforms that centralized political *and* religious power in Jerusalem, dismantling local institutions of authority and worship. Josiah outlawed worshiping Yahweh in one's own backyard, and forced all Judeans to come to Jerusalem to sacrifice. This was a novelty, and they had to forge a law code in order to legitimate it (something that a lot of ancient monarchies did, as the comparative epigraphic evidence shows). But the point is, the fact that Deuteronomy contradicted Exodus didn't matter *because Josiah was the one who determined which laws were supposed to be obeyed in the land*, and he did this, as the book of Kings tells us, at the point of the sword.

What Copan also seems to forget is that the population did not have any access to these texts. These texts were entirely within the domain of the elite ruling classes, and it was *the elite* who determined which portions of the law were to be read in public gatherings. So even though their aesthetic was different than ours, and contradictions didn't bother them so much, the reality is that in the view of the vast majority of the population, the contradictions would remain hidden, because they never had access to the whole thing all at once. It was given to them in pieces, in public readings, as determined by the authorities.

Copan concludes this chapter with another jab at the broader ancient Near East, just for good measure, saying that time and again, we've seen that Israel's laws were better than the laws of

Thom Stark

all of the other ancient Near Eastern societies (148).

I hope by now the reader is able to read these kinds of statements and chuckle.

Canaanite Genocide (1 of 2)

Chapter 15:

Indiscriminate Massacre and Ethnic Cleansing?

The Killing of the Canaanites (I)

We've reached the final subject to be discussed in this review. Over the next two chapters, I will critique Copan's attempts to argue that the Canaanite conquest wasn't as bad as it appears on the surface of the text. Before I begin, however, I want to make it clear that I do not believe the book of Joshua is historical. The conquest narrative is largely fictional, as the archaeological record makes absolutely clear (more on that later). There *is* evidence that some battles of the kind depicted in the text *did* take place, like those at Hazor and Tell Beit-Mirsim (the biblical Kirjath-sepher), though it is not clear from the record that these sites were actually destroyed *by Israelites*. But the evidence also shows that the battles depicted at Jericho, Ai, and numerous other sites did not take place, as those cities were not inhabited at the time of the alleged conquest of Canaan. In fact, many of the cities identified as battle sites in Numbers, Deuteronomy and Joshua *didn't even exist* until centuries after Israel emerged in Canaan. The archaeological record further indicates that the Israelites were not migrants from outside of Canaan, but emerged from within Canaan. This is clear from the material culture, which is Canaanite in character, showing no influence from Egyptian material culture, as would be expected if Israel had indeed been living in Egypt for four hundred years.

I say this at the outset so that the reader is not confused as I proceed to speak *as if* the accounts in Joshua actually took place. For the most part, I will be critiquing Copan's attempts to argue that said events took place *this way rather than that way*. But at key points, the actual archaeological record will become relevant to the discussion, as will an explanation of how the stories in Joshua evolved, and *why* they took the shape that they did.

Copan's arguments are arguments that are being recycled by numerous apologists and conservative Evangelical biblical scholars. However, despite the attractiveness of these apologetic readings of the conquest narratives, what we have here—as Deane

Galbraith wryly observed—is an “emperor’s new clothes” situation. This will become apparent as we review Copan’s chapters on the Canaanite genocides.

Before Copan launches into his argument that the Israelites did *not* commit genocide against the Canaanites, he begins by arguing that the Canaanites deserved to be annihilated. In a section entitled, “Were the Canaanites That Wicked?” Copan answers with an unequivocal “yes.” But there are several problems here.

First, he cites the Bible as evidence (that’s right, the book written by the perpetrators of genocide) that the Canaanites were guilty. But he notes that Gen 15:16 says that at the time of Abraham, the Canaanites weren’t yet morally reprobate enough to be wiped out. So God waited (by putting his people through 400 years of slavery) until the sins of the Canaanites had “reached its limit.” Thus, at the time of Moses, the Canaanites were (conveniently) now sinful enough to obliterate. Also conveniently, nobody else outside of Canaan’s borders were wicked enough to exterminate. It just so happened that the only people in the region wicked enough to annihilate were the people living in the land God had promised to Abraham so long ago. How do we know the peoples outside those borders weren’t wicked enough? Because Israel is given permission to intermarry with them (Deut 21:10-14).

But let’s consider this. At what point are infants and children so wicked that they deserve to be slaughtered? If from birth on, as the conquest mandate implies, then how can it be said that the Canaanites weren’t deserving of annihilation all those centuries ago? If mere children are so reprobate that they must be killed, then there is no sense whatsoever in saying that their parents were or were not wicked enough to be killed. But let’s move on.

Copan thinks it helps us to put the Canaanite genocides in perspective if we realize that God has done this sort of thing before, on numerous occasions. He cites Sodom and Gomorrah, noting that not even ten righteous “people” (the text actually says “men”) could be found in the city, therefore, God utterly destroyed the city and everyone in it. Apparently, the babies and young children weren’t righteous either. They sure got what they deserved! Copan cites the flood as another example: “humans,” he says, had achieved utter moral depravity (158). *In this case*, at

least, God had Noah preach to them for 120 years, but no one would listen, not even all those stubborn, rebellious, evil little babies that God righteously drowned to death for their sins (prefiguring Andrea Yates).

So Copan concludes that with Canaan, on occasion God just throws up his hands, and decides its best just to kill entire nations, cities and obviously planets, when they've managed to get themselves beyond the point of no return. But, Copan claims, this sort of judgment is only a final resort (158). Problem is, this wasn't a final resort for Canaan. According to the Bible, it was God's *first* resort. If we take Gen 15:16 literally (and not as retrofitted propaganda designed to foreshadow the conquest), what it shows is that God never intended to give Canaan a chance. He said they weren't *yet* immoral enough. One would think that that would have been the *ideal* time to send a prophet to them, before their hearts were so hardened that they could no longer repent. One would think God would rather have had the Canaanites *know* him! But where would God find a prophet to go to Canaan and preach to the Canaanites? Where on earth would he find such a person, who was able to hear him, who was willing to pick up and go wherever God told him to go, and do whatever God told him to do? I'm scratching my head on this one. Maybe God could have asked Abraham to go search out a prophet, since Abraham was already in Canaan-- . . . Oh, Abraham! There we go! Yes. "And God sent Abraham to preach to the Canaanites for 120 days, and warn them of the coming judgment." Do you remember where that is in Genesis? Yeah, it's not in there.

The fact is, God sent no one to Canaan to warn them of their coming judgment. Noah preached. Jonah preached. But Moses didn't preach. The only people God *ever sent* into Canaan were not prophets but military spies. God never intended to give Canaan a chance. Never issued them any sort of warning. And why? Because he had promised that land to the descendants of Abraham. So when Copan says the Canaanite conquest was a "last resort," he must have meant to say "only resort."

Fortunately for Israel, the Canaanites happened to be the most reprobate people on the face of the planet. "You will never find a more wretched hive of scum and villainy. We must be cautious,"

sayeth the Lord. Also fortunate for Israel was that *everybody else*, even those just a few miles outside the borders of Canaan, well, they were pretty cool cats. Sure, they had their other gods and all, but for the most part they were all liberals; they didn't really believe in their gods anyway, so it was OK to integrate with them and bring their women into the camp. Nothing to fear from them. They weren't a threat to Israel's religious purity. After all, *they* lived five clicks outside of Israel's borders. Anyway, I've already dealt with this argument on pp. 106-109 of *Human Faces*.

Copan quips that "the Canaanites' moral apples didn't fall far from the tree of their pantheon of immoral gods and goddesses" (159). Of course, what Copan fails to realize is that at this stage in Israel's history, Yahweh was believed to have been a junior member of this very same Canaanite pantheon. In the earliest extant version of Deut 32:8-9 (DSS 4QDeut'), Yahweh is said to be one of several of El Elyon's sons who received an inheritance from their father. Yahweh's inheritance is the land of Israel and its people:

When Elyon divided the nations,
when he separated the sons of Adam,
he established the borders of the nations
according to the number of *the sons of God/the gods*.
Yahweh's portion was his people,
Jacob his allotted *inheritance*.

Now it won't read that way in your NIV, because the NIV uses the Masoretic Text here, which is over a thousand years later than the Deuteronomy scroll from Qumran.⁴²

This idea that the high god divides up the various territories and gives one territory to each of the junior deities in the pantheon as an inheritance is a common mythological motif in the ancient Near East. Compare the opening of the Code of Hammurabi:

When Anu the Sublime, King of the Anunaki, and
Bel, the lord of Heaven and earth, who decreed the

⁴² For a full defense of this reading, see Christopher A. Rollston, "The Rise of Monotheism in Ancient Israel: Biblical and Epigraphic Evidence," *SCJ* 6 (Spring 2003): 95-115. See also the fifth chapter of my book, *The Human Faces of God*.

fate of the land, assigned to Marduk, the overruling son of Ea, God of righteousness, dominion over earthly man, and made him great among the Igigi, they called Babylon by his illustrious name, made it great on earth, and founded an everlasting kingdom in it, whose foundations are laid so solidly as those of heaven and earth.

So it's not surprising to find it here, in one of the earliest compositions in the Bible. (Frank Moore Cross and David Noel Freedman, among others, have argued convincingly that the Song of Moses [Deut 32], the Song of the Sea [Exod 15], and the Song of Deborah [Judg 5], as poetic texts, are some of the earliest compositions in the entire Bible, dating back to the earliest stages of the monarchy, or a little before.) The fact is, Copan seems unaware that Israel's movement toward monotheism was a very slow one. Monotheism didn't even come on the scene as an idea until Jeremiah, and wasn't solidified until the Babylonian exile or later (see again the fifth chapter of my book). At the stage in Israel's history in which the Canaanite conquest supposedly took place, Israel was thoroughly polytheistic, although (like most nations) they owed their worship to their patron deity alone. But Yahweh was seen as one deity among many in the Canaanite pantheon.

Copan says that the Canaanites had it coming because of sexual immorality, adultery, temple sex, homosexuality, bestiality, and child sacrifice. As distasteful as I find bestiality, for instance, I'm still not sure how that warrants child-killing. I'm not sure it even warrants adult-killing. It's gross and exploitative and superstitious and inhuman, but does it really warrant death? Why on earth would it? I can understand the logic behind killing *Israelites* for that sort of thing, given their assumptions. Why? Because *Israelites* had a covenant with Yahweh in which they agreed they wouldn't do such things in exchange for Yahweh's protection. But the Canaanites had no such covenant with Yahweh. Why was Yahweh holding the Canaanites to a code he hadn't given them? Maybe at least a warning first. "If you don't stop screwing bulls I'm going to dash your infants heads against the rocks!" (Sounds reasonable.)

And child sacrifice! Right. Aside from the fact that Israelites performed child sacrifices to Yahweh too, up until the seventh century when it was condemned by Jeremiah and Josiah, let's consider this. In order to punish Canaanites for sacrificing a few of their children (child sacrifice was exceptional *anywhere* it was practiced), Yahweh ordered Israelites to kill *all* of their children. Sounds reasonable.

And Copan mentions that they had lots of ritual sex in their places of worship, because they believed that their ritual sex stimulated Baal to do the nasty with Anath, so that he could pull out at the last second and send his fertile rain on their crops. Sounds like a lot more fun than a rain dance! Anyway, as superstitious as we find this, and as immoral as it may be, *it's just sex*. It's not hurting anybody. I mean, they still had stable families, they still had a strong sense of justice that very much mirrored Israel's own best insights about justice (we know this from reading Canaanite literature; we don't know this from reading the book written by the people who committed genocide against them—go figure). It's just sex. Superstitious sex? Sure. But sex according to their moral code. There's certainly a lot of sex going on in your average U.S. college. And that sex generally doesn't serve any purpose other than sex itself. At least Canaanite ritual sex had a purpose! How would you react if God told you to go slaughter everyone at Oklahoma State University (even the virgins!) because there was too much promiscuity and debauchery going on? Would you do it, no questions asked? Or would you say, "Hey, God, I don't want to imply I think I'm better than you or anything, but don't you think maybe killing everybody is a little much?" To which God would reply, "I'm holy. I can't stand them in my holiness. Kill them all or I'll disown you and find someone else to do it." Fair enough. Message received.

Next, in Copan's tour-de-force argument that the Canaanites deserved to die because their deities were so messed up, Copan gasps at the bloodthirsty brutality of the Canaanite gods. This is one of Copan's biggest mistakes. He quotes Bill Albright's description of one of the battle accounts of the goddess Anath's divine warfare:

The blood was so deep that she waded in it up to her knees—nay, up to her neck. Under her feet were human heads, above her human hands flew like locusts. In her sensuous delight she decorated herself with suspended heads while she attached hands to her girdle. Her joy at the butchery is described in even more sadistic language: “Her liver swelled with laughter, her heart was full of joy, the liver of Anath (was full of) exultation.” Afterwards Anath “was satisfied” and washed her hands in human gore before proceeding to other occupations.⁴³

My oh my! Those Canaanite deities were *so very bloodthirsty!*
Take this Canaanite deity for example:

I will make my arrows drunk with blood,
and my sword shall devour flesh—
with the blood of the slain and the captives,
from the long-haired enemy.

“Who is this that comes from Edom,
from Bozrah in garments stained crimson?
Who is this so splendidly robed,
marching in his great might?”

“It is I, announcing vindication,
mighty to save.”

“Why are your robes red,
your garments
like theirs who tread the wine press?”

“I have trodden the wine press alone,
and from the peoples no one was with me;
I trod them in my anger
and trampled them in my wrath;
their juice spattered on my garments,
and stained all my robes.

For the day of vengeance was in my heart,

⁴³ William F. Albright, *Archaeology and the Religion of Israel* (Johns Hopkins, 1968), 77.

and the year for my redeeming work had come.
I looked, but there was no helper;
I stared, but there was no one to sustain me;
so my own arm brought me victory,
and my wrath sustained me.
I trampled down peoples in my anger,
I crushed them in my wrath,
and I poured out their lifeblood on the earth.”

For Yahweh is enraged against all the nations,
and furious against all their hordes;
he has doomed them,
has given them over for slaughter.
Their slain shall be cast out,
and the stench of their corpses shall rise;
the mountains shall flow with their blood.
All the host of heaven shall rot away,
and the skies roll up like a scroll.
All their host shall wither
like a leaf withering on a vine,
or fruit withering on a fig tree.
When my sword has drunk its fill in the heavens,
lo, it will descend upon Edom,
upon the people I have doomed to judgment.
Yahweh has a sword; it is sated with blood,
it is gorged with fat . . .
Their land shall be soaked with blood,
and their soil made rich with fat.

Accursed is the one who is slack in doing the work
of Yahweh; and accursed is the one who keeps
back the sword from bloodshed.

The righteous will rejoice
when they see vengeance done;
they will bathe their feet in the blood of the wicked.

I will dash them one against another, even the fa-

thers and the sons together, says Yahweh: I will not pity, nor spare, nor have mercy, but destroy them . . . I shall make them eat the flesh of their sons and the flesh of their daughters, and they will eat one another's flesh in the siege.

You are my war-club, my weapon of battle: . . .
with you I smash man and woman;
with you I smash the old man and the boy;
with you I smash the young man and the girl.

And so on. Those Canaanite deities sure were bloodthirsty!

Anyway, Copan says that it's not hard to figure out why God didn't want his people rubbing shoulders with those Canaanites who worshiped those bloodthirsty Canaanite deities instead of the "one true God," who wasn't the slightest bit bloodthirsty (159). Again, Copan mischaracterizes the Israelite cosmology at this stage in Israel's history. They didn't believe, nor do the texts state, that Yahweh was the "one true God." Those claims aren't made until the seventh and sixth centuries BCE, five hundred years later.⁴⁴ At this stage in Israel's history, Yahweh was a tribal deity, not even yet the creator God—and certainly not the one and only Lord of the universe.

Copan goes on to claim that Yahweh wasn't simply bullying the Canaanites and nobody else. On the contrary, Yahweh was making constant threats of non-bloodthirsty violence to numerous nations who had "crossed a certain moral threshold" (160). Frequently? Yes. Consistently? No. Remember that Deuteronomy 21 gives Israel permission to take foreign women as wives, integrating them into Israel. Were these foreigners pure worshipers of Yahweh? No, they worshiped their own tribal deities, and they engaged in practices just like the ones the Canaanites did.

And what is this "certain moral threshold" Copan speaks of? He says that God punished other nations as he did Canaan for crossing this threshold. What texts does he cite in support of this? He cites Amos 1-2. And what are the crimes of the nations against

⁴⁴ See chapter four of *Human Faces of God*. See also Mark S. Smith, *The Origins of Biblical Monotheism*, and Mark S. Smith, *The Early History of God*.

whom God promises judgment? The only crimes listed are standard military battles, and many of them aren't even battles against Israel or Judah. And the battles depicted are certainly no more violent than the battles Israel waged. Standard stuff. Copan only cites one other example of a nation that crossed a "certain moral threshold"—Israel in the time of Jesus! Jesus proclaimed judgment against the temple regime. For what? Serious sins, yes. But child sacrifice? Idol worship? Ritual sex? Bestiality? No, no, no, no. I'm not suggesting the temple regime wasn't corrupt. It was economically exploitative, and that's serious enough. But realize, *it wasn't just the temple regime that suffered in the Roman-Jewish war*. It was the poor of the city, the women, the children, who if they weren't put to death by the sword or by flame, starved to death. *For the sins committed by the ruling elites!* Seems like this "certain moral threshold" is a bit arbitrary. Either that or Copan is just stretching to make the Canaanite conquest seem unremarkable.

He then launches into a homily, reminding us that we in the U.S. are pretty depraved ourselves, and we need to remember that God's judgment doesn't necessarily come in ways we might recognize. I think what he's saying here without saying it is that events like 9/11 or Katrina might well be rightly interpreted as the righteous judgment of God.

He then asks how we are to determine when a culture has reached a "point of no return," morally speaking. In other words, how do we know if a culture is so depraved that it actually deserves to be wiped out? He quotes a "critic" (i.e., bad guy) who asks why Israel gets a special pass on genocide while we roundly condemn the Nazis and the Hutus. Copan's answer, how we determine whether a culture has reached that point of no return—*special revelation*. In other words: Jesus hates them, this I know, for the Bible tells me so. Unfortunately, Copan isn't able to escape the charge of special pleading that the "critic" rightly leveled. If we read Nazi literature, how are the Jews depicted? As deserving of annihilation. If we read Hutu tracts, how are the Tutsis depicted? As deserving of annihilation. I'm sorry, but a book written by the perpetrators of genocide isn't a trustworthy source if we want to understand what the victims of genocide were really like. And

once again, no matter how deserving we—in our most self-serving moments—might say that accountable Canaanite practitioners were, their kids didn't deserve to get their heads bashed in.

(As we'll see, Copan will first try to deny that Canaanite children were killed, then he'll acknowledge that his argument might not be very convincing to many readers, and then he'll argue that it was A-OK to kill infants because they got a free ticket to heaven.)

Copan argues that the Canaanites *should have known better*. I'll point out at this point that this is a tacit admission on Copan's part that God never sent them a prophet to warn them. But Copan says that God chooses to offer self-revelation to human beings through their consciences, through their inherent capacity for reason, through collective human experience, and in creation itself. He says that even if people don't have the Bible, they can still figure out what's right and wrong (161). (Actually, I'd say they might potentially be in a *better* position to figure out what's right and wrong.)

So, the Canaanites shouldn't get a pass, because really, they should have had Paul Copan's moral sensibilities, if they were really honest with themselves. This is one of the most arrogant and ignorant arguments Copan has made heretofore, and I don't say this flippantly.

(1) Different cultures have different moral sensibilities that are rooted in a logic derived from a set of cultural narratives that form and inform their understanding of the world.

(2) "Reason" is context-dependent. The Enlightenment wants us to believe that every human being has this one thing called "reason" that is really the same if everybody's willing to be honest. This is nonsense. What is reasonable to one group of people can make absolutely no sense to another. Take the Evangelical doctrine of inerrancy for instance. For another instance, there is nothing at all reasonable to the modern person about the idea that slaughtering an animal on a stone can atone for sins, bring divine favor, ensure a good harvest, etc. There's nothing "reasonable" about that at all. But to the ancient person, there was nothing *more* reasonable. The examples of this are endless. What's

reasonable in an African tribal culture is absurd in Paul Copan's house, and vice versa. What's reasonable to me is offensive to an Eastern Orthodox Christian (even one who was born and raised in North America), and what's reasonable to an Eastern Orthodox Christian just makes no sense to me. If I wanted it to make sense to me, I would have to become an Eastern Orthodox Christian. "Reason" is not a universal property that has a specific shape (as if in a platonic ideal form) that all humans possess. *There are different kinds of reasonable*, that are rooted in different kinds of world-establishing stories.

So when Copan claims that the Canaanites should have known better than to sacrifice their children, he's not being reasonable; he's being arrogant. *We can still judge them wrong for it*, but we can't claim they didn't have good reasons, given their assumptions! And if Copan is willing to look a little closer at the sacrificial laws, he'll be able to see that *the logic of human sacrifice continues to be operative in Israel*, even if we grant the tenuous claim that its *practice* was outlawed early on. Why? Even if we grant that Yahweh mandated that they substitute animals in lieu of their children when they performed their sacrifice, *that still assumes that they owe their children to Yahweh*. Yahweh still demands their firstborn sons, but tells them to offer an animal in place of the child. Consider it. If Yahweh was opposed to human sacrifice, why not just say, "The firstborn of your sons you shall *not* give to me. For I am not like those other gods, who delights in human sacrifice." No, Exodus 22 says, "The firstborn of your sons you *shall* give to me." (If this isn't talking about sacrifice, but just general service, then why stipulate *firstborn* sons? Why not say, "You shall give *all of your children* to me"?) And only much later in Exodus, from a later tradition, does it say that they are to substitute an animal in place of their sons. But again, *it still maintains that their sons are owed to Yahweh as a sacrifice*. The logic is there. It was reasonable to them. But not to us.

(3) Copan says God reveals himself to us through "creation." This again is arrogant. What did Paul mean when he said that God is revealed in creation? He meant what any ancient person saw when they witnessed natural phenomena—that its clear when we see lightning and hear thunder, when we witness the rain fall, that

God is acting. “He makes the sun to rise, he sends the rain on the just and the unjust alike.” But that’s what the Canaanites believed. And Ba’al and Yahweh were so similar, many Israelites worshiped them as the same deity. Both were gods of storms and battle, controlling the weather. Today, Bill O’Reilly asks, petulantly, “How did the moon get there?” His answer is “God put it there.” (Actually it was formed when a developing planet crashed into the earth and its debris rebounded off the earth, 4.5 billion years ago.) What’s “reasonable” to Bill O’Reilly and Paul (“God put it there”) isn’t very reasonable to scientists. Some groups look at creation and see spirits behind every form of life, and recognize each of those spirits as different life giving spirits that are to be venerated for their support of what we would call the eco-system. To them that’s what “creation” reveals. Are they reprobate? No, they just have different interpretations of phenomena that are open to endless interpretations, as far as the human imagination can stretch.

Canaanites didn’t sacrifice their children because they were reprobate; they sacrificed their children because they wanted to show their deities how devoted to them they were, so that their deities would provide abundantly *for the rest of their children*. Child sacrifice was considered the greatest sacrifice that could be made (see again Micah 6:6-8) precisely because it was so hard for the parent to do. *They loved their children*, and if they didn’t, then it wouldn’t be much of a sacrifice. So maybe their theology was false, but their practices were *ethical* within the framework of their theologies. The more we try to understand *how* others think and *why* they think the way they do, the more difficult it becomes to make easy and arrogant claims like the claims Copan has made. Is child sacrifice evil? Yes. Were they evil for doing it? Not necessarily, and usually not. These were good people who were doing what they thought they had to do to survive in a world where everything they needed came from gods who wanted sacrifice. *Child sacrifice* was a way to *sustain life*, according to their way of thinking. As hard as that is for us to understand, they obviously believed that with all their hearts. If anything was evidence of devotion to a deity, it’s child sacrifice.

So when Copan claims that the Canaanites deserved what they got because they should have known better, he’s clarifying noth-

ing except his own cultural arrogance. And the claim that those who don't have the Bible should still be able to figure out what's moral and what's not ignores the fact that the Scriptures regularly obstruct our access to what is moral. Copan himself concedes that the laws of Moses are morally inferior. I just don't get it.

Next, Copan argues that the Canaanite conquest wasn't about ethnic cleansing because God regularly told Israel to love the aliens and strangers among them. The problem with this is that God did *not* tell Israel to love the *Canaanites* among them. God told Israel to *utterly destroy* the Canaanites among them, and the justification for doing so was that *all of the Canaanites* were morally reprobate beyond repair. He seems to conflate "ethnic cleansing" and "genocide" with "racism." But race and ethnicity are not synonyms. He thinks it's significant that Israel didn't see themselves like the Nazis saw the Aryan race. Remember, the Hutus and the Tutsis were both black (race), both Rwandan (nationality), but they were different ethnicities (a group defined by common cultural traditions, language, or heritage). But they each believed (at various stages) that the other tribe was entirely evil, demonic, reprobate. The Hutus didn't believe that about other groups outside their vicinity. They believed it about the Tutsis who were *in their midst*—the devil within. And that's what's going on here in the conquest narratives. It's the devil within that is wholly wicked, but those outside Israel's borders were generally acceptable. It was an irrational ethnicism in Rwanda, and it's an irrational ethnicism in the biblical narratives.

Then Copan has the moxie to claim that Israel's mandate to love the alien and to give the alien the same treatment as one would a fellow Israelite (Lev 19:33-34) is something that is extraordinary and exceptional in the ancient Near Eastern world (163). This is of course fallacious. The entire ancient world was marked by an ethic in which hospitality to strangers and aliens was considered one of the chief goods, and inhospitality to strangers was considered one of the worst evils. This ethic is pretty much ubiquitous. A common boast people made was that they were more hospitable to sojourners than their enemies were.

Copan's concluding argument in this chapter seeks to characterize Israel's warfare as "cosmic warfare" and as "divine war-

fare.” First Copan tries to portray the war between Yahweh and the nations as a war between the forces of good and evil, light and dark. He maintains that idol worship was not innocuous. The Old Testament connects idol worship to demons, the “cosmic enemies” of God: the goat demons of Lev 17:7, the strange gods of Deut 32:16-21, the demons and idols of Ps 106:37-38 and Isa 65:3, LXX (166).

Copan doesn't seem to be aware, at all, that a dualistic cosmology between “good and evil” wasn't a feature of Israel's theology until the post-exilic period, particularly with the rise of apocalypticism in the second century BCE. The idea that Satan was an enemy of God who rebelled against God didn't come about until this period. Before that, Satan is portrayed in the Hebrew Bible as an agent of Yahweh, who dwells among the divine council in Yahweh's service. Satan in fact wasn't a name, but an office. His job was to accuse the people of God in order to make sure that they were righteous. This is seen in Job 1-2 and in Zechariah 3. The serpent in the garden did not come to be seen as “the devil” until the intertestamental period. In ancient mythology, the serpent was a regular fixture in stories about the pursuit of immortality. Just as the serpent in Genesis is responsible for Adam and Eve's loss of the tree which gave them eternal life, so too in the Epic of Gilgamesh, it is a serpent that steals from Gilgamesh the plant that gives immortality. The serpent was the perfect symbol for this, because a snakebite was lethal. Fanciful tales about Satan's rebellion in heaven didn't appear until the rise of Jewish apocalypticism.

Moreover, Copan is unaware that the word translated here as “demon” did not at all refer to a dark cosmic force in the pre-exilic periods. I'll quote at length from the entry on demons from the *Dictionary of Deities and Demons in the Bible*:

Not until post-exilic times in intertestamental literature, with the rise of dualism and the concept of the Devil, did the word [demon] begin to display the meaning 'evil demon in league with the Devil' and take on an entirely negative connotation. . . . Christian writers use it almost exclusively in this

later sense. . . . Again after the Exile and the rise of dualism it came to be used for 'Satanic demons,' especially among Jewish and Christian writers and in non-Christian magical texts. . . .

The word and concept 'demon' underwent fundamental change in antiquity caused by the rise of dualism in the essentially monistic cultures of the Near East. These monistic cultures viewed the universe as a unified system in which each member, divine and human, had its proper domain and function above, upon, or below the earth. There was (as yet) no arch-enemy Devil, nor a rival camp of Satanic demons tempting and deceiving humans into sin and blasphemy, eventually to be cast into eternal hell at the final end of the present age. Humans also had their function in this diverse but unified system: to serve the gods and obey their dictates, their Law, for which they received their rewards while alive. After death all humans descended into the underworld from which there was no return; there was no Last Judgment, and no hope of resurrection.

Every occurrence in the world of the ancients had a spiritual as well as physical cause, determined by the gods. To enforce divine Law, to regulate the balance of blessing and curse in the human realm, and to ensure human mortality, the gods employed, among other means, the *daimones*. . . . Just as *eudaimonia* meant 'prosperity, good fortune, happiness,' and depended on the activity of a benevolent spirit [demon], so *kakodaimonia*, 'ill fortune,' was caused by some dark but legitimate power. The latter were the spirits of calamity and death who performed the will of the greater gods. In 1 Sam 16:14, for example, an Evil Spirit from Yahweh torments Saul; in 1 Kgs 22:19-23 Yahweh sends a lying spirit of false prophecy to Ahab; in Exod 12:23, to kill the firstborn of Egypt, Yahweh

sends the Destroyer, an agent of Yahweh mentioned again in 1 Cor 10:10 and perhaps as Abaddon / Apollyon in Rev 8:11. . . . The Mesopotamian story of Atrahasis shows that the demon Pashittu, a baby snatcher, was created by the gods to keep down human population. . . . Sirach 39:28-29 speaks of spirits created by Yahweh for vengeance: fire, hail, famine, and pestilence. Such spirits were often the offspring of the greater gods themselves.

These spirits occupied the dangerous places: the desert, the lonely wastes, the deserted by-ways. . . . The scapegoat was sent [by the Israelites] to Azazel, a desert demon, on the day of Atonement (Lev 16:8-28). . . .

During the intertestamental period and the rise of Jewish literature in Greek, the terms *daimon* and *daimonion* began to assume among Jews the negative connotation of 'demon in league with the Devil.' The inspiration for this shift in meaning was the encounter during the Exile and later with Zoroastrian dualism. This cosmology postulated two warring spiritual camps controlled by their leaders, the Zoroastrian God and Devil, and commanded by archangels and archdemons and their descending ranks of lesser spirits. They fought over the loyalty of humans, loyalty expressed in righteous or unrighteous behavior and eventuating in eternal life or fiery destruction. The old gods of the nations and their servant divinities, the lesser spirits of nature and cosmos, were 'demonized,' demoted to the class of wicked spirits, tempting humans to sin and enticing them from the true faith by the false doctrines of other religions. Eventually, however, there would be an End, a victory by God, a savior to bring the opposing powers to destruction, a Last Judgment, and a New Age. Circles within Judaism used this framework to revalue older myths and produced after the Exile the dualistic strains of Ju-

daism visible in post-exilic and intertestamental literature and in Christianity.

As the gods of the nations were demonized, so 'demon' in the dualistic sense is found in the Septuagint (LXX) [an intertestamental translation of the Hebrew Bible] as a designation of pagan deities and spirits: in LXX Ps 95:5 the national deities of other peoples, said to be idols (*'elilim*) in Hebrew, become "demons" ("All the gods of the nations are demons"); in LXX Deut 32:17, the foreign divinities whom Israel worshipped, properly described in the Hebrew text as *sedim* (tutelary spirits), are again called "demons" ("They sacrificed to demons and not to God").⁴⁵

In short, prior to the intertestamental period, the Hebrews maintained a monistic cosmology, a cosmology in which all divinities, spirits, humans, animals, etc., had their proper domain. As Deut 32:8-9 says, "Yahweh's portion was his people, Jacob his allotted inheritance." Yahweh had dominion over the land of Canaan/Israel, but not necessarily over other territories, as is reflected in 2 Kgs 3:4-27, where Yahweh is defeated by the Moabite god Kemosh in Kemosh's territory.

So when Copan claims that the Canaanite conquest reflects a battle between Yahweh and the forces of light versus the demonic forces of darkness (166), we see that his portrait is thoroughly anachronistic. The language of "light versus dark" finds its home in apocalyptic dualism, not in this monistic cosmology. Yahweh orders the destruction of the Canaanite cultic apparatus not because it is "demonic" or "satanic," but because the land is his domain, not the domain of other gods. *This* is why Israel was not commanded to institute a policy of genocide against foreign nations—because Yahweh had his allotted territory, and Israel was only to prevent that limited domain from the infection of foreign gods. In the monistic cosmology, everything had its place. Of course (as I show in my book), as Israel evolved into a monarchy with imperial aspirations, Yahweh kept getting promotions in

⁴⁵ "Demon" in *Dictionary of Deities and Demons in the Bible*, 235-240.

their theologies until eventually he became the head of the pantheon. This mirrored Israel's vision of achieving hegemony over the other nations, being the central location in which all the nations of the earth would come to pay homage to their god (see Zechariah 14, for instance).

Copan claims that Yahweh's wars were not merely battles between rival deities; rather, they were a much bigger conflict between two distinct "world orders," "one rooted in reality and justice, the other in reality-denial and brute power; one representing creational order, the other anticreation" (166). This claim is remarkably naïve. Not only does it continue anachronistically to posit a dualistic cosmology, it also anachronistically posits Yahweh as the creator god, but Yahweh was not identified as creator god until much later in Israel's theology. Moreover, the claim that Israel represented "reality and justice" in contrast to the other nations, which represented "reality-denial and brute power" is just hard to make heads or tails of. All ancient theologies were rooted in a common conception of justice. To claim otherwise is nothing but wishful thinking; this is hardly good historical description of the sources. Copan wants to pretend he's doing historical description. But this here just blurs the lines between confessionism and a fair representation of the source materials. If by "reality-denial" Copan means to refer to the idea that the gods of other nations didn't really exist, then Copan again is trading in anachronisms. The existence of other gods isn't denied until the seventh century with Jeremiah, and then in the sixth with Deutero-Isaiah, but even in those cases, it is polemical and hyperbolic. Jeremiah still believed other gods existed; he just gave them a heavy demotion and engaged in (what I think is *intentional*) caricature of foreign religions.

Copan claims that Yahweh didn't engage in warfare just for the sake of violence, or even for the sake of being victorious, but rather to institute a system of justice and peace (166). But this is the case with all divine warfare in the ancient world. Copan writes as if this claim is unique to Israel. But it isn't, not by a long-shot.

Copan claims that Israelite warfare divulged Yahweh's supreme dominance over the so-called gods of the other nations

(166), but this is once again inaccurate. The idea that Yahweh ruled over the other gods doesn't appear until the monarchical period. In this earlier period, Yahweh is depicted as an up-and-coming, *young* tribal deity, who is looking to make a name for himself among the nations. In Israel's theology, Yahweh began as a young warrior deity, and only becomes the "ancient of days" in Daniel, in the second century BCE.⁴⁶

In his conclusion, Copan makes a few points in summary. First, he claims that soldiers who fought in a war for Yahweh were unpaid and could not take plunder, unlike soldiers in other ancient Near Eastern cultures (167). This is an interesting claim. Let's see what Yahweh has to say about it:

You shall do to Ai and its king as you did to Jericho and its king; *only its spoil and its livestock you may take as booty for yourselves*. Set an ambush against the city, behind it.' (Josh 8:2)

All the spoil of these towns, and the livestock, the Israelites took for their booty; but all the people they struck down with the edge of the sword, until they had destroyed them, and they did not leave any who breathed. (Josh 11:14)

When you draw near to a town to fight against it, offer it terms of peace. If it accepts your terms of peace and surrenders to you, then all the people in it shall serve you in forced labor. If it does not submit to you peacefully, but makes war against you, then you shall besiege it; and when Yahweh your God gives it into your hand, you shall put all its males to the sword. *You may, however, take as your booty the women, the children, livestock, and everything else in the town, all its spoil. You may enjoy the spoil of your enemies, which Yahweh your God has given you.* (Deut 20:10-14)

⁴⁶ See Jason A. Bemby, *YHWH's Coming of Age* (Eisenbrauns, 2011).

So unlike the soldiers in other ancient Near Eastern nations, Israelites weren't allowed to take plunder, except almost every time! The truth is, in only a very few battles is Israel forbidden from taking plunder, and the reason for that has nothing to do with economics or trusting in Yahweh, but because those battles were sacrificial in nature, *herem* battles, and the plunder was considered cursed (see Joshua 7). And as for the claim that other ancient Near Eastern groups took plunder, well, it's clear that in the *herem* battles of King Mesha, plunder was also forbidden, and for the same reason—such battles were sacrificial in nature. But *herem* warfare was rare, in Moab *and* in Israel.

Copan's next point is that only a divine revelation, given by a prophet, could authorize a war—not even high priests, kings, or tribal leaders held that power (167). Of course, this was the case with all ancient Near Eastern societies. They all had prophets which they consulted before going into battle, in order to be sure that their deity would be fighting for them in that instance. Here's another attempt by Copan to paint Israel's practices as special; in order to do this Copan trades on the unfamiliarity of his audience with the broader ancient Near Eastern customs.

Copan's final point is that Israel's victories in battle, given their inferior numbers and equipment, proved that Yahweh sided with them and fought for them, as seen in 2 Chronicles 20 (167). And here is a case of blatant dishonesty. In the previous instance, perhaps Copan is unaware that all ancient Near Eastern nations consulted prophets before going into battle. But in this case, he can't claim ignorance. He presents this, again, as if it makes Israel special. But Copan knows that this is a standard feature of ancient Near Eastern warfare.

I discuss this in my sixth chapter in *Human Faces*, and I cite the evidence marshaled by Rowlett there, in my critique of Millard Lind's attempt to portray Yahweh wars as something unique and special about Israel. I'll quote directly from my book:

Sa-Moon Kang analyzes battle accounts from Mesopotamia, Anatolia, Syro-Palestine, and Egypt and concludes that the motif of divine intervention in battle was a “universalistic idea that appeared

whenever a new empire was established. In this sense the political-military entity was the expression of divine rulership." Ancient tribes, such as Israel, regularly sent worshipers out in front of the army as a representation of the divine presence. "The visible symbols of divine participation in battle were the divine standards or statues" (e.g., the Ark of the Covenant), and according to Kang, these objects were used "in the vanguard motif in the context of a cultic procession to ensure that divine participation in battle was not ephemeral."

Lori Rowlett compares the rhetoric in Joshua to Assyrian war literature. When Joshua is wildly outnumbered, Yahweh orders him not to fear, because victory is assured (e.g., Josh 10:8). Joshua is not to trust in numbers, as the enemy does, but in the strength of his deity. The same polemic can be seen in the Assyrian literature: "I fought with them with (the support of) the mighty forces of Ashur, which Ashur, my lord, has given to me. . . . At that time Hadadezer [of] Damascus, Irhulina from Hamath, as well as the kings of Hatti and (of) the seashore *put their trust in their mutual strength* and rose against me to fight a decisive battle. Upon the (oracle) command of Ashur, the great lord, my lord, I fought with them (and) inflicted a defeat upon them" (*ANET*, 279). Summarizing the Assyrian literature, Rowlett writes that the emphasis is "on trust in the deity's promise of divine assistance rather than superior numbers or strength. The divine promise, given through an oracle, is linked in these examples with the successful slaughter and humiliation of the enemy through divine help. . . . This is juxtaposed to their opponents' reliance on numerical strength through military alliances."

Kang summarizes the standard ancient Near Eastern war ideology: "The victory is attributed to the divine warrior and the spoils also return to

god(s). For the victory is ultimately divine victory. From beginning to end the divine war begins with god and ends with god."⁴⁷

Copan has read Rowlett. Copan has also apparently read Lawson Younger's monograph, *Ancient Conquest Accounts*. At least, I assume he's read it because he quotes from it later. And Younger too makes this point very clearly on pp. 259-60. So when Copan argues that in Israel's warfare, Yahweh's intention was to reveal his own power, and not to offer a presentation of merely human power (167), we know that what Copan is doing is engaging in special pleading to make Israel look superior to the other nations, despite the fact that he knows this isn't the case. They all used this propagandistic rhetoric.

In this chapter we have examined Copan's attempts to frame Israel's genocides as (1) morally justified and (2) morally distinct from the wars of other ancient Near Eastern groups. We've seen that Copan has failed. In the next, and final, chapter, we'll examine Copan's attempts to argue that the genocides weren't all that bad. Then we'll look briefly at his attempts to justify the genocides again, when he concedes that his argument may not have been very persuasive to his readers. Stay tuned. The day is dawning. Our salvation is nearer now than when we first began.

⁴⁷ Stark, *The Human Faces of God*, 131-32.

Canaanite Genocide (2 of 2)

Chapter 16:

Indiscriminate Massacre and Ethnic Cleansing?

The Killing of the Canaanites (II)

Now, before we proceed to examine Copan's argument that the Canaanite conquest should not be understood as "genocide" and "ethnic cleansing," we need to make something perfectly clear. Copan will argue that, although the text says every last Canaanite was killed, that's not what it really means. He'll further argue that other factors indicate that Israel's task was not so much to kill every last surviving Canaanite, but rather to drive them out of their land, not to destroy each and every individual, but rather to destroy them *as a people*. What Copan (and other apologists who take up this argument) seem to imagine is that, in order for it to count as genocide, the goal has to be to kill off the entire people group. All this shows, of course, is they're just operating under a faulty, popular definition of genocide—a definition that anyone who has taken basic college coursework in International Law knows is fallacious (or anyone who has Google, for that matter). So let's make this perfectly clear by examining the international legal definition of genocide found in Articles II and III of the 1948 Convention on the Prevention and Punishment of Genocide. Please take the time to read the following summarizing excerpt carefully:

Article II describes two elements of the crime of genocide:

1) the *mental element*, meaning the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such," and

2) the *physical element* which includes five acts described in sections a, b, c, d and e. A crime must include *both elements* to be called "genocide."

Article III described five punishable forms of the

crime of genocide: genocide; conspiracy, incitement, attempt and complicity.

Excerpt from the *Convention on the Prevention and Punishment of Genocide*

Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III: The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

It is a crime to plan or incite genocide, even before killing starts, and to aid or abet genocide: Criminal acts include conspiracy, direct and public incitement, attempts to commit genocide, and complicity in genocide.

Punishable Acts: The following are genocidal acts

when committed as part of a policy to destroy a group's existence:

Killing members of the group includes direct killing and actions causing death.

Causing serious bodily or mental harm includes inflicting trauma on members of the group through widespread torture, rape, sexual violence, forced or coerced use of drugs, and mutilation.

Deliberately inflicting conditions of life calculated to destroy a group includes the deliberate deprivation of resources needed for the group's physical survival, such as clean water, food, clothing, shelter or medical services. Deprivation of the means to sustain life can be imposed through confiscation of harvests, blockade of foodstuffs, detention in camps, *forcible relocation or expulsion into deserts*.

Prevention of births includes involuntary sterilization, forced abortion, prohibition of marriage, and long-term separation of men and women intended to prevent procreation.

Forcible transfer of children may be imposed by direct force or by fear of violence, duress, detention, psychological oppression or other methods of coercion. The Convention on the Rights of the Child defines children as persons under the age of 18 years.

Genocidal acts need not kill or cause the death of members of a group. Causing serious bodily or mental harm, prevention of births and transfer of children are acts of genocide when committed as part of a policy to destroy a group's existence.

The law protects four groups - national, ethnical, racial or religious groups.

A national group means a set of individuals whose identity is defined by a common country of nationality or national origin.

An ethnical group is a set of individuals whose identity is defined by common cultural traditions, language or heritage.

A racial group means a set of individuals whose identity is defined by physical characteristics.

A religious group is a set of individuals whose identity is defined by common religious creeds, beliefs, doctrines, practices, or rituals.

Key Terms

The crime of genocide has two elements: intent and action. "Intentional" means purposeful. Intent can be proven directly from statements or orders. But more often, it must be inferred from a systematic pattern of coordinated acts.

Intent is different from motive. Whatever may be the motive for the crime (land expropriation, national security, territorial integrity, etc.), if the perpetrators commit acts intended to destroy a group, even part of a group, it is genocide.

The phrase "in whole or in part" is important. *Perpetrators need not intend to destroy the entire group. Destruction of only part of a group (such as its educated members, or members living in one region) is also genocide.* Most authorities require intent to destroy a substantial number of group

members – mass murder. But an individual criminal may be guilty of genocide even if he kills only one person, so long as he knew he was participating in a larger plan to destroy the group.

Now that we have a proper definition of genocide on the table, we'll be able to see very clearly that according to the legal definition of genocide, *genocide is precisely what Paul Copan argues the Israelites perpetrated against the Canaanites.*

Copan begins by pointing out that, whether or not we find it agreeable ourselves, war is a reality in this sinful world. Moreover, warfare was part of ordinary existence in the ancient Near East, and was just a matter of surviving (169). This is a common apologetic tactic; it seeks to replace moral judgment with historical description. *That* warfare was a way of life in the ancient world does *not* excuse us from the responsibility of making moral judgments about ancient warfare. The idea that the world is “fallen” is no excuse for genocide. If Yahweh wanted to lead Israel toward a higher ethic, he sure had a strange way of going about it. Moreover, the fact that warfare was regularly a matter of surviving is just a red herring here. Israel's conquest of Canaan was *not* a battle for survival. It was an aggressive invasion of foreign land with the sole purpose of seizing territory from its longstanding inhabitants. Yes, Israel engaged in some defensive wars. But a “conquest” by definition is not a defensive war. It's, well, a conquest.

Copan then proceeds to rehash the standard apologetic contention that because the conquest of Canaan was a “limited event” in Israel's history—i.e., because they didn't go around trying to conquer other territories—then that somehow minimizes the problematic nature of the Canaanite genocides. This is a bad argument, for two reasons, both of which we've already pointed out. First, the reason the conquest was limited is because Canaan was believed to be Yahweh's territory—his domain. All ancient Near Eastern gods had their own domain, everything in a monistic cosmology in its proper place. Second, it's actually not true. As we pointed out with our earlier discussion of the war between Israel and its allies and King Mesha's Moab, Israel had seized control of

multiple Moabite territories and had occupied them for generations; in 2 Kings 3, Israel set out, *with Yahweh's approval*, to defend its occupation of those territories. Moreover, when Yahweh promised the Israelite, Judean and Edomite coalition victory over the Moabites, Yahweh promised them a *further conquest* of Moabite territories: "This is only a trifle in the sight of Yahweh, for he will also hand Moab over to you. You shall conquer every fortified city and every choice city; every good tree you shall fell, all springs of water you shall stop up, and every good piece of land you shall ruin with stones." (2 Kgs 3:18-19).

But *even if* it were true that the conquest of Canaan was a one-time deal, so what! Genocide doesn't get any more moral just because it only happens once. The Hutu genocide against the Tutsis was *also* a one-time deal. Does that mean they get a pass? It doesn't matter how large or how small the scale; it doesn't matter if they killed a million children or ten children—it's still evil. We don't let murderers off the hook because they didn't kill as many people as Ted Bundy. But I suppose it's true of Christian apologists what Eric Qualen said in the cinematic masterpiece *Cliffhanger*: "Kill a few people, they call you a murderer. Kill a million and you're a conqueror."

Next Copan claims that the Canaanite genocides would not have been morally justified if God had not given them an express command to commit genocide. For Copan, this means that Yahweh must have had "morally sufficient reasons," trumpeting one of Bill Craig's phrases of choice (169). I've already critiqued this incoherent argument on pp. 134-138 of *Human Faces of God*, but this idea that Yahweh had "morally sufficient reasons" for ordering the wholesale slaughter of the Canaanites is one that is incessantly touted by apologists, but never actually defended. What are these "morally sufficient reasons" for child-killing? I guess it's a profound divine mystery, because no apologist has ever come up with one. What they do is claim Yahweh *must* have had "morally sufficient reasons," but then when it comes time to discussing the children, they abandon that contention and just state that it was all right to kill innocent children because that gave them a free pass to heaven (as Copan will do in the next chapter). I agree wholeheartedly with Evangelical apologist Bill Craig when he

writes, "If we Christians can't find a good answer to the question before us and are, moreover, persuaded that such a command is inconsistent with God's nature, then we'll have to give up biblical inerrancy."⁴⁸ To claim that God could command something *as morally good* that is otherwise always immoral is to endorse moral relativism, as I show Bill Craig believes on pp. 134-138 of my book, because God can't command something that is contrary to God's nature (at least according to Bill Craig's understanding of God).

The Conquest That Wasn't

Copan says that Bible scholars and archaeologists are still undergoing the quest to figure out that precise relationship that Israel had with the Canaanites, and that what they have found so far is less simplistic than the conventional "Sunday school version" of the Canaanite conquest (169).

This is a funny way to put the matter. If by the conventional "Sunday school version" Copan means "the biblical account" of the conquest, then yes, he is absolutely correct. What archaeologists have found is that the emergence of the Israelites in Canaan does not match up to the biblical account at all. I wouldn't say that the historical reality is less simplistic, so much as utterly different.

There have been four primary models proffered to explain Israelite origins in Canaan: (1) the conquest model; (2) the immigration model; (3) the peasant revolt model; and (4) the gradual emergence model.⁴⁹

The conquest model is essentially what is depicted in the Bible. The Israelites came *en masse* by the hundreds of thousands from *outside* of Canaan, and seized the territory by force of arms. The archaeological record does *not* support this model one iota. Moreover, the Canaanite city-states were clients to Egypt; if they were being invaded by a ragtag army, Egypt could and would have easily swooped in and put an end to it, in service of their

⁴⁸ Craig, "Slaughter of the Canaanites," *Reasonable Faith*, para. 16, <http://www.reasonablefaith.org/site/News2?page=NewsArticle&id=5767>

⁴⁹ For an accessible discussion of these various models and identification of the problems with the first three models, see John J. Collins, *Introduction to the Hebrew Bible*, 186-191.

own interests.

The immigration model suggests that the Israelites migrated peacefully into Canaan from outside, over a long period of time. But the material culture in the earliest Israelite cities and villages contradicts this model. There is no evidence of an outside material culture. Archaeologist William Dever explains:

it must be stressed that there is no evidence whatsoever in the material culture that would indicate that these Iron I villagers originated outside Palestine, not even in Transjordan, much less in Egypt or the Sinai. There is nothing in the material remains to suggest that these are 'pastoral nomads settling down'—on the contrary, they appear to be skilled and well-adapted peasant farmers, long familiar with local conditions in Canaan.⁵⁰

The peasant revolt model hypothesizes that the Israelites emerged as peasant Canaanites who engaged in violent resistance against the oppressive Canaanite kings. This model was championed by Norman Gottwald, but was influenced by Gottwald's socialist commitments.

The majority of archaeologists and biblical scholars today accept the fourth model: gradual emergence. This model suggests that over time, groups of Canaanites who came to worship the Canaanite deity Yahweh distinguished themselves from non-Yahwistic Canaanites and developed a distinctive identity as "Israelites." It is also accepted that perhaps a small number of Semitic slaves escaped from slavery in Egypt and integrated with these Yahwistic Canaanites, which would account for the Exodus tradition. But the Exodus tradition as it exists in the Bible is wholly unsupported by the archaeological record.⁵¹ The band of escaped slaves would have had to have been small enough that their presence did not affect Israelite material culture, since there is no evi-

⁵⁰ William G. Dever, *Anchor Bible Dictionary* 3:549-50.

⁵¹ See Amihai Mazar, "The Patriarchs, Exodus, and Conquest Narratives in Light of Archaeology," in *The Quest for the Historical Israel* (ed. Finkelstein, Mazar, and Schmidt; SBL, 2007), 59-61; also William G. Dever, *Who Were the Early Israelites and Where Did they Come From?* (Eerdmans, 2003), 7-21.

dence whatsoever, as noted, for a foreign material culture in early Israel. The gradual emergence model accords most satisfactorily with the archaeological record.

The archaeological record also contradicts many of the battle accounts in Joshua, and several key battles in the Transjordan found in Numbers and Deuteronomy. The city of Jericho had long been uninhabited by the time of the alleged conquest. Moreover, there is no destruction level at Jericho in either of the proposed dates for the conquest. That is to say, Jericho was destroyed in 1550 BCE (confirmed again recently by radiocarbon-dating), well over a hundred years before the conservative dating of the conquest, and three hundred years before the consensus dating. There is no evidence that it was occupied again until Iron II.⁵² In short, *there were no walls to come a-tumblin' down* in either of the proposed conquest periods.

Now, conservatives like Richard Hess want to argue that, though there is no evidence for an occupation of Jericho in the appropriate period, it's possible that the lack of evidence can be explained by erosion.⁵³ But this is not an acceptable argument. After all, *very strong evidence* of occupation from the sixteenth century remains, having survived over 200 years of erosion between the sixteenth and fourteenth centuries, as even conservative Evangelical scholar Kenneth Kitchen acknowledges.⁵⁴ It is entirely implausible that there would be absolutely *no evidence* of an occupation left due to erosion. This is essentially a positive argument from silence. Biblical scholar Michael Coogan rightly rejects this appeal to erosion as a feeble attempt to salvage the historicity of the biblical account:

Here the interpretation of the archaeological record has been misleading. No evidence for it has been found, but it is often asserted, from what I can

⁵² See Michael David Coogan, "Archaeology and Biblical Studies: The Book of Joshua," in *The Hebrew Bible and Its Interpreters* (ed. Propp, Halpern and Freedman; Eisenbrauns, 1990), 22

⁵³ Richard S. Hess, "The Jericho and Ai of the Book of Joshua," in *Critical Issues in Early Israelite History* (Eisenbrauns, 2008), 37, following Amihai Mazar, *Archaeology of the Land of the Bible* (Doubleday, 1990), 331.

⁵⁴ Kenneth Kitchen, *On the Reliability of the Old Testament*, 187.

only characterize as *parti pris* [bias], that the city that was there has been eroded. There is not a shred, or a sherd, of evidence for subsequent Late Bronze Age settlement. H. J. Franken, a member of the excavation team, speaks of “a complete lack of stray pottery from this particular period on all the surface and immediate surroundings of the tell.” The argument from silence, then, is untenable, but despite its weakness it still has adherents, who desperately try to construct in the void the walls of Joshua 6, much as Victor Hugo created the reaction of Jericho’s inhabitants to the march of the Hebrews around their town in his “*Sonnez, sonnez toujours*.”⁵⁵

The account of the battle of Ai is similarly problematic. Joseph Callaway, a conservative Evangelical archaeologist went to the Ai dig site et-Tell in the 1960s in the hopes of confirming the biblical account, against the earlier findings of Judith Marquet-Krause. What he found, instead, was that the archaeological record unequivocally contradicts the biblical picture. He found an Iron I city, with no fortifications, and directly beneath it an Early Bronze settlement. In other words, the city of Ai was uninhabited from 2400 BCE to between 1200 and 1000 BCE (a period of twelve to fourteen hundred years). And again, there were no fortifications. This should not be surprising, since the word Ai means “ruin.” The site’s modern name, *et-Tell*, also means “the ruin.” The fact that the city is known by no other name in the Bible than “ruin” suggests that that’s how it was first known to the Israelites before they built their city upon it in Iron I (the period of the Judges). Scholars have concluded that the story of Ai in Joshua is an etiological narrative (a narrative created to explain why something is the way it is). So the “ruin” that was Ai came to be explained in folk tradition by reference to a Joshua-conquest legend.

There are numerous other examples where the stories in Numbers, Deuteronomy and Joshua of Israel’s migration through

⁵⁵ Michael D. Coogan, “Archaeology and Biblical Studies: The Book of Joshua,” in *The Hebrew Bible and Its Interpreters* (Eisenbrauns, 1990), 21.

the desert into the Transjordan and then into the Promised Land are anachronistic. For instance, in Num 20:14-21 the text states that the Israelites are refused passage by the “king of Edom,” but Edom did not achieve statehood until the *seventh century* BCE, about 600 years after the events depicted in Numbers! There was no king of Edom to deny them access.

Num 21:1-3 narrates that Israel destroyed all the cities in the region of Arad, including the city of Arad. But Arad wasn’t founded until the tenth century BCE, more than 300 years after the time of the conquest. Israel apparently attacked a city that wasn’t there.

The account in Numbers 21 and Deuteronomy 2 of Israel’s destruction of the Amorite city of Heshbon is also anachronistic. Heshbon didn’t exist until the Iron II period, at the earliest 250 years later than the purported events of the conquest.

The account in Num 21:30 of Israel’s siege of the Moabite city of Dibon tells the same story. Dibon was a minor city in the ninth century BCE, 400 years after the alleged conquest. There were no Late Bronze Age residues there. (And this site was excavated by a group of conservative Southern Baptists who were hoping to prove the Bible accurate. They were forced to concede otherwise.)

The account of the Gibeonites in Joshua 9 is also anachronistic. Another devout Christian, James Pritchard, excavated there and found nothing but residues from the eighth century BCE (500 years after the conquest). Gibeon did not exist at the time of the conquest. The story of the Gibeonites was another etiological narrative which served to justify the fact that the Gibeonites were slaves in Judah at the time these narratives were written.

That’s just the tip of the iceberg. What all this shows is that the conquest narratives were written by someone with a geographical perspective from about the seventh century BCE. The geography described in these accounts didn’t exist until much later than the time the conquest supposedly took place.⁵⁶ Renowned archaeologist Amihai Mazar describes this situation thus:

⁵⁶ On all of this see pp. 141-44 of *The Human Faces of God*, and the literature cited therein.

I imagine the historical perspective in the Hebrew Bible as a telescope looking back in time: the farther in time we go back, the more dim the picture becomes. Considering that the supposed telescope stood somewhere in the late-eighth or seventh centuries BCE, it gives us a more accurate picture when we look at the ninth century than when we view the tenth century and so forth.⁵⁷

Now we're able to evaluate the kinds of claims Copan makes, claims he makes without ever engaging the actual archaeological record. He characterizes the situation as follows: internal struggle is at play here. Israel did not successfully avoid idolatry or distinguish itself from neighboring "pagan" [*sic*] civilizations. The Bible's report that Canaanites continually lived alongside Israel suggests something more than a military campaign occurred (169). What Copan is doing is twisting the archaeological evidence to fit his own portrait. The fact that the material culture of Israel was thoroughly Canaanite does *not* indicate that they failed to rid the land of Canaanite cultic apparatus. (The material culture involves a great deal more than just cultic wares, e.g., houses, agricultural tools, pots, bowls, etc.) It means that they emerged *out of* Canaan. And the fact that the Canaanites continued to live in the land does *not* suggest that something *more* than a military campaign occurred, but rather that something *less* or *other* than a military campaign took place, as the archaeological record indicates.

"I Was Being Rhetorical." — Yahweh

Copan is one of a number of apologists who have seized upon the exaggerated rhetoric of some ancient Near Eastern warfare literature in order to argue that the picture of total annihilation painted in the book of Joshua should not be read literally, but hyperbolically. Copan argues that in light of the reality of exaggerated warfare rhetoric, we should be comforted that the Canaanite con-

⁵⁷ Amihai Mazar, "On Archaeology, Bible History, and Biblical Archaeology," in *The Quest for the Historical Israel* (ed. Finkelstein, Mazar, and Schmidt; SBL, 2007), 30.

quest wasn't as extensive and not near as bloody as people commonly think (or rather, as the Bible claims) (170).

Here we see implicit Copan's assumption that in order for it to count as genocide, it must be total. But the issue isn't really whether the conquest was total, whether every last man, woman and child was killed. The issue is whether the text depicts the killing of women and children, and other noncombatants, or not. Are *some* killed for being Canaanite, or not? It makes no difference whether it's one million noncombatants, or one hundred, or one dozen. Does the text say that Yahweh ordered the slaughter of women and children; does the text say that the Israelites did in fact carry out such slaughters?

The first thing I'll point out is Copan's naïve assumptions about the authorship of the book of Joshua. He says that, as with his contemporaries, "Joshua" used a particular idiom from a standard warfare rhetoric. He says that "Joshua" utilized the macho rhetoric of his period, prone to exaggeration, claiming that *all* the land was conquered, that *every* king was defeated, and that *every* last Canaanite was destroyed. Copan then says that even "Joshua," however, recognized that this wasn't literally the case (170).

Throughout, Copan continues to write as if Joshua himself wrote the book of Joshua (in the third person apparently). This already indicates how far removed from biblical scholarship Paul Copan is. Talk about a "Sunday-school" reading of Joshua! No serious biblical scholar would identify Joshua as the author of the book of Joshua, not even Evangelical scholar Lawson Younger, whom the apologists frequently use in their favor. Younger, unlike Copan (it seems), is aware that the book of Joshua had multiple authors and was composed over a matter of centuries. Moreover, Israelites didn't even *have* writing in Joshua's day! Writing didn't develop in Israel until the eleventh century BCE at the earliest, about two hundred years after the period of the purported conquest of Canaan.

A second aspect of Copan's argument displays equally well his naïve assumptions about the composition of the book of Joshua. Note that he says that "Joshua" asserted that *all* the Canaanites were destroyed. Here Copan is referring to the claims made in

chapters 10 and 11 of Joshua. But he goes on to say that “Joshua himself” admitted that these descriptions weren’t literal. What he’s referring to in this instance is the fact that, beginning from chapter 13, many of the cities and peoples in Canaan said to be utterly destroyed in chapters 10 and 11 are still very much alive and kicking after Joshua died. This is where Copan’s identification of Joshua as the author becomes especially problematic, because as biblical scholars are all well aware, Joshua 1-12 were composed primarily by one author (the Deuteronomistic Historian), and Joshua 13-22 were composed primarily by another author (the Priestly Writer). Chapter 23 was again composed primarily by the Deuteronomistic Historian, and chapter 24, the final chapter in the book, represents a more generic summary (i.e., the specific author here is difficult to identify). Evangelical scholars, like Douglas Earl,⁵⁸ readily acknowledge this reality. Copan seems either to be unaware of this, or doesn’t want to trouble his readers with such complexities.

Now Copan notes that, like Joshua 13ff, the initial chapters of Judges also contradict the portrait of a total conquest painted in Joshua 10-11. And Copan notes that biblical scholars concur that Judges and Joshua are within the same literary corpus (170). This is over-simplistic, as I’ll discuss in a moment. But first here’s the point Copan wishes to make from this fact: If Joshua himself wrote all of Joshua, both the parts that depict a total conquest before Joshua’s death, *and* the parts that depict an incremental, unfinished conquest even after Joshua’s death, *and* if Judges is within the same literary corpus as the book of Joshua, then it’s clear that the portrait of total conquest in chapters 10-11 can’t be taken literally, otherwise Joshua would be contradicting himself. We can’t have that! Thus, because they are contradictory, the portrait of total conquest must be interpreted hyperbolically, while the portrait of incomplete conquest may be taken literally.

Here’s the problem. As noted, the book of Joshua is composite. It contains different sources, composed by different authors and shaped by different editors, over a matter of centuries. And the same goes for the book of Judges. Source and redaction critics

⁵⁸ An Evangelical Hebrew Bible scholar whose book I review in detail here: <http://religionatthemargins.com/2010/11/the-joshua-delusion/>

would not take Copan's argument seriously, not for a second, because they understand that ancient redactors did not abide by modern standards of narrative consistency. Apologists will often make the uninformed claim that if a redactor put two contradictory sources together, either the redactor was really stupid, or the redactor wasn't affirming both sources in a literal sense. But this is an utterly false dichotomy.

This calls for an extended digression on source and redaction criticism:

What source critics understand is that (1) ancient redactors weren't as bothered by these sorts of contradictions as we moderns are, and (2) for the most part their M.O. was to faithfully preserve their source material, allowing contradictions to stand. (They hadn't heard about the doctrine of inerrancy yet.) So a few *tiqqune sopherim* (pious scribal alterations of the text) notwithstanding, scribes were interested in preserving their source material intact.

Redactors compiled source materials *not* as a modern would, in order to weave a seamless, consistent narrative, but rather to bring together various traditions into one body. Their reasons for doing this were often political. As one people with one set of traditions came together with another people with another set of traditions, redactors would combine the traditions so that the new unity of the two peoples is reflected in the new unity of their various traditions. This political motivation is seen especially in the combination of traditions from the Yahwist and the Elohist, reflecting the period after the fall of the Northern Kingdom when many Israelites migrated south to live among their Judean kinsmen.

This is abundantly clear all over the Hebrew Bible, perhaps nowhere more so than in the flood narrative. The flood narrative preserves two separate accounts of the flood, spliced together in a loose chronological order, each of which reflects a very different account of the flood. They are contradictory, but they stand together in one composite narrative, contradictions intact.

Now look at the two flood traditions from the Yahwist and the Priestly Writer. Take a few minutes to read the composite, final form of the flood narrative first ([download here](#)), and then take a

few additional minutes to read the two sources as source critics have teased them out, side-by-side ([download here](#)). Come back when you're done.

Now, as is clear from the reading, both sources present virtually complete flood accounts in their own right, but with numerous contradictions from one to the other. If the redactor of these two traditions thought the texts weren't contradictory, then he really must have been stupid! But source critics don't think the redactor was stupid. The redactor's purpose was not to combine the sources into a coherent, internally consistent narrative, but rather to combine the narratives in a way that allows them to maintain their distinctiveness while at the same time uniting them. Redactors *cared* about their source material, not because they thought it was "inerrant," but because the source material reflected the traditions of the peoples. When the post-exilic redactor compiled these two flood narratives, he was doing so on behalf of two traditions both of which continued to be represented by the inhabitants of a post-exilic Judea.

Does this mean that redactors were merely archivists? Were they just like librarians who collected different traditions merely in order to preserve them? No, it does not. As stated, often times redactors combined traditions in order to unite different peoples into one body. They didn't care about the contradictions; it was the traditions that mattered.

But that's just one reason redactors combined traditions. *Other times*, they would take a tradition that was well-known yet subversive to establishment orthodoxy and add elements to it in order to conform it to the official position. This is clearly the case in Job, with the later addition of the voice of Elihu. This is clearly the case in Ecclesiastes, with the addition of the editorial conclusion, vv. 9-14 of the last chapter. Those verses essentially and fundamentally contradict everything the Teacher had been saying. The Teacher had been saying that because there is no afterlife, there is no meaning in this life other than to enjoy it as best one can. But the editorial conclusion, added later, subverts this and says that because there will be a final judgment in an afterlife, then the meaning of life is to fear God and keep God's commandments. In this case, the editor *intentionally* contradicts the Teach-

er, even though he tries to disguise his fundamental disagreement with the Teacher by saying that “the Teacher sought to find pleasing words, and he wrote the words of truth plainly” (12:10). But the editor goes on in the final two verses to contradict the Teacher’s teaching: “The end of the matter; all has been heard. Fear God, and keep his commandments; for that is the whole duty of everyone. For God will bring every deed into judgment, including every secret thing, whether good or evil” (12:13-14). This is in direct conflict with the “words of truth” that the Teacher had spoken:

Everything that confronts them is vanity, since the same fate comes to all, to the righteous and the wicked, to the good and the evil, to the clean and the unclean, to those who sacrifice and those who do not sacrifice. As are the good, so are the sinners; those who swear are like those who shun an oath. This is an evil in all that happens under the sun, that the same fate comes to everyone. Moreover, the hearts of all are full of evil; madness is in their hearts while they live, and after that they go to the dead. But whoever is joined with all the living has hope, for a living dog is better than a dead lion. The living know that they will die, but the dead know nothing; they have no more reward, and even the memory of them is lost. Their love and their hate and their envy have already perished; never again will they have any share in all that happens under the sun.

Go, eat your bread with enjoyment, and drink your wine with a merry heart; for God has long ago approved what you do. Let your garments always be white; do not let oil be lacking on your head. Enjoy life with the wife whom you love, all the days of your vain life that are given you under the sun, because that is your portion in life and in your toil at which you toil under the sun. Whatever your hand finds to do, do with your might; for there is no

work or thought or knowledge or wisdom in the grave, to which you are going. (Eccl 9:2-10)

Ecclesiastes was so controversial that into the first century CE, rabbis were still debating whether it should be regarded as scripture. But the perspective of the Teacher reflects a time when *no Israelite* believed in any sort of afterlife except an ephemeral, shadowy existence in the underworld, *to which everyone went, both good and bad*, and from which there was no return. Nonbelief in an afterlife was the traditional position, which was preserved in Jesus' day in the Sadducees, who denied a resurrection. They were the conservatives, and those who believed in the resurrection of the dead were the young liberals. It wasn't until the second century BCE that belief in the afterlife arose in Israel.⁵⁹ So the editorial conclusion to Ecclesiastes was added *after* belief in an afterlife and a final judgment arose, and it was added to bring a well-known yet dissenting text into conformity with the current orthodoxy.

The point here is that the editor knew he was contradicting Qohelet ("The Teacher"). So why not just throw the book out? Two reasons, at least: (1) Ecclesiastes was too well-known just to dispense with it. (2) Much better to *rein it in*, to bring it into conformity with the established position, by adding a different conclusion. That way, it could no longer function as a *dissenting* text. It had been co-opted by the elites to bring it into conformity with their own theology. This is a very common phenomenon. The ancients did it all the time, and it happens a lot in the Hebrew Bible. For instance, the book of Amos was so anti-monarchical that an editor had to add a happy ending for the Davidic pedigree, in order to bring it into conformity.

And we do this today. Martin Luther King Jr. was a notorious gadfly. He is remembered today solely for his role in the civil rights movement, but, especially in his later years, King was a vocal opponent of the Vietnam War, and spoke out often and dynamically against free-market capitalism. He said that the U.S. needs to

⁵⁹ See N. T. Wright, *The Resurrection of the Son of God*, 85-128.

honestly face the fact that the movement must address itself to the question of restructuring the whole of American society. There are forty million poor people here. And one day we must ask the question, "Why are there forty million poor people in America?" And when you begin to ask that question, you are raising questions about the economic system, about a broader distribution of wealth. When you ask that question, you begin to question the capitalist economy. And I'm simply saying that more and more, we've got to begin to ask questions about the whole society. We are called upon to help the discouraged beggars in life's marketplace. But one day we must come to see that an edifice which produces beggars needs restructuring. It means that questions must be raised. You see, my friends, when you deal with this, you begin to ask the question, "Who owns the oil?" You begin to ask the question, "Who owns the iron ore?" You begin to ask the question, "Why is it that people have to pay water bills in a world that is two-thirds water?" These are questions that must be asked.⁶⁰

King went on to call for a synthesis of capitalism and communism that involved nothing less than a total overhaul of the U.S. economic system.

This is the King we *don't* remember on Martin Luther King Day every year. And *that is the purpose* of Martin Luther King Day. King, whatever else he was, was an enemy to the power structures in the United States. The genius of declaring a national holiday in King's honor is that the elites get to claim King as one of their own; they get to control, to a large degree, *how* we remember him. He was a dissenter from the establishment orthodoxy, but the establishment could hardly shut him out of the collective memory, and far less could they vilify him. So what they did was

⁶⁰ Martin Luther King Jr., "Where Do We Go From Here?" in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King Jr.* (ed. James M. Washington; HarperCollins, 1991), 250.

to call him “son” and thereby acquire the means to control *how* the public remembers him.

This is what we see going on in several texts in the Hebrew Bible, texts like Ecclesiastes, Job and Amos. They were part of the collective consciousness, yet they dissented from establishment orthodoxy. They couldn’t be silenced, and they couldn’t be vilified. So instead they were coopted as “sacred” and cleverly reshaped in order to conform to establishment orthodoxy, so that *how* they were read could be to a large degree controlled by the elite.

So whereas in some cases, as with the flood narratives, the contradictions were unimportant to the redactor, in other cases, the contradictions were *intentional*. They sought to *silence* dissenting, minority voices, precisely by letting them speak, but under the banner of the establishment, and with a few important tweaks. They *changed* the tone of voice. Whenever we read the Hebrew Bible, we *must* remember that the literature was entirely within the domain of the elites. Only a small minority of the population was literate, and those were the elites. The vast majority of the population could neither read nor write, so apart from their oral traditions, folk and campfire tales (think Deborah; think Lot’s daughters seducing him and giving birth to two of Israel’s biggest enemies—the Moabites and the Ammonites), the population depended upon the elite to read to them from the official literature, and the elite were able to choose what was read, when it was read, how it was read, and *what wasn’t read*. Just because *we* have it in the fourteen different Bibles on our bookshelf in the living room doesn’t mean that was the case for the average Israelite and Judean. Writing was the domain of the elites, and it is easy for us to forget that and just assume that the average Israelite had it all laid out right in front of her at her ready disposal. So that’s another reason why contradictions weren’t such a big deal to redactors.

There are clear contradictions all over the Hebrew Bible, but that in itself isn’t a big deal, except for inerrantists who anachronistically project their own standards of truth back onto an ancient Near *Eastern* context (emphasis on the eastern, as opposed to the western).

A good, solid example of this lack of concern for contradictions is found in the Deuteronomistic history, particularly the

book of Samuel. In chapters 16 and 17 of 1 Samuel, we have two different, and contradictory, stories about how David first met Saul. One of them (the one in chapter 16) was part of the original composition of the book, while the other one (the one in chapter 17) was a later addition. The original story of David's entrance into Saul's court has Saul being tormented by an evil spirit from Yahweh (remember: monistic cosmology), so Saul asks his servants to find him a musician to soothe him. In comes David, the harpist. And Saul grows to love David, and sends a dispatch to Jesse, David's father, asking Jesse if David can remain in his service. But in the next chapter, the story of David and Goliath, Saul has no idea who David is. He personally puts his own armor on David and speaks with him, then David goes out to fight Goliath. After David defeats him, Saul has to ask his servant who the boy was, and who his father was! This is supposedly after Saul had grown to love David, his harpist.

What we have here are two separate accounts of how David first met Saul. The second one (the David and Goliath story) was a later addition. We know this is the later addition because later in the book of Samuel (2 Sam 21:19), *Elhanan*, not David, is identified as the warrior who killed Goliath. In the original Samuel composition, the story of David and Goliath wasn't in there. Elhanan, one of David's mighty men, was the slayer of Goliath. (And it's still in there!) But over time, as the years went by, the legend developed and David ended up getting the credit for Elhanan's deed.

Thus, the story of David and Goliath was spliced in by an editor, who obviously cared nothing about the fact that it was contradicting both 1 Samuel 16 and 2 Samuel 21. Was this editor just stupid? No. He wasn't stupid. He just didn't have modern inerrantists' sensibilities, and it's arrogant of inerrantists to insist that ancient redactors must have seen their traditions the way we moderns want to see them. What was important to the redactor was that the story of David and Goliath got into the book, so that it could become "official." What wasn't important was that it contradicted other parts of the book. Two traditions preserved. The people would've just been happy to have their oral legend represented in the book, and it certainly would have served the pur-

poses of the Davidic dynasty as well.

Now the Chronicler (author of Chronicles), who was working from the same original royal records that had Elhanan killing Goliath, would much later make a few tiny alterations to the Hebrew letters in order to make it so that, instead of killing Goliath, Elhanan killed Goliath's brother, Lahmi. But "Lahmi" is not a Philistine name, it's a Semitic word. All of the Philistine giants had non-Semitic, Philistine names. The Chronicler just broke up the word "Bethlehemite" (Elhanan's father was from Bethlehem) and turned it into a phony name, Lahmi. The Chronicler wrote about five hundred years after the original royal records recorded the account of Elhanan and Goliath, and probably about three hundred years or so after the story of David and Goliath was inserted. What the Chronicler did here is what textual critics call a *tiqqune sopherim*, a pious alteration of the text in order to make it conform to accepted tradition.⁶¹ End of digression.

So when Copan and other apologists attempt to argue that a contradiction between Joshua 10-11 and Joshua 13ff should count as evidence that one isn't meant literally, they're just displaying they don't have any understanding of how and why contradictory sources were often combined in the Hebrew Bible. A redactor wasn't stupid when he combined two contradictory sources. He either did it intentionally in order to subvert one source, or he just didn't care. *But there is a reason* that the conquest is depicted as total in the Deuteronomistic portion of Joshua (i.e., specifically, chapters 10-12), and we'll get to that shortly, after we examine Copan's argument that the language of total conquest should be read hyperbolically—as a standard rhetorical exaggeration common to most ancient Near Eastern warfare literature.

Copan says that when Joshua 10-11 claims to have killed all of the Canaanites, Joshua may be accused of lying or of error, but this, Copan insists, is not the case. Rather, "Joshua" was using language people of his day would have understood to be exaggeration. He was not trying to be deceptive, he was simply blustering that he had stomped his enemy. Joshua says "There were no Ana-

⁶¹ For a full discussion of the David and Goliath problem, that responds to apologists' attempts to defend its historicity, see chapter seven of *The Human Faces of God*.

kim left in the land” (Josh. 11:22), but that they were “utterly destroyed” (11:21). According to Copan, the “very same Joshua” denies that this is literally true. Caleb, in fact, later had to free the hill country from the remaining Anakites (14:12-15; 15:13-19). “Joshua” was not trying to deceive, says Copan, but was using standard hyperbolic language. He later could say, without contradicting himself, that the nations remained among Israel (170).

Two quick points here. First, note that Copan continues to write as if Joshua himself actually wrote the whole book of Joshua. It certainly is convenient for his argument to claim that one man, Joshua himself, wrote both contradictory accounts. If they were written by two (or more) different authors (as biblical scholars conclude), then that would explain the contradictions. But if one man wrote both accounts, then he’d either have to be dumb or really forgetful, or he didn’t mean them both literally. That’s why Copan wants to allow his readers naïvely to think that Joshua wrote the book of Joshua.

But there’s another really problematic point to be made here about this assumption. As noted, the Hebrews didn’t have writing until about two hundred years after the time of Joshua, at the earliest. And think about it. Copan claims that Joshua 9-12 is written using standard literary devices from ancient Near Eastern warfare literature (172). Sure, but here’s the real question: *how on earth would Joshua, who was only a young man in the wilderness period (Num 11:28), and who was most assuredly illiterate, have access to or any knowledge of ancient Near Eastern warfare literature?* This is absurd. So to posit Joshua as the author, and then to claim that he was just using the language of a standard literary genre, is just incredibly naïve.⁶²

Second, Copan keeps insisting that “Joshua” wasn’t being deceptive when “he” painted a portrait of total annihilation. How does Copan know this? How does Copan pretend to know that the author of this portion of Joshua didn’t intend for the rhetoric to be believed? The only thing Copan can do here is conflate the two

⁶² On the origin of writing and the nature of literacy in ancient Israel, see the seminal monograph by my former professor, Christopher A. Rollston, *Writing and Literacy in the World of Ancient Israel: Epigraphic Evidence from the Iron Age* (Society of Biblical Literature, 2010).

sources in Joshua and claim that the contradictions should direct us to read the picture of total annihilation as hyperbole. But Copan can't know that the author wasn't being deceptive, or that the author wasn't intentionally painting a portrait of total annihilation to serve an ideological agenda. And here Copan's scholarly source, Lawson Younger, is very instructive. Younger *rightly* identifies the motivation for such a portrait:

The historical narrative in which Joshua 9-12 is cast utilizes a common transmission code observable in numerous ancient Near Eastern conquest accounts, employing the same ideology. [T]he ideology which lies behind the text of Joshua is one like that underlying other ancient Near Eastern conquest accounts—namely, imperialistic.⁶³

Younger writes that under this imperialistic ideology, “victory must be described in black and white terms since there is only a ‘them’ vs. ‘us’ relationship.”⁶⁴ Regarding the ideology underlying the ancient Near Eastern warfare texts, Younger says that it is about the “‘establishment’ of the particular culture, i.e., in the elite power structures of the culture,” and he concludes that this is what's going on in Joshua 9-12 as well.⁶⁵

Copan wants to read the exaggerated rhetoric as innocuous, just a way of talking that didn't have any particular agenda behind it, like saying, “Man, the stadium was full!” when in reality there were still two hundred scattered empty seats in the stadium. But this ignores the class and political dynamics of this kind of discourse. Remember that in the ancient world, it was the elite ruling classes who controlled the literature, and it was only they who had reading and writing capabilities. Exaggerated warfare rhetoric needs to be understood as an expression of imperial power, and it emphatically *cannot* be taken for granted that the populace understood this rhetoric to be hyperbolic. It was propaganda! When a king had his servants record his battles, they were

⁶³ K. Lawson Younger, *Ancient Conquest Accounts*, 255.

⁶⁴ *Ibid.*, 234.

⁶⁵ *Ibid.*, 235.

trumped up *precisely to inspire fear and obedience* in his subjects and in his enemies. And sometimes, kings even had outright *lies* recorded as history, in order to save face. (Copan denies that such exaggeration constitutes “falsehoods,” at least in Joshua. But I’d like to know Copan’s definition of a “falsehood.” If the exaggeration were that Joshua killed 20,000 noncombatants, when in fact he only killed 19,768, fine. That’s not a falsehood. But if the exaggeration involves claiming that he killed every last Canaanite in the land, when in fact the Canaanites continued to live in the land for hundreds of years and were still strong enough to keep on engaging Israel in battle, then that constitutes a falsehood.) Thus, when Copan says that the average ancient Near Eastern “reader” was clued in to this sort of thing, and that they would have easily identified this sort of language as hyperbolic, and concluded that the accounts weren’t meant to be literally true (171), he’s only displaying his naïveté about these class dynamics. The population, first of all, weren’t “readers”—they were *hearers*. The texts were read to them by the elite, and the texts were designed to glorify the king, and to inspire fear and obedience within the king’s subjects and his enemies. And this is the case with the rhetoric in Joshua 1-12.

As I discuss more fully in my review of Douglas Earl’s book,⁶⁶ Joshua is intentionally depicted in this composition as the ideal, fully obedient leader, and the Deuteronomistic Historian, who was writing in service of King Josiah, took great pains to portray Joshua as a type of Josiah. Josiah’s radical political and religious reforms were controversial and violent. Josiah was centralizing Israelite cultic practice in Jerusalem, outlawing the worship of Yahweh at local, rural altars, a reform which disrupted local economies and brought increased revenue to the capital. This further radically destabilized longstanding structures of local religious and political authority. Thus, Joshua is portrayed in this composition as the perfect leader, who was fully obedient to Yahweh’s command to obliterate the Canaanites, as a parallel to

⁶⁶ Under the heading, “Why Earl’s Argument Fails,” see Thom Stark, “The Joshua Delusion, *Religion at the Margins*, <http://religionatthemargins.com/2010/11/the-joshua-delusion/>

Josiah, to undergird Josiah's "cleansing" of the land.⁶⁷ Just as Joshua purges the land of the scourge of heretical worship, Josiah now purges the land of the high places of worship, outlawed under the new policy. Just as Joshua shows no mercy to those who contaminate the land with their outlaw religion, Josiah shows no mercy. As archaeologist and biblical scholar Israel Finkelstein says,

the towering figure of Joshua is used to paint a metaphorical portrait of Josiah, the seventh-century would-be savior of all the people of Israel. Josiah is the new Joshua, and the past, mythical Conquest of Canaan is the battle plan for the present fight and the conquest to be. The first two battles—at Jericho and Ai (that is, the area of Bethel)—were pitched in territories that were the first targets of the Josianic expansion after the withdrawal of Assyria.⁶⁸

As the ideal leader after the model of Joshua, Josiah was to be seen as a ruthless and merciless enemy to those who commit infractions against the new law. But in that way, Josiah is to be seen as the ideal king who does the will of Yahweh completely. So too biblical scholar John J. Collins:

Josiah's reform was, among other things, an assertion of national identity. Judah was emerging from the shadow of Assyria, and laying claim to sovereignty over the ancient territory of Israel. The assertion of identity entails differentiation from others, especially from those who are close but different. The ferocity of Deuteronomic rhetoric toward the Canaanites may be due in part to the fact that Israelites were Canaanites to begin with. Moreover, Josiah promoted a purist view of Yahwism that tol-

⁶⁷ See Richard D. Nelson, "Josiah in the Book of Joshua," *JBL* 100/4 (1981): 531-540.

⁶⁸ Israel Finkelstein, "Patriarchs, Exodus, Conquest: Fact or Fiction?" in *The Quest for the Historical Israel*, 54.

erated the worship of no other deities. The Canaanites were perceived as a threat to the purity of Israelite religion.⁶⁹

Thus it is said of Joshua:

As Yahweh had commanded his servant Moses, so Moses commanded Joshua, and so Joshua did; he left nothing undone of all that Yahweh had commanded Moses. (Josh 11:15)

Similarly, it is said of Josiah:

Before him there was no king like him, who turned to Yahweh with all his heart, with all his soul, and with all his might, according to all the law of Moses; nor did any like him arise after him. (2 Kgs 23:25)

In fact, it is *only* with respect to Joshua and Josiah that the Deuteronomistic Historian *ever* uses the phrase “not to turn aside to the right or to the left” from the law of Moses (cf. Josh 1:7; 23:6; 2 Kgs 22:2).

Thus, Younger is exactly right to identify Joshua 9-12 as reflecting a standard imperialistic ideology, and the point of such rhetoric is precisely to inspire fear and obedience in those subjects who hear it read to them by the royal officials. If the reader just heard such rhetoric as an innocuous exaggeration, then the rhetoric would not have had the effect it was intended to have.

Yet this is how Copan wants us to read it. Copan argues that in the same way that we say a baseball team “blew away” the other team, or “killed” them or “decimated” them, this author/editor, according to Copan, used rhetoric common to his day (171).

I’m confused. Did an author/editor write Joshua, or did Joshua write Joshua? Copan seems to be unsure himself. Anyway, what this argument displays is that Copan doesn’t understand the difference between a metaphor and an exaggeration. In a game of

⁶⁹ John J. Collins, *Introduction to the Hebrew Bible*, 194.

baseball, if one team beats the other by a wide margin of points, they “annihilated them.” That’s a metaphor. It means the game wasn’t even close. But that’s not exaggeration, and that’s not warfare. It *doesn’t* mean that one team murdered all of their opponents by beating them to death with baseball bats.

On the other hand, when an ancient Near Eastern king says that he “utterly destroyed” his enemies, that may or may not be an exaggeration. (Sometimes armies actually *did* leave no survivors.) But the exaggeration doesn’t mean they didn’t kill a lot of people. If “we left no survivors” is an exaggeration, then it’s an exaggeration. But what this exaggeration implies is that *they did actually kill a lot of noncombatants*. So perhaps a few, or even a few hundred, were able to escape. But those who didn’t escape were killed. The moral problem of genocide isn’t removed by saying that only four hundred of three thousand were actually slaughtered (remember the legal definition of genocide: “in whole or in part”). And the fact that the real figures are *exaggerated* only makes the text *more* morally problematic, because it’s idealizing total annihilation. I’ll talk about this some more in a little bit.

Now let’s examine the ancient Near Eastern texts that Copan cites to establish that exaggeration was a common feature of ancient Near Eastern warfare rhetoric. I’ll note that he pulls these texts from Kenneth Kitchen’s *On the Reliability of the Old Testament*, Lori Rowlett’s *Joshua and the Rhetoric of Violence* (whose arguments about the ideological significance of Joshua’s warfare rhetoric he totally ignores), and Lawson Younger’s *Ancient Conquest Accounts*. The following are the texts Copan cites, as summarized by Copan, interspersed with my own commentary.

Late fifteenth century BCE Egyptian Tuthmosis III claimed that Mitanni’s army was defeated within an hour, completely annihilated, made like those now non-existent. However, Mitanni’s army is known to have fought in the fifteenth and fourteenth centuries BCE (171). Now here’s what the text actually says:

The great army of Mitanni,
it is overthrown in the twinkling of an eye.
It has perished completely,
as though they never existed.

Like the ashes of a fire.

All this says is that the army they fought that day was utterly destroyed. It doesn't mean Mitanni didn't have other forces to draw on. Next text:

Mursilli [*sic*], the Hittite king, who reigned from 1322-1295 BCE, purported to have made Asharpaya “empty (of humanity)” and the Tarikarimu mountains “empty (of humanity)” (171). Now Younger identifies this as hyperbole, but again, the hyperbolic nature *should not be read* as indicating that Mursili did not engage in the slaughter of noncombatants. Younger later quotes another portion of this text:

Thus when I had conquered all the land of Arzawa
... And I conquered all the land of Arawanna ... I
conquered all the land of Tipiya.

Here Younger acknowledges that King Mursili II *did* in fact take possession of the land he declares he conquered, but Younger wants to characterize the use of the word “all” here either as hyperbole or as a synecdoche. He opts for hyperbole, but there is no reason this must be the case. If Mursili did in fact take possession of these lands, as Younger concedes, then that's all that “all” means—the whole land became subject to his dominion. Copan's next text:

A Bulletin of Rameses II describes Egypt's not-too-grandiose victories in Syria (ca. 1274 BCE). In them he states that he destroyed the entire forces of the Hittites, all of their chiefs, caring not for the “millions of foreigners” which he “regarded as chaff” (171). Let's be clear what this text is actually saying. Here's the actual text:

All his ground was ablaze with fire; he burned all the countries with his blast. His eyes were savage as he beheld them; his power flared up like fire against them. He took no note of the millions of foreigners; he regarded them as chaff. Then his majesty charged into the force of the Foe from

Hatti together with the many countries that were with them. His majesty was like Seth, great-of-strength, like Sakhmet in the moment of her rage. His majesty slew the entire force of the wretched Foe from Hatti, together with his great chiefs and all his brothers, as well as all the chiefs of all the countries that had come with him, their infantry and their chariotry falling on their faces one upon the other. His majesty slaughtered and slew them in their places; they sprawled before his horses; and his majesty was alone, none other with him.

My majesty caused the forces of the foes from Hatti to fall on their faces, one upon the other, as crocodiles fall, into the water of the Orontes. I was after them like a griffin; I defeated all the foreign countries, I alone. For my infantry and my chariotry had deserted me; not one of them stood looking back. As I live, as Re loved me, as my father Atum favors me, everything that my majesty has spoken I did it in truth, in the presence of my infantry and my chariotry.

So let's be clear on what this text is saying. It's saying that he defeated the armies that came representing the various countries; it is not saying that he then went and conquered all of those countries and took possession of them and killed all the noncombatants. The fact that he "took no note of the millions of foreigners" and "regarded them as chaff" is what Copan wants to highlight. "Millions" is a trumped up number, but it just means "lots." *But the text doesn't say that he killed them all, each and every one.* What it actually says is that he didn't care about their lives. "Regarded them as chaff" means he set their towns ablaze and let people burn to death (this is implied), but it doesn't say they all died.

Moreover, it is a miraculous account. Supposedly, the king's own army abandoned him and he took on all the enemies himself, and won! Is it exaggerated? Yes, of course! But is it true, as Copan claims (without evidence) that the common people hearing this

account would have just understood its literary genre as hyperbole and interpreted it as such? No. That's not at all the text's intent. It's a miraculous account of a god-like king. The intent is for it to be believed. That's why the king insists, on oath(!), "As I live, as Re loves me, as my father Atum favors me, everything that my majesty has spoken I did it in truth." He swears that it's true, exactly as he recounts it! That hardly comports with Copan's claim that these texts were just writing in a genre and that everybody was supposed to understand that it didn't really happen that way. On the contrary! This is political propaganda designed to incite the king's subjects to fear and worship him. And the same is true of Joshua. It is political propaganda which is designed to portray Joshua/Josiah as the ideal leader. Next text:

Merneptah, son of Rameses II, in the Merneptah Stele (1230 BCE), announced the destruction and complete waste of Israel, which Copan says is clearly a premature statement (171).

What's interesting about Copan's use of this text is that Younger identifies "Israel" here as a synecdoche.⁷⁰ A synecdoche is when a whole is used to refer to a part, or when a part is used to refer to a whole. In this case, it's the latter. So "Israel" here does not refer to the entire nation of Israel, but to whichever faction of Israelites happened to be engaged in battle with Merneptah on that day. A look at the whole excerpt will make this clearer: What is being recounted are *military* victories against nations under Egypt's dominion. When the reference to Israel is taken out of context, it appears he is saying he utterly wiped out the whole nation of Israel. But look at the whole passage:

The princes are prostrate saying: "Shalom!"
Not one of the Nine Bows lifts his head:
Tjehenu is vanquished, Khatti at peace,
Canaan is captive with all woe.
Ashkelon is conquered, Gezer seized,
Yanoam made nonexistent;
Israel is wasted, bare of seed,
Khor is become a widow for Egypt.
All who roamed have been subdued.

⁷⁰ Younger, *Ancient Conquest Accounts*, 249.

By the King of Upper and Lower Egypt,
Son of Re, Merneptah, Content with Maat,
Given life like Re every day.

The “princes” in the opening line refer to military commanders. The passage is using different language in each clause to describe military victories and the subjugation of rebellious territories under Egypt’s dominion. Is it claiming to have killed every last living male in Israel? No. It is a synecdoche, but this is not describing *herem* warfare, which is what is in view in Joshua and Deuteronomy. In *herem* warfare, all of the men, women and children are to be killed as an offering to the deity. The Merneptah Stele is recounting military victories, not *herem* warfare.

Moreover, and very importantly, it is impossible to take the list of defeated kings and tribes in Joshua 10-11 as synecdochal, precisely because it is an exhaustive list of *different kings and tribes*. Next text:

Sennacherib of Assyria (701-681 BCE) also used hyperbole, according to Copan. He claimed the Hirimine soldiers were completely destroyed, and not a single one escaped (171-172). But how do we know this is hyperbole? He isn’t claiming to have killed every inhabitant of Hirimme’s territory. He’s claiming to have killed all the soldiers in the battle. That’s hardly implausible; in fact, it happens all the time. Those few who tried to escape were hunted down and killed. There’s nothing at all grandiose about this account. Final text:

Mesha of Moab (840-830 BCE) boasted that Israel’s Northern Kingdom was utterly destroyed, never to return, but was more than 100 years early in that prediction. Assyria eventually destroyed Israel in 722 BCE (171).

We’ve already looked at this text earlier in the review, but let’s look again at the broader context of the passage:

Omri was the king of Israel, and he oppressed Moab for many days, for Kemosh was angry with his land. And his [Omri’s] son reigned in his place; and he also said, “I will oppress Moab!” In my days he said so. *But I looked down on him and on his house,*

and Israel has been destroyed; it has been destroyed forever! And Omri took possession of the whole land of Medeba, and he lived there in his days and half the days of his son: forty years.

But Kemosh restored it in my days. And I built Baal Meon, and I built a water reservoir in it. And I built Qiryaten. And the men of Gad lived in the land of Atarot from ancient times; and the king of Israel built Atarot for himself, *and I fought against the city and captured it. And I killed all the people of the city as a sacrifice for Kemosh and for Moab.* And I brought back the fire-hearth of his uncle from there; and I brought it before the face of Kemosh in Qerioit, and I made the men of Sharon live there, as well as the men of Maharit.

And Kemosh said to me, "Go, take Nebo from Israel." *And I went in the night and fought against it from the daybreak until midday, and I took it and I killed the whole population: seven thousand male subjects and aliens, and female subjects, aliens, and servant girls. For I had put it to the ban [herem] for Ashtar-Kemosh.* And from there I took the vessels of Yahweh, and I presented them before the face of Kemosh. And the king of Israel had built Yahaz, and he stayed there throughout his campaign against me; and Kemosh drove him away before my face.

Let's break this down. There are three statements at issue here. First:

But I looked down on him [Omri] and on his house, and Israel has been destroyed; it has been destroyed forever!

Is this hyperbole? If it's to be taken as a description of what Me-sha did, then yes. But not so fast. Note that the claim that Israel has been destroyed forever *precedes* the recounting of several battles which clearly indicate that Israel *has not* been destroyed

forever. What does Mesha mean, “I looked down on him and on his house”? It is quite possible that when Mesha says that Israel has been destroyed forever, he is not describing what he has already accomplished, but describing a vision. “I looked down on him and on his house, and Israel has been destroyed; it has been destroyed forever.” It could well be that Mesha is saying that he *foresees* total victory over Israel. This makes perfect sense, given that Israel is still in possession of his territories when he’s writing this. So this doesn’t make a good example of a hyperbolic statement.

But there’s more to be said here. Recall the background. Israel had been oppressing Moab for well over a century, and Mesha had had enough. He rebelled against Israel, took back territory from Israelite dominion, and Moab was able to maintain its independence for two more centuries. Never again would Moab be under the yoke of Israel. The word “destroyed” could be a hyperbolic reference to the total annihilation of all of Israel, but that’s hardly the clearest reading of the text, despite Copan’s claim that this is what it means. In context, “Israel is destroyed” or “Israel has perished” just means that Israel’s dominion over Moab has been broken, and for good. This is not at all the same thing as saying that Joshua killed every last inhabitants of every city in Canaan, listing each city one by one. Now the other two statements:

and I fought against the city and captured it. And I killed all the people of the city as a sacrifice for Kemosh and for Moab. . . .

And Kemosh said to me, “Go, take Nebo from Israel.” And I went in the night and fought against it from the daybreak until midday, and I took it and I killed the whole population: seven thousand male subjects and aliens, and female subjects, aliens, and servant girls. For I had put it to the ban [herem] for Ashtar Kemosh.

These are not hyperbolic at all. These describe limited campaigns against two specific cities. And what is being described

here is *herem* warfare, that is, sacrificial warfare in which the entire population of a city is devoted to the deity as an offering. This kind of warfare was only rarely employed, but when it was employed it was total. This is not hyperbole. Mesha is claiming literally to have killed all of the men, women and children in these two cities, offering them to his deity Kemosh. As Younger states, *herem* warfare by definition involved the killing of both the military *and* the civilian population.⁷¹ So however trumped up Israel's battle accounts may be in Joshua 10-11, the *herem* battles depicted in Joshua 6 and 8 cannot be chalked up to hyperbole. *By definition they involved the wholesale slaughter of the entire population of the city.*

So even if we read the statement that "Israel is destroyed forever" not as a vision but as a hyperbolic statement of fact, the accounts of *herem* warfare here are emphatically *not* hyperbolic, and that's the real issue with Joshua! That's an important point that Copan et al. never make. So we happily concede that when Joshua says it totally wiped out every last inhabitant of Canaan it isn't telling the truth (scholars have been saying this long before apologists began to exploit this fact for their own purposes). But that doesn't mean that when *herem* warfare is in view, the slaughter of women and children isn't meant to be taken literally! To claim otherwise would be inane.

So that's it for Copan's appeal to ancient Near Eastern hyperbole, in order to argue that Israel didn't commit genocide against the Canaanites. While some of these texts aren't even hyperbolic, the ones that are hyperbolic *still involve the killing of civilians*. If the reports are exaggerated, they're exaggerated. But far from establishing that women and children weren't killed, the exaggerated accounts *confirm that they were*, just not necessarily on the grandiose scale proudly proclaimed by the elites in order to incite fear and trembling in their foes and subjects.

In short, the whole hyperbole argument is a red herring, and it's an argument that Copan executes with a remarkably inadequate treatment of the source material and an ostensible total lack of awareness as to the class and power dynamics at work in these ideological, propagandistic, imperial texts. These aren't lit-

⁷¹ Younger, *Ancient Conquest Accounts*, 235.

the leaguers bragging about winning the Sunday-afternoon game; these are warlords and emperors, boasting in their power and dehumanizing all who oppose them. *These texts were meant to be taken seriously—seriously as death.*

But let's concede for a moment that all the warfare language in Joshua 9-12 is hyperbolic. (After all, as I've pointed out, the archaeological record demonstrates that many of the battles in the book of Joshua could not have taken place at all.) What does that leave us with? Does the fact they didn't happen at all, or that they didn't happen quite on the scale depicted in the text, remove the moral problem of the text? Apologists tend to think so. Copan's argument depends on the assumption that the problem is removed. Bill Craig confidently proclaims that there is no problem with the text if the events aren't historical:

Ironically, many Old Testament critics are sceptical that the events of the conquest of Canaan ever occurred. They take these stories to be part of the legends of the founding of Israel, akin to the myths of Romulus and Remus and the founding of Rome. For such critics the problem of God's issuing such a command evaporates.⁷²

Sure, this may remove the problem of whether *God* actually ordered genocide, but it doesn't remove the problem that the inspired text portrays these events as divinely-ordered, as historical and, moreover, that it *idealizes* them. Copan wants to play it off as just an element of a "literary genre." That's just the way they wrote back then, as if it's analogous to the use of metaphor in poetry. That claim is not only silly, it is unacceptable. If God really inspired these texts, and God really meant to affirm them as positive revelation (i.e., God didn't want us to read them as bad examples), why does God condescend to such barbaric, dehumanizing, *standard ancient Near Eastern* language? "They're just boasting." Yes, *boasting* in the dehumanization of their enemies, *boasting* in the total annihilation of entire populations, *boasting* in the slaugh-

⁷² William Lane Craig, "Slaughter of the Canaanites," <http://www.reasonablefaith.org/site/News2?page=NewsArticle&id=5767>

ter of women and children, *boasting* that they left no survivors, and showed absolutely no mercy to their victims. This isn't just rhetoric. It's *evil* rhetoric. And the Bible is full of it, not just in the conquest narratives. Here I'll quote Steve Douglas:

Was such hyperbolic, violent rhetoric itself not a problematic moral structure, an effective strategy for dehumanizing the people whose land they were being commanded to steal? This language was not only left unproblematic but was actually perpetuated for posterity in the text of inspired Scripture. Intermarriage was a big no-no, but the language of eradication, of not showing mercy even to infants...that was ok. That would have been too hard to revise. It was much easier for God to have Israel dispossess people at swordpoint and destroy their culture and religious institutions than to reform His own people's ideas of what constituted acceptable rhetoric, rhetoric that cannot be denied to have belied the brutal ancient morality and value systems that formed it.

Translation: God used rhetoric worthy of Hitler to describe a course of action more convincingly justified as humane by George W. Bush's speechwriters. Israel was the ancient world's police force, it appears, speaking loudly but carrying a little stick.⁷³

"The righteous will rejoice when he sees vengeance done; he will wash his own feet in the blood of the wicked" (Ps 58:10); "Happy shall they be who take your infants and dash them against the rocks" (Ps 137:9)! So is Yahweh the God of Copan who, in his justice must root out evil, yet who, in his love, takes no delight in the task? Or is Yahweh an ancient Near Eastern tribal deity who, like all other ancient Near Eastern tribal deities, takes perverse

⁷³ Steve Douglas, "Copan Defending the Indefensible, Again: Unbelievable Indeed," *Undeception*, <http://undeception.com/copan-defending-the-indefensible-again-unbelievable-indeed/>

pleasure and boasts in the destruction of his enemies? The Bible's god is not Copan's god. Once again, Copan exposes his disbelief in the god of the Bible.

So contrary to Copan, Craig, et al., *no*, the problem *does not* "evaporate" just because these events didn't happen as described, or even happen at all. The texts are still training us to dehumanize those who do not share our own practices, or look and sound like we do, and that is morally unacceptable.

I'll note finally in connection to this that the evidence marshaled by Lawson Younger runs counter to those who want to read Joshua as hagiography, a narrative that uses symbolic elements to encourage a particular kind of moral behavior in an inspirational way. Younger criticizes those who try to find a hagiographical or theological message in the warfare rhetoric in Joshua. He summarizes E.J. Hamlin's claim thus:

The stereotyped expressions already referred to in the descriptions of the conquest of each of the six cities indicate a symbolic, theological kind of writing, rather than factual reporting.⁷⁴

Younger responds with sharp disapproval:

Hamlin has obviously missed the mark. The reading of one ancient Near Eastern conquest account would have quickly shown Hamlin the errors in his statements.

First, the syntagmic patterning which Hamlin calls "stereotyped expression" hardly indicates a "symbolic, theological kind of writing." Our study has shown that numerous ancient Near Eastern texts exhibit this phenomenon because it is an important component in the transmission code which they employ. One would hardly label such texts (as for example, Tiglath-Pileser's Annals) "symbolic, theological writing." This would be absurd! Since the text in Joshua utilizes the same code, it is equal-

⁷⁴ Younger, *Ancient Conquest Accounts*, 261.

ly fatuous to brand it as “a symbolic, theological kind of writing.”⁷⁵

(I’ll also note that Younger used two caustic words in as many sentences to characterize his interlocutor’s position: “absurd” and “fatuous.” Since Richard Hess is friends with Dr. Younger, I assume Hess has appropriately censured Younger for this kind of charged rhetoric.)

Saul Rejected for Taking Hyperbole Hyperbolically

Copan’s treatment of the genocide against the Amalekites displays three things: (1) his penchant to rewrite the Bible to suit his needs; (2) his ostensible lack of awareness of the fact that the Amalekites were settled in more than one region; and (3) his ostensible lack of awareness of the pro-Davidic propagandistic nature of 1 Samuel 15.

In 1 Samuel 15, Yahweh orders King Saul to engage in *herem* warfare against some Amalekite cities. I’ll quote the relevant portions of the chapter so we can get the full picture.

Thus says He Who Raises Armies [i.e., Yahweh Sabaoth], “I will punish the Amalekites for what they did in opposing the Israelites when they came up out of Egypt. Now go and attack Amalek, and utterly destroy [*herem*] all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey.” . . . Saul defeated the Amalekites, from Havilah as far as Shur, which is east of Egypt. He took King Agag of the Amalekites alive, but utterly destroyed all the people with the edge of the sword. Saul and the people spared Agag, and the best of the sheep and of the cattle and of the fatlings, and the lambs, and all that was valuable, and would not utterly destroy them; all that was despised and worthless they utterly destroyed.

⁷⁵ Ibid.

The word of Yahweh came to Samuel: "I regret that I made Saul king, for he has turned back from following me, and has not carried out my commands." Samuel was angry; and he cried out to Yahweh all night. Samuel rose early in the morning to meet Saul, and Samuel was told, "Saul went to Carmel, where he set up a monument for himself, and on returning he passed on down to Gilgal." When Samuel came to Saul, Saul said to him, "May you be blessed by Yahweh; I have carried out the command of Yahweh." But Samuel said, "What then is this bleating of sheep in my ears, and the lowing of cattle that I hear?" Saul said, "They have brought them from the Amalekites; for the people spared the best of the sheep and the cattle, to sacrifice to Yahweh your God; but the rest we have utterly destroyed [*herem*]." Then Samuel said to Saul, "Stop! I will tell you what Yahweh said to me last night." He replied, "Speak."

Samuel said, "Though you are little in your own eyes, are you not the head of the tribes of Israel? Yahweh anointed you king over Israel. And Yahweh sent you on a mission, and said, 'Go, utterly destroy the sinners, the Amalekites, and fight against them until they are consumed.' Why then did you not obey the voice of Yahweh? Why did you swoop down on the spoil, and do what was evil in the sight of Yahweh?" Saul said to Samuel, "I have obeyed the voice of Yahweh, I have gone on the mission on which Yahweh sent me, I have brought Agag the king of Amalek, and I have utterly destroyed [*herem*] the Amalekites. But from the spoil the people took sheep and cattle, the best of the things devoted to destruction [*herem*], to sacrifice to Yahweh your God in Gilgal." Said Samuel,

*"Has Yahweh as great delight
in burnt-offerings and sacrifices,
as in obedience to the voice of Yahweh?"*

*Surely, to obey is better than sacrifice,
and to heed than the fat of rams.
For rebellion is no less a sin than divination,
and stubbornness is like iniquity and idolatry.
Because you have rejected the word of Yahweh,
he has also rejected you from being king."*

Saul said to Samuel, "I have sinned; for I have transgressed the commandment of Yahweh and your words, because I feared the people and obeyed their voice. Now therefore, I pray, pardon my sin, and return with me, so that I may worship Yahweh." Samuel said to Saul, "I will not return with you; for you have rejected the word of Yahweh, and the Lord has rejected you from being king over Israel." As Samuel turned to go away, Saul caught hold of the hem of his robe, and it tore. And Samuel said to him, "Yahweh has torn the kingdom of Israel from you this very day, and has given it to a neighbor of yours, who is better than you." (1 Sam 15:2-3, 7-9)

Before I discuss what Copan tries to do with this text, I'll just make it clear what this text is doing. First, why does the text say Yahweh wants Saul to punish the Amalekites? The text says that it is a retaliation for what the Amalekites did to the Israelites when they were coming out of Egypt, i.e., hundreds of years ago. What did the Amalekites do? They attacked Israel. Of course, Israel won the battle. But the text says that in retaliation for that ancient battle, Saul is now to attack Amalek and slaughter everyone in the cities—man, woman, child, and livestock. Consider this: Yahweh sends Saul to get vengeance on the Amalekites for a battle waged in the distant past, according to the text, about twenty generations ago.

So Saul goes and attacks several settlements, and he is to put them to the ban—engage in *herem* warfare, devoting every living thing in the settlements to destruction as an offering to Yahweh. Saul does this, but spares the livestock and one person, the king. Why spare the livestock? According to Saul, in order to offer the

animals as a sacrifice to Yahweh. Why spare the king? In order to humiliate him. But Saul hasn't obeyed Yahweh's orders to the letter. He killed all the men, women and children, but didn't go quite all the way. And for this sin, according to the pro-Davidic text, Yahweh rejects Saul as king and promises the throne to another, namely, David. Scholars recognize that this is propaganda literature—a story that functions in the narrative to legitimate David's usurpation of Saul's throne. That's what we have going on here.

Now what does Copan do? He makes a number of spurious moves to try to justify a text that clearly envisions a wholesale slaughter of Amalekite settlements as an act of revenge for something their ancestors did hundreds of years in the past.

The first move Copan makes is to rewrite the Bible. What his strategy implies is a tacit admission on Copan's part that a battle of revenge for a crime committed hundreds of years ago isn't morally justifiable. What he tries to do is to argue that Saul was attacking Amalek because the Amalekites were a constant threat to Israel's existence. Here are his claims:

He refers to the Amalekites as “an enemy hell-bent on Israel's annihilation” (173). He claims that the Amalekites were unrelenting in their goal to obliterate Israel completely, and that they were a constant threat to Israel over the course of centuries. Here he cites Judg 3:13; 6:3-5, 33; 7:12; and 10:12 (173).

So, since Copan claims that the Amalekites were “hell-bent on Israel's annihilation” we would expect the texts he cites to provide evidence for this claim. Unfortunately, the texts he cites don't come close to supporting this fabricated claim. Judges 3:13 says that the Amalekites joined Moab in attacking Israel, and they took possession of the city of palms. But there, the chief aggressor is Moab, not Amalek. And far from seeking to annihilate Israel, they merely took possession of one city. Standard fare. Israel did this to other nations all the time, with Yahweh's support.

Judges 6:3-5 says that Midian and Amalek would destroy Israel's crops and livestock, in a few regions of Israel's territories. But here, as before, the primary aggressor in this text is Midian, not Amalek. Moreover, this text does not describe any human carnage. The Midianites were trying to push Israel back, by destroying their crops. And the important thing to note here is that what

the Midianites and Amalekites were doing is portrayed by the author of Judges as a punishment against Israel directly from Yahweh. “The Israelites did what was evil in the sight of Yahweh, and Yahweh gave them into the hand of Midian for seven years” (Judg 6:1). So, if we take the text seriously, these attacks against Israel’s crops and livestock were Yahweh-sanctioned punishments for Israel’s sins. 6:33 and 7:12 say that the Midianites and the Amalekites came out to fight Israel in battle, but Israel won. Judges 10:12 lists the Amalekites among a number of other nations who oppressed Israel.

And that’s it. Those are the texts Copan cites in order to support his fabricated claim that the Amalekites were “hell-bent on Israel’s annihilation.” Amalek isn’t even a major player in these texts. Israel’s more notable enemies were the Moabites and the Midianites. Amalek was just an ally of these greater enemies, and the battles were sporadic, and often portrayed as Yahweh-sanctioned punishments for Israel’s sins. I’d like to know what Bible Copan is reading.

But his rewriting of the Bible doesn’t stop there. It actually gets worse. He contends that, foreknowing that hostility from the “callous” Amalekites would endure for about a thousand years, God told his people in the wilderness never to relent in opposing the Amalekites (citing Deut 25:15-17). If they did, the “hardened” Amalekites would try to wipe out Israel. If the Amalekites were allowed to be free, Israel would have been utterly destroyed. The Amalekites could not be assimilated into Israel’s population the way other Canaanites could be (174).

Notice how Copan uses adjectives like “calloused” and “hardened” to describe the Amalekites. But of course when Israel encroached upon Canaanite territory and put the Canaanites to the sword, the Israelites weren’t “calloused” or “hardened.” Copan writes with the integrity of your standard propagandist, painting the enemy as less-than-human in order to legitimate the slaughter perpetrated against them by Saul. *Nowhere* does the text say that the Amalekites ever sought to “wipe Israel off the map.” Copan is making that up to justify what he knows cannot be justified—a genocidal attack justified in the Bible solely in terms of vengeance for an ancient battle (which Israel happened to have won).

Now, here's the really deceptive part. Again, Copan says that, foreknowing that hostility from the "callous" Amalekites would endure for about a thousand years, God told his people never to relent in opposing the Amalekites (citing Deut 25:15-17). As it happens, he misidentifies the passage to which he means to refer. It's not vv. 15-17, but actually 17-19 (vv. 15-16 have nothing to do with Amalek). Anyway, so the reader would be led to believe that if s/he were to open up the Bible to Deut 25:17-19, the text would say something along these lines: God foreknew that the Amalekites were going to try to wipe Israel off the face of the earth, for about a thousand years to come. Now here's what the text really says, and what Copan wishes to hide from his reader's view:

Remember what Amalek did to you on your journey out of Egypt, how he attacked you on the way, when you were faint and weary, and struck down all who lagged behind you; he did not fear God. Therefore when Yahweh your God has given you rest from all your enemies on every hand, in the land that Yahweh your God is giving you as an inheritance to possess, you shall blot out the remembrance of Amalek from under heaven; do not forget. (Deut 25:17-19)

Does the text say anything whatsoever about Amalek's continued (fictional) attempts to wipe Israel off the face of the planet? No. What the text says is that, in retaliation for one battle (a surprise attack), Israel is to take vengeance against Amalek and wipe *them* off the face of the planet, "blotting out the remembrance of Amalek from under heaven." The only justification the text *ever* gives for Saul's *herem* attack on the Amalekite settlements is as revenge for a single battle that took place hundreds of years prior. *That is the only justification the text gives.* Copan is rewriting the Bible, once again, because he doesn't like what it *does* say. Inerrantists and apologists do this all the time of course, and more often than not, they don't even realize they're doing it.

Now, Copan makes another move, this time not to justify the slaughter, but to argue that it didn't really happen as depicted.

Copan says that 1 Samuel 15 seems to be an example of complete destruction. But were the Amalekites *really* completely destroyed? No! Copan points out that 1 Samuel 27:8 says, "David and his men went up and raided the Geshurites and the Girzites," and there they "completely destroyed" the Amalekites! This was still not their last appearance, though. They reappear in 1 Samuel 30, making a raid. David pursues them and wins back the plunder and the Israelites that were captured (v. 18), and still four hundred Amalekites escape (v. 17). For Copan, this shows that, despite what readers commonly assume, Saul did not wipe out every Amalekite, something that 1 Samuel states plainly (173).

First I'll note that Copan refers to the Amalekites "infamous raids." It's true that the Amalekites were raiders. Of course, *so were David and his mighty men*. Actually, David and his warriors were not only raiders, but thugs and extortionists, demanding payment from the inhabitants of "their territory" in order to offer "protection," much like the modern Mafia (see 1 Sam 25). But David too was an infamous raider, who regularly killed men and women indiscriminately and took booty to divide among his men. In fact, several of David's "infamous raids" took place in one of the very texts Copan cites above. 1 Sam 27:8-11:

Now David and his men went up and made raids on the Geshurites, the Girzites, and the Amalekites; for these were the landed settlements from Telam on the way to Shur and on to the land of Egypt. David struck the land, leaving neither man nor woman alive, but took away the sheep, the oxen, the donkeys, the camels, and the clothing, and came back to Achish. When Achish asked, "Against whom have you made a raid today?" David would say, "Against the Negeb of Judah," or "Against the Negeb of the Jerahmeelites," or "Against the Negeb of the Kenites." David left neither man nor woman alive to be brought back to Gath, thinking, "They might tell about us, and say, 'David has done so and so.'" Such was his practice all the time he lived in the country of the Philistines.

Not only was David a raider, he was *worse* than the Amalekites, because his practice was to leave no survivors. Copan would be inclined to say that when the text says that David “left neither man nor woman alive,” it’s just being hyperbolic. But the text doesn’t allow for this reading, because it explains *why* he didn’t leave them alive. If he left them alive, his treachery against the Philistine king Achish (who was providing protection for David against Saul) would be discovered. No survivors, no witnesses.

Anyway, Copan wants to argue that because the Amalekites are still alive in 1 Samuel 27 and 30, then *obviously* we shouldn’t take 1 Samuel 15 literally when it says that Saul devoted the Amalekites to utter destruction, killing everybody except the king. But Copan is displaying his ignorance here in two respects. First, he fails to account for the fact that these texts in 1 Samuel are highly propagandistic in nature, written by loyalists to the Davidic dynasty in order to legitimate the removal of Saul and his dynasty from the throne. Saul is presented in these propagandistic texts as disobedient to Yahweh, and David is presented as fully obedient. These are royal records, written by employees of David. Furthermore, Amalek was hardly Israel’s greatest enemy. There were numerous nations that constantly harassed Israel, and none of them were made to be subject to *herem* warfare. Why was Amalek so special then? For no other reason than that they were used by the Davidic loyalists to justify Saul’s removal from, and David’s usurpation of, the throne. This text in 1 Samuel 15 is one of the pivotal moments at which “Yahweh” rejects Saul as king, for his failure to totally annihilate the Amalekites as ordered.

Second, Copan’s argument totally ignores the fact that the Amalekites lived in more than one region. There is good reason to believe that Saul’s battle against the Amalekites took place in the northern hill country near Samaria, as argued in detail by Diana Edelman.⁷⁶ As Edelman shows, there are a number of clues in the text that the historical battle would have taken place in the north, and the language in the text which depicts a southern location is borrowed closely from other biblical texts. David’s campaign was against the Amalekites in the southern region near Judea. Moreo-

⁷⁶ See Diana Edelman, “Saul’s Battle Against Amaleq (1 Sam. 15),” *JSOT* 35 (1986): 71-84, and the literature cited therein.

ver, as Copan himself acknowledges, the Amalekites were nomadic. Why did they keep surviving? Because they had multiple settlements scattered around the larger region. But Saul only attacked one region. Contrary to Copan, 1 Samuel 15 does *not* depict an annihilation of the entire people of Amalek. One would only conclude this if one were unfamiliar with the fact that the Amalekites had settlements in more than one region.

What the text *does clearly state*, however, is that Saul attacked the Amalekites in one region and put women and children to the sword. Even if it is exaggerated, that doesn't remove the fact that Saul killed women and children on Yahweh's orders. And there's no getting around the fact that Yahweh's orders were to kill women and children. What was prescribed was *herem* warfare, which is total slaughter of a limited domain.

Copan's final move is to argue, contrary to the text, that Saul didn't actually kill noncombatants. Copan contends that Saul could just as well have been fighting soldiers rather than civilians. The "city of Amalek" (1 Sam 15:5) was, according to Copan, likely a military encampment, likely fortified, and possibly "semipermanent." A definitive defeat was certainly in view, but, Copan contends, more is going on in the text (174).

This is nothing but unsubstantiated nonsense. First, Copan writes that the city of Amalek was *probably* a fortified, "semi-permanent" military camp. Oh really? Based on what information does Copan conclude that this was "probably" the case? If he just wants to argue that the city was fortified, he need make no argument. The Hebrew word for "city" (*'ir*) usually referred to a "walled (fortified) city." But just because it was fortified doesn't mean it was a military encampment! People lived in the city. Even military fortresses had to have food, and thus there had to be people there whose job was to raise and prepare food. There were also carpenters, and all sorts of people necessary to make the city function, even just as a military fort. Moreover, the fact that Saul took livestock demonstrates amply that noncombatants had to have been there. Soldiers weren't herdsman. So herdsman were clearly there, along with their families.

But the text doesn't say that Saul just attacked one city. The text says, "Saul defeated the Amalekites, from Havilah as far as

Shur, which is east of Egypt. He took King Agag of the Amalekites alive, but utterly destroyed all the people with the edge of the sword." So Saul isn't just attacking one city, but moving through the region attacking multiple Amalekite settlements, and killing "the people."

Of course, even if we were to concede that, despite the text, Saul only attacked fortified military encampments, and not populated settlements (which is really a false dichotomy, as we've seen), the reality that Copan seems to be wholly unaware of is that in the ancient world, if an army was invading a certain territory, the first thing that inhabitants of non-fortified settlements did was precisely to flee to the fortified cities for protection!

Blow the trumpet through the land;
shout aloud and say,
"Gather together, and let us go
into the fortified cities!"
Raise a standard towards Zion,
flee for safety, do not delay,
for I am bringing evil from the north,
and a great destruction. (Jer 4:5-6)

So even if we accept this untenable picture that all of the cities attacked by Saul were just military encampments with no civilian populations, that's precisely where the noncombatant inhabitants would have run once the invading army began poring through the land.

Finally, the whole logic of Saul's rejection is based on the fact that he was ordered to kill everything that breathes in Amalek and failed to do so. This is important. Copan says that when the text says to "utterly destroy [*herem*]" and "not spare" the Amalekites, putting to death "both man and woman, child and infant, ox and sheep, camel and donkey," it doesn't mean that *literally*. Copan claims that this is just metaphorical language for a definitive defeat against a military encampment. But if that's the case, then Saul was obviously successful! The text says he spared only one man, the king (in order to humiliate him), and the livestock, which Saul intended to offer as a sacrifice to Yahweh. If "kill everything

that breathes” was just a metaphor for a decisive military victory against a military target, then Saul was clearly obedient to Yahweh’s command. Why then is Saul rejected for his failure to obey? This doesn’t work on Copan’s quasi-reading of the text. Saul’s rejection only makes sense if the *herem* command was to be taken literally.

Copan concludes his discussion of the Amalekites by pointing out that *herem* warfare was only applied to the Canaanites and the Amalekites (174). Let’s get this straight. Copan first argues that this *herem* war against the Amalekites was just a battle against the military, not against civilians. Then he argues that Israel only engaged in *herem* warfare against the Canaanites and the Amalekites. My head is spinning. So if *herem* warfare was warfare only against the military, and Israel engaged in *herem* warfare *only* against the Canaanites and Amalekites, then whom did they fight in all those other, non-*herem* battles? Ghosts? Demons? Lawyers? The fact is, Israel *never* took soldiers as captives. If they won the battle, they *always* killed the men, but sometimes took women and children captive. So if *herem* warfare is just killing all the men, then *herem* warfare is all Israel ever engaged in. But that would be ridiculous, as even Lawson Younger recognizes. What was unique about *herem* warfare was *precisely* that women and children were to be killed along with the men.

Men, Women, and Children

Now we come to one of the most problematic and misleading arguments of Copan’s entire book—the argument that Canaanite women and children weren’t (necessarily) killed in Israel’s conquest.

Copan begins by stating that Evangelical scholar Richard Hess offers a convincing argument that the Canaanites against whom Israel’s *herem* warfare was leveled were not civilians but military leaders and their soldiers (174). But in fact, there is nothing convincing about Hess’s argument to this effect; it is based on a number of spurious moves which seek to distort the archaeological record to the advantage of those who are embarrassed by the genocidal narratives in Joshua. I’ll examine Hess’s argument in

more detail below. But for now, let's look at the "example" that Copan cites to prove that the Canaanites targeted were military leaders and their soldiers and not civilians. Copan notes that Deuteronomy 20:10-18 declares a "ban," a "dedication to destruction" with the word *herem*. So far so good. But then Copan claims that this word denotes the destruction of all soldiers involved in battle, and not the civilians (174)! Here Copan cites an essay by Richard Hess as a source. Here's what Hess says:

The above mentioned *herem* "ban" appears in Deut 20:10-18 as a guideline for Israel's engagement with enemies on the territory that God had given to the nation. This "ban" required the total destruction of all warriors in the battle and (in some way) the consecration to Yahweh of everything that was captured.⁷⁷

The first thing to note is that Copan has claimed much more than Hess has, despite the fact that Copan cites Hess as his source. Hess claims that all the warriors are to be killed and that "everything that was captured" (i.e., the noncombatants) was to be consecrated to Yahweh "in some way." But Copan makes the much bolder claim that the noncombatants were not to be killed. The fact is, however, that Deut 20:10-18 is unequivocal in contradicting Copan's claim, and unequivocal in its statement of just how the noncombatants were to be consecrated to Yahweh, despite Hess's pretense that it's somehow unclear. Neither of them actually quote Deut 20:10-18. If they did, it would be immediately apparent to their readers that their statements contradict the text. Hess further obfuscates the text by referring to the noncombatants and livestock, etc. as "everything that was captured." In fact, the text *forbids* the capture of the noncombatants and livestock, and demands their total destruction. Now at first you're going to think I'm wrong, because the text will speak clearly of taking women and children as captives. But keep reading:

⁷⁷ Richard S. Hess, "War in the Hebrew Bible: An Overview," in *War in the Bible and Terrorism in the Twenty-First Century*, 25.

When you draw near to a town to fight against it, offer it terms of peace. If it accepts your terms of peace and surrenders to you, then all the people in it shall serve you in forced labor. If it does not submit to you peacefully, but makes war against you, then you shall besiege it; and when Yahweh your God gives it into your hand, you shall put all its males to the sword. You may, however, take as your booty the women, the children, livestock, and everything else in the town, all its spoil. You may enjoy the spoil of your enemies, which Yahweh your God has given you. *Thus you shall treat all the towns that are very far from you, which are not towns of the nations here.*

But as for the towns of these peoples that Yahweh your God is giving you as an inheritance, you must not let anything that breathes remain alive. You shall annihilate them—the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites—just as Yahweh your God has commanded, so that they may not teach you to do all the abhorrent things that they do for their gods, and you thus sin against Yahweh your God. (Deut 20:10-18)

Remember that Copan said that *this text* shows that the targeted *Canaanites* were military leaders and their soldiers, and not civilians. But in reality, the precise opposite is the case. The text is clear and unequivocal. It is the noncombatants *outside* the land of Canaan, the noncombatants *outside* the borders of the Promised Land, who are to be spared and taken as spoil into forced slavery. Conversely, the text clearly and emphatically states that those *inside* the land of Canaan, those *inside* the borders of the Promised Land—they are to be utterly wiped out, shown know mercy, not spared, and not taken as spoil. Once again, Copan makes his argument with no regard for the actual biblical text.

And what this text displays is something I pointed out earlier. Israel *always* killed all of the adult males (soldiers). That applies

both to *herem* warfare (inside Canaan) and non-*herem* warfare (outside Canaan). In both cases, all the soldiers are to be killed. So again, when Copan attempts to argue that in *herem* warfare, only the soldiers are to be killed, he's effectively removing *any distinction* between *herem* and non-*herem* warfare. Yet, as we saw, in the same breath he feels the need to argue that we shouldn't be too upset at *herem* warfare because Yahweh only applied it to the Canaanites and the Amalekites! Copan obviously didn't think this one through.

To understand how *herem* warfare worked, let's look at Judges 20-21. These chapters tell the story of how all of the Israelite tribes attacked the Israelite tribe of Benjamin because the people of a Benjamite city refused to give up a small group of rapists for punishment. Sanctioned directly by Yahweh, the allied Israelite tribes attack the Benjamite soldiers and almost wipe them out entirely. Out of about 26,000 Benjamite soldiers killed in battle that day, six hundred Benjamite soldiers escaped and took refuge at the Rock of Rimmon. Meanwhile, the allied Israelite tribes turned back and attacked the Benjamite villages, totally annihilating the entire civilian population of Benjamin—all of the women and all of the children. Think about that. If there were 26,000 men, imagine how many women and children Israel slaughtered! Is this hyperbole? No it isn't. How do we know? Chapter 21.

In chapter 21, after the Israelites killed all of the Benjamite men, except for the six hundred who escaped, and ruthlessly slaughtered all of the women and children, they realized what that meant: Uh-oh! "There must be heirs for the survivors of Benjamin, in order that a tribe may not be blotted out from Israel" (Judg 21:17). The tribe of Benjamin is going to be blotted out! It's not going to live on, because the few hundred remaining Benjamite men no longer have any wives or children to carry the tribe forward. Big problem!

So the Israelites hatch a plan. Since they had vowed not to give any of their own women to the Benjamites, they decided instead to attack another Israelite town (one that, for some strange reason, refused to participate in the massacre of their Benjamite kinsmen that day), kill everybody in it, except for some virgins to capture and give as wives to the surviving Benjamite soldiers.

And that's what they did:

So the congregation sent twelve thousand soldiers there and commanded them, "Go, put the inhabitants of Jabesh-gilead to the sword, including the women and the little ones. This is what you shall do; every male and every woman that has lain with a male you shall devote to destruction [*herem*]." And they found among the inhabitants of Jabesh-gilead four hundred young virgins who had never slept with a man and brought them to the camp at Shiloh, which is in the land of Canaan. Then the whole congregation sent word to the Benjamites who were at the rock of Rimmon, and proclaimed peace to them. Benjamin returned at that time; and they gave them the women whom they had saved alive of the women of Jabesh-gilead. (Judg 21:10-14)

Note first, that this text clearly involves the killing of noncombatants: non-virgin women, all the males in the entire city (young and old), and all of the young girls who weren't old enough to be married, including the infants. They only spared the virgin girls of marriageable age.

The whole point of attacking this town was to find virgin girls to give to the Benjamites. Note that the *herem* never applied to those virgin girls. And the text specifically says this when it stipulates to whom the ban (*herem*) applies: "every male and every woman that has lain with a male you shall devote to destruction [*herem*]." The *herem* never applied to the virgin girls, as stipulated in the text. But all of those to whom *herem did* apply were killed.

What this story in Judges 20-21 tells us is that, contrary to what Copan and others want you to believe, (1) Israel had no compunction about killing women and children, and (2) *herem* warfare clearly necessitates the slaughter of anyone who is designated for destruction. Recall what Lev 27:28-29 stipulates about human beings designated as *herem* to Yahweh:

Nothing that a person owns that has been devoted

to Yahweh, be it human or animal, or inherited land-holding, may be sold or redeemed; every devoted thing is most holy to Yahweh. No human beings who have been devoted to destruction can be ransomed; they shall be put to death. (Lev 27:28-29)

This text clearly states that any human designated as *herem* to Yahweh is to be put to death; they cannot be spared. Remember, Leviticus 27 is not a hyperbolic warfare text; it is a legal text.

I should note that to Christian apologist Matt Flannagan's credit, he doesn't buy Copan and Hess's argument that civilian slaughters aren't in view in *herem* warfare. In his review of Copan's book, Flannagan writes:

While I agree that the language of these texts is hyperbolic . . . here I am not entirely convinced by Hess's position. The command of Deut 20:16 to leave alive nothing that breathes occurs in a context where civilian populations of cities have been mentioned only a few verses earlier in Deut 20:14.⁷⁸

While Flannagan's hyperbole argument is just as wrong as Copan's and for the same reasons, he is exactly right here. Deuteronomy 20 says that civilians outside Canaan's borders are to be spared and taken as slaves, whereas civilians within Canaan's borders are to be killed. Now back to Copan's argument that this isn't the case.

One of Copan's principle moves, following Hess, is the claim that whenever we see "men and women, young and old" identified as targets of slaughter, we don't need to take that literally. Copan quotes Hess, saying that the phrase "men and women"

appears to be stereotypical for describing all the inhabitants of a town or region, without predisposing

⁷⁸ Matt Flannagan, "Is God a Moral Monster? A Review of Paul Copan's Book," *MandM*, <http://www.mandm.org.nz/2011/03/is-god-a-moral-monster-a-review-of-paul-copans-book.html>

the reader to assume anything further about their ages or even their genders. It is synonymous with “all, everyone.”⁷⁹

Later Copan will make this claim again, arguing that when the text says that “women” and “young and old” were targets for destruction, this was mere “stock” language in the ancient Near East that meant “everybody,” even if women and other noncombatants weren’t actually present. He says that the text does not necessitate that noncombatants were actually there, even though it identifies them (175). Here he quotes Hess again, who identifies the construction “from man unto woman” as a “stereotypical expression for the destruction of all human life in the fort, presumably composed entirely of combatants.”⁸⁰

Where does Copan get this idea that the language of “men and women, young and old” was “stock ancient Near Eastern language” just meaning “all”? Does he derive this from the ancient Near Eastern warfare literature? No, he doesn’t. We already saw the ancient Near Eastern warfare literature, and in not one case is “men and woman, young and old” or any similar phrase used in this way. The only text we saw that identified women and children as objects of slaughter was the Mesha Stele, and there it is absolutely clear that the language is intended literally. In fact, in his commentary on the book of Joshua, Richard Hess makes clear that Israel’s *herem* warfare was a “political ideology that Israel shared with other nations,” and that, although in some cases non-human spoil could be taken, “its one common element” was “the complete destruction of the inhabitants.”⁸¹

Copan is able to offer no evidentiary support for this claim that “from man unto woman” meant “all.” On Copan’s reading, “from man unto woman” can just refer to “male combatants.” How convenient!

Particularly ludicrous is this claim, that “from man unto woman, from young unto old,” is a stock phrase that can be used for

⁷⁹ Richard S. Hess, “The Jericho and Ai of the Book of Joshua,” in *Critical Issues in Early Israelite Religion* (Eisenbrauns, 2008), 39.

⁸⁰ *Ibid.*, 46.

⁸¹ Richard S. Hess, *Joshua: An Introduction and Commentary*, 43, 45.

the “inhabitants” of a town, “without predisposing the reader to assume anything further about their ages or even their genders.” Anything further than what? Anything further than that they are identified as children, adults, or elderly? Anything further than that they are identified as male and female? So, I take this to mean that the reader would not have had the freedom to interpret any of the victims as ageless (immortal) or hermaphrodites. So when it says that they killed “young and old, male and female,” we should *not* take this to mean that they killed transvestite vampires, because we’re not supposed to take it to mean “anything further” about their ages or genders. Note also that Hess and Copan both rightly identify the victims of the *herem* warfare as “inhabitants.” Yet, as we’ll see, in the same breath they want to argue that Jericho and Ai were makeshift military forts, temporary, or “semipermanent.” But if that were the case then they wouldn’t be “inhabitants,” which is always and only used to refer to the population of a city or region. And the account of Ai specifically uses the word “inhabitants” when it recounts that Israel killed twelve thousand “men and women” that day.⁸²

So why do they make this argument? It’s not because any of the literature supports their claim that “from man unto woman” could just mean “male military personnel.” It’s because the archaeological evidence makes it clear that, contrary to the claims of the text, Jericho and Ai weren’t inhabited in the period in question. Hess admits this, so he imagines this scenario in which the abandoned cities were being used as makeshift military forts. *That’s* why he has to say that “from man unto woman” could just mean “whoever happened to be there.” Not because there’s any philological (linguistic) support for this claim, *but because he is*

⁸² Copan follows Hess in arguing that “twelve thousand” should be translated “twelve squads.” Hess, “Jericho and Ai,” 46, bases this argument off of the fact that the word for “thousands” (*’elef*) is translated in Num 31:5 as “clans.” But “clans” does not mean “squads,” and, moreover, it is an extremely rare translation of *’elef*, and the same word is used twice in the same sentence in Num 31:5, and its meaning is undeniably “thousand.” That is the word’s normal meaning. Furthermore, Hess wants to read “twelve thousand” in Josh 8:25 as “twelve squads,” i.e., of fighting men, but this translation is absolutely precluded by the fact that the text says “twelve thousand, both men *and* women,” unless Hess wants to claim that women were fighting in the military! If it merely was a reference to squads of soldiers, the phrase, “both men and women” would hardly have been employed.

forced to admit that these cities were in reality uninhabited, contrary to the text.

The reality is Israel clearly did engage in the killing of women and children. Numbers 31 is a clear, undeniable example. They spare the women and children, and then are given orders to execute all of the non-virgin females and the male children, orders which they carry out. And there are other clear examples, showing that when the text says they killed the noncombatants, it isn't just being "hyperbolic." It means what it says.

For example, Numbers 21:2-3, distinguishes between the military and the civilians, and says Israel killed both. They make a vow to Yahweh, saying that if Yahweh will give them victory against Arad's forces, then as an offering they will in turn go and attack all of the towns and kill the noncombatants. Yahweh gives them victory against Arad's forces, and then they annihilate the townships in turn.

And we've already noted the example in Judges 20-21. "Meanwhile, the Israelites turned back against the Benjaminites, and put them to the sword—the city, the people, the animals, and all that remained. Also the remaining towns they set on fire" (Judg 20:48). Here it doesn't even *use* the phrase "men and women." It merely uses "the people," but what does that mean? As we've seen, it literally means that they killed all of the women and children. We know this because then they had the problem of having to find new wives for the surviving Benjamite soldiers so that the tribe of Benjamin could continue! If it weren't for the subsequent narrative in Judges 21, Copan would just want to claim that "the city, the people, the animals, and all that remained" was just "stock ancient Near Eastern language" meaning "all," without necessarily referring to the slaughter of noncombatants. Again, in Judges 21, the text identifies "every male and every woman that has lain with a male" as targets for destruction. But really the text is probably just being metaphorical, using "stock language."

What these texts and numerous others show is that if this language *was* "stock language," it was stock language that meant what it said.

Now Copan follows Hess as Hess feigns to provide evidence that the phrase "from man unto woman" just meant "all," without

necessarily intending to refer to actual “men and women.” I’ll quote from Hess, since that’s the original source:

The actual expression is translated, “men and women,” literally, “from man (and) unto woman.” The phrase occurs elsewhere seven times, referring to the inhabitants of Ai (Josh 8:25), Amalek (1 Sam 15:3, here without the *waw* [“and”]), Nob (1 Sam 22:19), Jerusalem during David’s time (2 Sam 6:19 = 1 Chr 16:3), Jerusalem during Ezra’s time (Neh 8:2), and Israel (2 Chr 15:13). In 2 Sam 6:19 (= 1 Chr 16:3) it describes the joyful occasion of David’s entrance into Jerusalem with the ark of the covenant and his distributing food to all the on-lookers. Except for Saul’s extermination of the inhabitants of Nob in 1 Sam 22:19, where children are specifically mentioned (unlike the texts about Jericho, Ai, and elsewhere), all other appearances of the phrase precede or follow the Hebrew *kol* “all, everyone.” Thus, the phrase appears to be stereotypical for describing all the inhabitants of a town or region, without predisposing the reader to assume anything further about their ages or even their genders. It is synonymous with “all, everyone.”⁸³

Copan adds to this that the same thing can be said of other passages in the book of Deuteronomy (174). He quotes two passages: “we captured all his cities at that time and utterly destroyed the men, women and children of every city. We left no survivor” (2:34); “utterly destroying the men, women and children of every city” (3:6).

Before we examine Hess’s thoroughly untenable argument, let’s take a moment to point out a classic apologetic inconsistency here. Recall back when Copan was discussing the Mosaic law. We’ve seen that the Mosaic law often uses masculine language when it issues its directives. But Copan kept insisting, in his ar-

⁸³ Hess, “Jericho and Ai,” 39.

gument that the Mosaic law was but wasn't really patriarchal, that even if it just said "men," the women were assumed to be included too! Now he's arguing the exact opposite. Even if it says, "men and women," it just means "men." My head is spinning.

But let's examine Hess's claims in the quote above. First, the idea that "from man unto women" only occurs seven times in the Hebrew Bible is a strange one. Sure, that particular construction may only occur seven times, but there are all sorts of various ways to say "men and women," meaning that men and women are actually identified hundreds of times in the Hebrew Bible. Let's examine the actual texts that Hess cites to prove that "from man unto women" was a "synonym" for "all, everybody." We'll find that in no case does the phrase mean "whoever happens to be there." It refers to scenarios where both men and women are literally present.

Hess cites Nehemiah 8:2 (which has nothing to do with warfare; its setting is a political assembly). Here's the text:

All the people gathered together into the square before the Water Gate. They told the scribe Ezra to bring the book of the law of Moses, which Yahweh had given to Israel. Accordingly, the priest Ezra brought the law before the assembly, *both men and women* and all who could hear with understanding. (Neh 8:1-2)

Does this text support Hess's claim that "from man unto woman" could refer to a situation where women weren't actually present? No. The text says "from man unto woman" precisely because it means to relay that both men and women were present. In his interactions with me, Hess further clarified his argument stating that "from man unto woman" is used in cases where women *need not* be present, whereas another construction, "men and women," is used only in cases where men and women are required to be there. But this is false. Ezra 10:1 uses the latter construction ("men and women") but the setting is virtually identical to that of Neh 8:1-2 (quoted just above). It is a political gathering convened by the leaders, and it is said that "men and women" were present.

What this shows is that the two constructions are essentially synonymous. But let's look at the remaining texts Hess cites:

When David had finished offering the burnt-offerings and the offerings of well-being, he blessed the people in the name of He Who Raises Armies ["Yahweh Sabaoth"], and distributed food among all the people, the whole multitude of Israel, *both men and women*, to each a cake of bread, a portion of meat, and a cake of raisins. Then all the people went back to their homes. (2 Sam 6:18-19)

Once again, this text describes a political gathering where both men and women are literally present. It says "both men and women" because it is describing a scene where all of the inhabitants of the city come out to see the king; this text cannot be used to justify Hess's claim that "from man unto woman" could be used even if women weren't actually present. If women weren't actually present, then that phrase would hardly have been used. The text could say, "the men of the city," or "the sons of Israel," or even "the people." But it doesn't. It says "from man unto woman." Now unless Jerusalem was a city with no female inhabitants, it's clear what "from man unto woman" means, i.e., *what it says*. Next text:

They entered into a covenant to seek Yahweh, the god of their ancestors, with all their heart and with all their soul. Whoever would not seek Yahweh, the god of Israel, should be put to death, *whether young or old, man or woman*. They took an oath to Yahweh with a loud voice, and with shouting, and with trumpets, and with horns. (2 Chron 15:12-14)

Here, the phrase is used precisely to indicate that the terms of the oath apply to everybody, in other words, that women and children are not exempt from the demands of the oath and the consequences of an infraction. Once again, this text cannot be used in support of Hess's thesis. Next text:

Nob, the city of the priests, he [Saul] put to the

sword; men and women, children and infants, oxen, donkeys, and sheep, he put to the sword. (1 Sam 22:19)

Neither does this text support Hess's thesis. The city is not a military fort; it's a city of priests. Priests had families (they weren't Roman Catholic . . . or *were* they?). Saul kills all the priests who opposed him and supported David, then he killed all of their wives and children. This text, far from supporting Hess's thesis, not only contradicts it, but shows that when the text speaks of killing "women" and "children," it means what it says. Next three texts:

Now go and attack Amalek, and utterly destroy all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey. (1 Sam 15:3)

The total of those who fell that day, both men and women, was twelve thousand—all the people of Ai. (Josh 8:25)

Then they devoted to destruction by the edge of the sword all in the city, both men and women, young and old, oxen, sheep, and donkeys. (Josh 6:21)

Thus, despite Hess's strained attempt to argue that "from man unto woman" could refer to everybody without necessarily actually indicating that women were present, every text he cites in support of his claim has contradicted him. We therefore have no reason, whatsoever, neither textual nor philological, to follow Hess when he makes this untenable claim. Thus, when Joshua 6 and 8 say that all of the men and women in Jericho and Ai were killed, we have every reason to believe that the texts intend to say that men *and* women were killed.

Note, moreover, that Hess's list of seven occurrences allows him to exclude other synonymous constructions which give clear

indication that not only were women present, they were killed. For instance, “David struck the land, leaving neither man nor woman alive, but took away the sheep, the oxen, the donkeys, the camels, and the clothing, and came back to Achish” (1 Sam 27:9). Is “neither man nor woman” just “stock language” here, meaning “all” but not necessarily “women”? No it isn’t, as we’ve already seen. Verse 11 explains exactly *why* David killed all of the males *and females* inhabiting the settlements he was raiding: so that they wouldn’t tell on him to Achish, exposing David’s treachery (a treachery which is presented in the text as a positive thing, by the way). I suppose if v. 11 weren’t in the text, Copan would just read this as “stock ancient Near Eastern language” too.⁸⁴

Now, I need to make one further point in criticism of Hess’s argument. He states that “children are specifically mentioned” only in 1 Sam 22:19 (Saul’s extermination of the inhabitants of Nob), and he claims that children are *not* specifically mentioned in “the texts about Jericho, Ai, and elsewhere.” Of course, this isn’t true *at all*. In 1 Sam 22:19, two words are used: children (*’olel*) and infants (*yanaq*). These same two words are used in 1 Sam 15:3, to identify children and infants as subject to Saul’s Yahweh-mandated massacre of the Amalekites. Moreover, Josh 6:21 identifies “young and old” as objects of the *herem* slaughter. The word “young” here is *na’ar*, which is another (masculine) word for child, covering a range from infancy to adolescence. So children *are* specifically identified as objects of slaughter at Jericho (which Hess and Copan claim was only a military fort inhabited entirely by soldiers, with the exception of Rahab and her whole family), and among the Amalekites.

Copan concludes this section by reminding his reader that any Canaanite who embraced Israel’s God would find that “mercy” was within their reach (175). Right! Which is precisely what Deut 7:2 must mean when it says, “and when Yahweh your God gives

⁸⁴ This text allows for neither a synecdochal reading nor a hyperbolic reading, as is also the case with Judges 20-21, Numbers 31, and numerous other texts. Sure, sometimes “all” was an exaggeration, but other times it meant just what it said. And given the *herem* ideology that underwrites the conquest narratives through and through, it’s clear what the Deuteronomistic portion of Joshua is trying to portray. Joshua, like Josiah, was *perfectly obedient* to the command to root out the Canaanite contagion from the land.

them over to you and you defeat them, then you must utterly destroy them. Make no covenant with them *and show them no mercy.*" We'll address this claim of Copan's further when he makes it again a little later.

Uninhabited Ghost Towns: Jericho and Ai

Copan begins his discussion of Jericho and Ai with a serious distortion of the archaeological data. He notes that the battles at Jericho and Ai both describe the destruction of noncombatants and claims that an ordinary, untrained reader is not going to be able to recognize the "fact" that this common ancient Near Eastern warfare language is *really* describing strikes against military forts, not strikes against noncombatant inhabitants. He then states that the archaeological record proves that there were not any civilians living in Jericho or Ai (175).

What Copan is doing, following Hess, is twisting the archaeological data. He is right that there is no archaeological evidence of a civilian population at Jericho and Ai; there is no archaeological evidence of *any* population of *any kind*. What he fails to mention is that at Jericho, *there weren't any walls* either. The walls and city were destroyed in 1550 BCE, well over a hundred years before the conservative dating of the conquest, and more than three hundred years before the consensus dating of the conquest. In other words, Jericho wasn't fortified at the time of the alleged conquest, rendering it not very helpful to function as a makeshift military stronghold.

And as we've seen, the notion that the phrase "from man unto woman, from young unto old" is "stock ancient Near Eastern language" for "all" is something that Copan and Hess have fabricated out of thin air—neither the comparative nor the biblical literature support this claim.

The reality is that the battles at Jericho and Ai *depict* an attack on a civilian population. These are folk narratives, developed by the Iron Age inhabitants of Canaan to explain these ruins, and picked up later by royal propagandists to create a myth of national origins and to reinforce the Deuteronomistic message underwriting the Josianic reforms. They were written to correspond to

the order given in Deuteronomy 7 and 20, namely, to slaughter all of the inhabitants of Canaan. So when the narratives talk about the destruction of women, children, and the elderly, and Copan says that that doesn't necessarily mean women, children and the elderly were actually there (175), Copan is missing the boat. The text *does* want the hearer to envision a destruction of noncombatant populations, because that is the text's agenda. The lack of archaeological support for the text cannot be distorted into evidence that the text doesn't mean what it says.

Next, Copan follows Hess's argument that the word for "city" (*'ir*) has the special meaning "military fortress." Let's go to Hess to get a clear picture of what he's arguing:

The first issue is what it means for Jericho to be called an *'ir*, often translated "city." This term possesses the more general meaning, "population center." The noun occurs 13 times in the 6th chapter of Joshua to describe Jericho, both with and without the definite article. The term does not always describe a large metropolis. Its first appearance in the book of Joshua describes the small town of Adam in 3:16 as the point where the waters were stopped so that Israel could cross the Jordan River. It describes the village of Bethlehem south of Jerusalem (1 Sam 20:6). Elsewhere, it is used to identify tent encampments (Judg 10:4, 1 Chr 2:22-23). Of special interest, however, is the connection of *'ir* with the fortress. At Rabbah of Ammon, the term is used to designate the citadel (2 Sam 12:26), and the same term is used to describe the fortress of Zion in Jerusalem that David captured (2 Sam 5:7, 9; 1 Chr 11:5, 7). The evidence suggests the *'ir* can at times designate what is primarily a fort.⁸⁵

'ir referred to a fortified settlement, *but this does not mean that it necessarily referred to a military fort absent noncombatant inhabitants.* Let's look at the two texts Hess cites in support of his

⁸⁵ Hess, "Jericho and Ai," 35.

claim that *ir* had the sense of “fortress,” by which he means, military citadel absent noncombatants. (Copan references the following two texts also.)

Hess cites Rabbah in 2 Sam 12:26 and Zion (i.e., Jerusalem) in 2 Sam 5:7. Here’s what 2 Samuel says about the city of Rabbah:

Now Joab fought against Rabbah of the Ammonites, and took the royal city. Joab sent messengers to David, and said, “I have fought against Rabbah; moreover, I have taken the water city. Now, then, gather the rest of the people together, and encamp against the city, and take it; or I myself will take the city, and it will be called by my name.” So David gathered all the people together and went to Rabbah, and fought against it and took it. He took the crown of Milcom from his head; the weight of it was a talent of gold, and in it was a precious stone; and it was placed on David’s head. He also brought forth the spoil of the city, a very great amount. He brought out the people who were in it, and set them to work with saws and iron picks and iron axes, or sent them to the brickworks. Thus he did to all the cities of the Ammonites. (2 Sam 12:26-31)

The king and his men marched to Jerusalem against the Jebusites, the inhabitants of the land, who said to David, “You will not come in here, even the blind and the lame will turn you back”—thinking, “David cannot come in here.” Nevertheless, David took the stronghold of Zion, which is now the city of David. David had said on that day, “Whoever wishes to strike down the Jebusites, let him get up the water shaft to attack the lame and the blind, those whom David hates.” Therefore it is said, “The blind and the lame shall not come into the house.” (2 Sam 5:6-8)

The only point that really needs to be made in response is that Rabbah and Zion are not just called “cities.” The “city” in each case,

referred to the population center or the houses surrounding the citadel or fortress. But in both cases, the fortresses are not just called “city,” rather, the word *‘ir* is qualified by another, distinguishing it from the *‘ir* around it. At Rabbah, the stronghold is called the “royal city.” At Zion, it is called a “stronghold,” or “citadel.” But significantly, when Jericho and Ai are identified as cities, they are not qualified in these ways. Moreover, as Hess reminded me in his response to my first edition, Rabbah’s “royal city” was very small, too small for a population. The same is true of the stronghold at Zion. These strongholds were not designed to contain a population. But Jericho and Ai were. Ai was larger than Jericho, but Jericho itself was about nine acres. Israeli archaeologist Yigael Yadin estimates that ancient military cities in this region had a population of about 240 persons per urban acre. This means Jericho would have had a population of about 2160 persons (if it weren’t a ruin at the time). Yadin further states that in such cities, only about 25% of the population were soldiers. The strongholds at Rabbah and Zion were too small to hold such a population, too small indeed to contain livestock, which Joshua 6 and 8 state clearly were present at Jericho and Ai.

Hess claims that except for Rahab and her family, “no other non-combatants are singled out. In fact, only the king and his agents who pursue the Israelite spies are mentioned otherwise. Thus, the text itself specifies no one else who would function as a noncombatant.”⁸⁶ In fact, the text specifies no one else who would function as a noncombatant, except for the women, the children, and the elderly: “Then they devoted to destruction by the edge of the sword all in the city, both men and women, young and old, oxen, sheep, and donkeys” (Josh 6:21). What Hess means, of course, is that the text does not identify by name any of the noncombatants who were slaughtered in Jericho, therefore we should assume that there were no noncombatants at all.

Copan too thinks it’s significant that the text identifies kings killed in battle, but that it doesn’t identify any particular noncombatants killed (176). I’m not sure whether to take them seriously here. Are they seriously suggesting that if noncombatants were killed we should expect the text to identify them by name? I’d like him to point me to a single ancient text that identifies civilians

⁸⁶ Ibid., 36.

killed in battle. Civilians were unimportant. Recall the Bulletin of Rameses II which referred to the noncombatants merely as “chaff,” for which the Pharaoh had no regard whatsoever. The kings were the real prizes; that’s why they’re named. Besides, what are the Israelites going to do, go in and take a census?

Now, let’s examine Copan’s use of the above argument from Hess. Picking up and taking off with Hess’s argument that *‘ir* could signify a fortress with no civilian population (although in the examples he cites, the word *‘ir* is qualified by other words, distinguishing the fortresses from the actual *‘ir*, a population center), Copan makes the stronger claim that Jericho, Ai, and several other cities in Canaan were used primarily for government edifices and official business, while the remainder of the land’s population, women and children included, resided in the country outside the fortified city. But this claim is fabricated. It’s true that many inhabitants lived outside of the fortified cities in the surrounding country, but it isn’t true that these fortified cities were inhabited only by government officials or military forces. There is no evidence to support this claim, and the biblical text itself frequently contradicts this claim, as we’ve seen. Jericho was nine acres in size; it would have consisted of a population of a few thousand. Archaeologist Yigael Yadin estimates that in such cities, only 25% of the population were soldiers.

Copan then makes the claim that the Amarna Letters—a collection of correspondence letters between the Egyptian pharaoh and his vassal kings in Canaan and other regions, dating to the fourteenth century BCE (i.e., the century *prior* to the alleged conquest)—indicate that fortresses such as Shechem and Jerusalem were not only distinguished from, but also under the direct dominion of—the population centers, i.e., the non-fortified settlements in the surrounding countryside (175). Now to support this claim, Copan quotes Hess’s article, “The Jericho and Ai of the Book of Joshua,” incorrectly citing pp. 29-30; Hess’s essay begins on page 33. From what I can gather, Copan meant to reference pages 39-40, because that is where Hess discusses the Amarna Letters, but, unfortunately for Copan, what Hess says there does not support Copan’s claim that Jerusalem and Shechem were under the control of the non-fortified settlements in the countryside sur-

rounding them. Rather, what the Amarna Letters tell us is that Jerusalem and Shechem were under the direct control of Egypt, in fact, under the control of the Pharaoh. The vassal kings of Canaan lived in these fortified cities, along with civilian inhabitants, as we've already established.

It's also worth noting that the Amarna Letters do not contain correspondences between Egypt and the kings of Jericho and Ai. Why is that? Well, probably because Jericho and Ai were ruins, and had no vassals. Hess argues that the ruins of Jericho and Ai were used as makeshift forts, but the text is unmistakable. The text does not depict them as makeshift forts. Of Ai, the text uses the word "inhabitants," and identifies "both men and women," twelve thousand of them, as objects of the slaughter. So is it a ruin used as a "makeshift fort," or is it a city with "inhabitants," and "twelve thousand" "men and women"? The Israelites are also said to have taken "livestock and spoil" from the city. Again, if there was livestock in the city, then there would have been civilians there to tend to them. And what "spoil" would a makeshift fort occupied solely by soldiers have for Israel to take?

Finally, Note also that Joshua 8:17 says that "There was not a man left in Ai or Bethel who did not go out after Israel; they left the city open, and pursued Israel." Note this carefully. *All of the men left Ai to pursue Israel.* What happens next? A hidden squad of Israelites enters Ai after all the soldiers had left and set it on fire. All of the men of Ai are out of the city, and are now surrounded by Israelites. The Israelites they were pursuing turned back against them, and the Israelites who set the city on fire came out and attacked them from the other side.

And Israel struck them down until no one was left who survived or escaped. But the king of Ai was taken alive and brought to Joshua.

When Israel had finished slaughtering all the inhabitants of Ai in the open wilderness where they pursued them, and when all of them to the very last had fallen by the edge of the sword, *all Israel returned to Ai, and attacked it with the edge of the sword. The total of those who fell that day, both*

men and women, was twelve thousand—all the people of Ai.

Note very carefully the second to last sentence above. After the Israelites finished killing *all of the men* (remember, “all the men of Ai” had left the city to chase after Israel), the Israelites go back into the city and “attacked it with the edge of the sword.” If Ai was only populated by male soldiers, whom did Israel attack with the edge of the sword, now that all the men were dead? The next verse makes it crystal clear: “The total of those who fell that day, both men *and women*, was twelve thousand—all the people of Ai.”

Now, another argument that Copan makes, again following Hess, is that the “kings” of Jericho and Ai weren’t “kings” like the kings of Jerusalem, Hazor, and other Canaanite cities with civilian populations. (Hazor, one of the cities that the book of Joshua claims to have conquered and put to sword and flame, was inhabited by about 20,000 people.) What Hess claims is that the word for “king” (Hebrew: *mlk*) could sometimes mean “military commander,” not “king” in the ordinary sense. This is in fact an incredibly important argument for Hess to make if he wants to make the case that Jericho and Ai were not inhabited by civilians, since ordinarily, a king oversaw a civilian population.

Hess recognizes the importance of making this argument when he writes that “the strongest textual objection to the image of Jericho as a fort occurs with the appearance of the king of Jericho. The king, Hebrew *melek*, is mentioned three times in Joshua 2:2, 3 and 6:2. Jericho’s king is referred to five additional times in the book of Joshua (8:2; 10:1, 28, 30: 12:9). It is possible that a traditional king is intended in this account.”⁸⁷ So, according to Hess, if we are to understand the “king” of Jericho as the same sort of king as all the other kings of Canaan, then this is fundamentally problematic for his thesis that Jericho was just a military fort. So Hess must make the argument that the king of Jericho was a “king” in a very different sense. The argument he makes is incredibly convoluted, and utterly tenuous, so bear with me as I untangle it.

Referencing the Amarna Letters (mid-fourteenth century BCE

⁸⁷ Ibid., 39.

correspondences between Egyptian officials and Canaanite rulers and officials, written in Akkadian cuneiform), Hess begins by noting that the Akkadian term “king” is used throughout to refer to the Pharaoh. The Akkadian word is *šarru*, and its logographic Sumerian equivalent (also used in the letters) is LUGAL. The kings of Canaan, in their letters to Pharaoh, address him thus: *ana šarri beliya*, “to the king my lord.” However, this same word is sometimes used for the Canaanite kings themselves. For instance, the king of Hazor refers to himself as *šarru* of Hazor (“king of Hazor”). Hess then, rightly, concludes that “king” could be applied both to Pharaoh (as a “king of kings”) and to the kings of Canaan, who were vassal kings to Pharaoh. (Think of Herod, who was a vassal king of Rome, reigning over Judea. In other words, he was a king who answered to a higher power, but a king nonetheless.)

But here is where Hess goes awry. He takes the logic of a vassal king and stretches it: “The term ‘king’ in the Canaan of Joshua’s time could envision a local leader who recognized the sovereignty of a leader of many towns and cities, such as the pharaoh.”⁸⁸ Actually, *all* Canaanite kings were vassals of *Pharaoh*, not vassals of just any old “leader of many towns and cities.” The whole land of Canaan was under Egypt’s dominion. Hess says that the word “king” “could envision a local leader who recognized the sovereignty of a leader of many towns and cities, such as the pharaoh,” using intentionally ambiguous language, as if perchance one of these kings could be a vassal to somebody *other* than Pharaoh. This is shrewdly phrased, so that he is able to make his next point:

The same may be true for the *melek* of Jericho. He may also have maintained his position at the pleasure of city-state rulers in the hill country, whether of Bethel, of Jerusalem, or a coalition such as Joshua 10 describes. In his capacity as the governor of a fort, he would have held primarily military responsibilities to govern the troops placed at his disposal and to maintain security.⁸⁹

Hess states this initially as a suggestion, *a possibility*. Of course,

⁸⁸ *Ibid.*, 40.

⁸⁹ *Ibid.*

there is no precedent for this scenario whatsoever. There is no evidence anywhere for the use of *melek* to describe somebody who was a vassal king to other vassal kings, who were in turn vassals to Pharaoh. But Hess throws it out there, as a possibility.

Now Hess then proceeds to make an argument that *mlk* (“king”) could mean “military commander” (an argument which we’ll critique point by point presently), but *he never does make the argument that mlk could be used for a vassal of vassals*. Yet, after his other, irrelevant arguments,⁹⁰ he states again what he initially suggested (block quote above), but this time *as a fact*, without ever substantiating it or providing a precedent for such a use of *mlk*. Here’s what he says after a single page of unconnected argumentation:

Thus, a noun from the root *mlk* carries the sense of a commissioner responsible to his overlord for the military security of a region. This is identical to the *melek* of Jericho, who was responsible for the security of the region but was also answerable to his superiors in the hill country.⁹¹

This is nothing but a sleight of hand trick, because Hess never established any precedent for the use of *mlk* as a vassal to other vassals in the hill country. He *tries* to establish that *mlk* could be used for a military commander who was a vassal *to Pharaoh* (and this argument itself is incredibly tenuous, as we’ll see), but he never establishes that it could be used for a vassal to other vassals. Why? Because it wasn’t used in that way, ever. He stated it first as a suggestion, then a page later stated it as a foregone conclusion, a statement of fact, without any substantiating evidence. Regardless of the word’s usage, Hess has not presented any argument about the existence of this hill country administrative network; he has merely speculated about its existence.

Now, let’s examine Hess’s argument that *mlk* could be used as

⁹⁰ His arguments are in fact irrelevant because none of them substantiate his claim that the *melek* of Jericho could have been a vassal to other vassals. The only evidence he provides is for figures who were appointed directly by Pharaoh.

⁹¹ *Ibid.*, 41.

a designation for a military commander, not a sovereign over a group of people which included noncombatants. This is a convoluted argument, which involves a few considerable leaps.

But first allow me to clarify something. The noun forms of *mlk* are *malku* (in Akkadian) and *melek* (in West Semitic, including Hebrew). These words both mean “king,” in the traditional sense, with no exceptions. Now in Akkadian, *malku* can mean “foreign king,” because in general they liked to use *šarru* for their own kings, and *malku* for other kings. But it’s important to reiterate that *malku* and *melek* simply meant “king.” Look in any Akkadian and West Semitic dictionary, and that’s what you’ll find. There is no dictionary that will offer “military commander,” or “commissioner” as a definition of *malku* or *melek*. And in the Hebrew Bible also, *melek* means “king” as traditionally understood *every time*. So Hess has his work cut out for him to argue otherwise.

Also, in Akkadian there is *another* word from the *mlk* root that is listed separately from *mlk* as “king” or (in its verb form *malāku*) “to rule” or “to reign.” This other Akkadian *mlk* means “counselor” or “advisor” in its noun form (*māliku*) and “to give advice,” “to consider,” or “to deliberate” in its verb form (*malāku*). Now to Hess’s argument.

First, Hess says that “The *Chicago Assyrian Dictionary* [CAD] observes distinctive West Semitic uses of verbal forms of *malāku*. In the Amarna correspondence, it often appears with the sense of caring for someone or something.”⁹² Hess quotes one example, from Amarna 149.8: *li-im-il-ik* [should consider] *šarru* [the king] *ana ardišu* [his servant] (“the king should care for his servant”). That is the translation in the CAD. William Moran’s translation is, “May the king give thought to his servant.” This is actually a better translation, because it shows the connection to *malāku*’s ordinary sense of “to consider.” Thus, “the king should consider his servant” has the sense of, “the king should not neglect his servant’s needs,” or simply, “care for” his servant. Simple enough.

But Hess takes this verbal meaning and stretches it to suit his own agenda. He writes, “This sense is not far removed from the image of the *melek* of Jericho. He also takes care to protect Jericho

⁹² Ibid., 40.

by hunting the Israelite spies.”⁹³ This is a wholly untenable, and very strange, extrapolation. Hess is not only blurring the lines between *mlk* as “advisor/to consider” and *mlk* as “king/to rule,” he’s committing an etymological fallacy. One cannot take a verbal meaning and conclude that whatever that meaning is must also have a corresponding noun form. But that’s what Hess is doing. He wants to argue that because *mlk* (verb) here means “care for,” it must have a corresponding noun which is constrained in meaning by the usage of the verb, such as, “carer,” or “one who cares.” That’s not how it works, and Hess should know better. Related verbs and nouns can develop independent semantic ranges based on usage.

Hess’s next false move is similar. Hess writes,

At Ugarit, this verbal root carries the sense of “rule” or “hold power,” similar to the general Hebrew sense of the term. However, it is used not only of sovereigns but also of anyone holding influence over others. Thus, at Ugarit, in the 13th century, there appeared the phrase, *hazannu āli u akil eglāti la i-ma-li-ik*: the town’s mayor and the overseer of the field do not have authority over him (Sivan 1984: 248). Thus, this root may have appeared as a verb in West Semitic during the 14th and 13th centuries, with the sense of a ruler or administrator, though not necessarily the sole-king who answers to no one.”⁹⁴

Here Hess makes two mistakes. First, he says that the use of the verb form of *mlk* here is applied to a mayor and overseer of a field, indicating that *mlk* could be a verb applied to someone other than a king. Well, problematic for this claim is precisely what the text itself says: “the town’s mayor and the overseer of the field *do not* have authority over him.” The text expressly *denies* that the mayor and overseer have *mlk* over the man.

Second, again with the confusion between verbs and nouns.

⁹³ Ibid.

⁹⁴ Ibid., 40-41.

Although *malak* (the Hebrew verb form of *mlk*) is *never* used in the Hebrew Bible to refer to the rule or reign of someone who isn't a king, it is not really controversial to say that this verb could potentially be used to describe the power that a particular non-regnal authority figure might exercise (although Hess provides no examples; he only postulates that it might have been used this way). But even if it were used thus, that does not automatically mean that the noun form *melek* could be applied to such a person. Again, it doesn't work that way. *Melek* meant "king," even if (potentially) *malak* could be used to describe the authority of a mayor or other authority figure. That doesn't mean the mayor could appropriately be identified as a *melek*. Hess's argument is a non sequitur.

Now comes Hess's final and most important argument. He argues that *mlk* in its noun form could be used as a designation for a bureaucratic administrator. This argument is complex, yet again based on a number of tenuous moves and unsubstantiated assumptions. I'll quote Hess at length:

In one of his many letters, Rib-Addi of Byblos refers to the murder of Piwuri, a commissioner of the pharaoh ([Amarna] 131.21-24). The term that describes Piwuri is LÚ.*ma-lik* LUGAL. Piwuri was known to have control over an Egyptian garrison of troops and he exercised official roles as the pharaoh's representative in Gaza, Jerusalem, and Byblos. In other words, he served as a powerful royal administrator throughout most of Canaan. To leave no doubt, Rib-Addi introduces his concern about Piwuri with a general statement that his enemies have attacked the commissioners of the king. . . . What is significant about this line is that the word for "commissioner," written logographically as MAŠKIM, is followed by a *Glossenkeil* [a gloss marker] and the term *ma-lik*. . . . As with many of the examples of the gloss marker in the Amarna correspondence, what follows is a synonym of the preceding logogram. . . . Often, the synonym is a West

Semitic word, and this appears to be the case in the Piwuri text. Thus, a noun from the root *mlk* carries the sense of a commissioner responsible to his overlord for the military security of a region.⁹⁵

I'll break this down to make it easier to follow. Piwuri is without doubt a man who has control over a military garrison and works in the region of Canaan. The question is, what words are used to describe Piwuri? He is identified as a commissioner (MAŠKIM), certainly. He is also identified thus: LÚ.ma-lik LUGAL. What does this mean? LÚ means "man." The LUGAL is the logograph for *šarru* ("king"), but it is not referring to Piwuri; it is referring to Pharaoh. When *māliku* comes before LUGAL and drops the "u" in a simple construct, it means "*ma-lik* of the King," i.e., "*ma-lik* of Pharaoh." So the question is, what does *ma-lik* mean?

Hess points out that later, when Piwuri is called a MAŠKIM ("commissioner"), the word MAŠKIM is followed by a gloss with the word *ma-lik*. Now, frequently (though not always) in the Amarna Letters, when a word appears in a gloss like this, it is a synonym for the word directly preceding it. So Hess argues we should understand MAŠKIM and *ma-lik* to be synonymous. We know what MAŠKIM means, so the question remains, what about *ma-lik*?

Hess claims that *ma-lik* should be identified with the West Semitic noun *melek* ("king"), making "commissioner" and *melek* synonymous. If Hess is correct, this would be the only example of this use of West Semitic *melek*, and this use is found nowhere in the Bible. Hess is making a huge leap from a gloss in a single text.

The problem is, as we pointed out earlier, in Akkadian there are two separate nouns from the root *mlk*. There is *malku*, which means "king" (but *not* "commissioner") and there is *māliku* which means "counselor," or "advisor." Hess argues that it's the former word, and not the latter. Well, he doesn't *argue* so much as assert. First he says of the glosses in the Amarna Letters that "often, the synonym is a West Semitic word, and this appears to be the case in the Piwuri text."⁹⁶ Of course, Hess provides no argument here; he simply makes the assumption necessary to get his conclusion.

⁹⁵ Ibid., 41.

⁹⁶ Ibid.

But contrary to Hess's attempt to read the *ma-lik* gloss as a West Semitic word, rather than Akkadian, Anson Rainey, in his seminal multi-volume work on the use of Canaanite (West Semitic) words in the Amarna Letters, identifies this exact gloss as an Akkadian gloss, not as West Semitic.⁹⁷ But Hess does not engage Rainey.

Moreover, the *Chicago Assyrian Dictionary* also identifies *ma-lik* in the passage in question as Akkadian, with the meaning "counselor," and *not* as West Semitic. Hess notes this, and simply asserts with no real argument that the CAD is wrong: "The decision of CAD to group this with the regular Akkadian lexeme, *māliku*, is unwarranted. The meaning 'counselor, advisor' does not apply here. Like the verbal form, the West Semitic usage is distinctive."⁹⁸ First, why does Hess think the meaning "counselor, advisor" does not apply here? A king's commissioner was certainly one of the king's counselors/advisors. Sure, they're not precisely synonymous, but they're no less synonymous than "commissioner" is to "king!" (They are more so, in fact.) This is an incredibly tenuous argument based on hair-splitting.

Neither does Hess engage William Moran, the editor and translator of the seminal volume on the Amarna Letters, who rightly translates the Piwuri passage thus: "They have attacked commissioners : *ma-lik*. MEŠ (counselors) of the king. When Pewuru, the king's *counselor*, was killed, he was placed in . . ." ⁹⁹

Finally, the verbal form of *mlk* is not really as distinctive in the Amarna Letters as Hess wants to make it. *Malāku* already meant "to consider," so its use, "to consider someone's needs" is hardly a clean break from its normal Akkadian meaning; it's entirely derivative. And it most likely is *not* connected to the West Semitic "to rule/to reign." Its usage seems much more likely to be derivative of the Akkadian meaning, as Rainey, Moran, and CAD confirm.

Thus, in short, Hess has made an incredibly tenuous argument, based on a number of unsupportable assumptions, that in one solitary text, a commissioner is also called a king, but he's

⁹⁷ Anson F. Rainey, *Canaanite in the Amarna Tablets: A Linguistic Analysis of the Mixed Dialect Used by the Scribes from Canaan* (vol. 1; Brill, 1996), 36.

⁹⁸ *Ibid.*, fn.9.

⁹⁹ William L. Moran (trans.), *The Amarna Letters* (Johns Hopkins, 1992), 212.

failed to substantiate this claim. In reality, the commissioner is identified as a counselor/advisor. But even if Hess is right, that hardly counts as evidence that the *melek* of Jericho should be understood as a “military commander” rather than a “king,” *when all of the other uses of melek, not only in Joshua, but in the entire Hebrew Bible, mean “king.”* Hess doesn’t even consider the biblical usage in his equation; indeed, he is obliged to dismiss it in order to make his thin case. The fact that Jericho is said by the text to have been populated by “men and women, young and old,” and all sorts of livestock, and the fact that Ai is said to have been populated by “twelve thousand men and women” who are identified expressly as “inhabitants” tells us definitively that what the accounts intend to portray is two cities with civilian populations governed by traditional Canaanite kings.¹⁰⁰ Hess must make this series of extremely tenuous moves because he cannot accept that the story of Jericho is an etiological folktale with no real historical basis.

Regarding Jericho, Copan again tries to distort the archaeological data for his own apologetic purposes. Copan keeps referring to the “archaeological evidence,” but fails to mention what the evidence actually tells us. Jericho wasn’t fortified. How could the walls come tumblin’ down when there weren’t any walls to begin with? Moreover, how could a tiny regiment of soldiers such as Copan and Hess fabricate (“one hundred or fewer”) hope to do *anything* with Jericho, without fortifications? Once again, Copan’s presentation of the evidence is selective.

Copan goes on to say, as we’ve already noted, that the battle accounts in the book of Joshua don’t identify noncombatants, neither women nor children (176). Except of course for the battle of Jericho (“both men and women, young and old, oxen, sheep, and donkeys,” Josh 6:21) and the battle of Ai (“twelve thousand,” “both men and women,” Josh 8:25). Further, as we’ve seen, Deuteronomy 20 mandates the slaughter of women and children. This is clear because it distinguishes between the cities inside and out-

¹⁰⁰ We should note also here that in his commentary on Joshua, Hess refers to the people in Jericho as “citizens.” “Citizens of Jericho,” he says (Hess, *Joshua*, 136.). But didn’t Hess also claim that Jericho was just a makeshift military fort with no population? I’m confused. Does it have “citizens” or doesn’t it?

side the land of Canaan, saying that in the cities outside the land of Canaan, the noncombatants may be taken as chattel slaves, whereas in the cities inside the land of Canaan, the noncombatants are to be killed. Finally, as we saw with Judges 20, the text does not explicitly identify women and children as the objects of slaughter—it just says “the city, the people, the animals, and all that remained” (20:48). But it’s clear from the rest of the story that when it says “the people,” it meant all of the noncombatants, because there were no women and children left to carry on the tribe of Benjamin. Therefore, even when the text doesn’t expressly identify “women and children,” we can take it for granted that “the people” is meant to include women and children.

Let’s just reiterate what’s really going on here. Copan points (selectively) to the archaeological evidence and wants us to believe that the lack of evidence for civilian populations indicates that these cities were military garrisons. He fails to mention that there is also no evidence of a military occupation, and he fails to mention that in the case of Jericho, there weren’t even any walls! Yet the text says there are walls at Jericho, and it says there are civilians. What the text is trying to depict (derived from Iron Age folktales) is a real battle at a real city that was really populated and really important. But what the archaeological record shows is that Jericho was entirely uninhabited and that it had no fortifications. Therefore, Copan’s attempt to argue that Rahab and her family were essentially the only non-military personnel living in this military fort (176) is just a waste of ink. Rahab is a fictional character in a fictional story. She didn’t hide the Israelite spies in her room in the walls of Jericho, because there were no walls of Jericho. Copan would do much better to follow Evangelical scholar Douglas Earl, who recognizes the fictional nature of these conquest narratives and argues that they are hagiography—stories told not for their historical value but for their moral value. Of course, he would then be subject to all the same criticisms I’ve made of Earl’s hagiography thesis. But he’d at least be that much closer to being honest with the data.

An Offer You Can't Not Refuse

In a subsequent section, Copan attempts to argue that the Canaanites got what they deserved because they rejected “the one true God” (177). Of course, as Copan seems to be unaware, this idea that Yahweh was the “one true God” is thoroughly anachronistic. Even Rahab, who makes the confession that Yahweh is “indeed god in heaven above and on earth below” doesn’t identify Yahweh as the “one true God.” That’s monotheistic language that was anachronistic even in Josiah’s day!

But Copan, in an attempt to justify the slaughter of the Canaanites (which didn’t really happen anyway, according to him), makes an additional spurious argument, belied by Rahab’s own speech. Copan says that while Rahab and her family acknowledged the “one true God,” Jericho and the rest of the Canaanites refused to do so. He alleges that Rahab and the Gibeonites are examples that being devoted to destruction (*herem*) was not “absolute and irreversible” (177).

Well, first of all, this isn’t true. Neither Rahab and her family nor the Gibeonites were *ever* consecrated to the ban. Rahab and her family were expressly *excluded* from the *herem*, because of the deal she had made with the spies. And Gibeon only secured their lives by trickery, not by “faith.” The etiological tradition about the Gibeonites (Joshua 9) is aware of the distinction in Deuteronomy 20 between those inside and those outside the borders of Canaan. So the Gibeonites come to Joshua and tell him that they are from outside Canaan’s borders, and ask for a treaty. Joshua makes the treaty, only to realize later that they had lied to him—that they really lived *inside* the borders of Canaan, and should therefore have been subject to *herem* warfare. But because Joshua had made a treaty, it was binding. So instead of massacring the Gibeonites, Joshua enslaves them. Of course, as already mentioned above, Gibeon didn’t even exist in this period. The Gibeonites *were*, however, slaves in Josiah’s day, and so this story functions as an ancient justification for their enslavement.

But what about this claim that only Rahab and her family acknowledged God? This is belied in Rahab’s own words:

I know that Yahweh has given you the land, and that dread of you has fallen on us, and that all the inhabitants of the land melt in fear before you. For we have heard how Yahweh dried up the water of the Sea of Reeds before you when you came out of Egypt, and what you did to the two kings of the Amorites that were beyond the Jordan, to Sihon and Og, whom you utterly destroyed. As soon as we heard it, our hearts failed, and there was no courage left in any of us because of you. Yahweh your God is indeed God in heaven above and on earth below. (Josh 2:9-11)

According to Rahab, *the whole land* has acknowledged that Yahweh is giving the land to the Israelites, and *everyone* is terrified. Copan then cites what the Gibeonites told Joshua as evidence that they acknowledged Yahweh's sovereignty: "Your servants have come from a very far country because of the fame of Yahweh your God; for we heard the report of him and all that he did in Egypt" (Josh 9:9). What Copan fails to mention here is that the Gibeonites *were lying!*

Now Copan proceeds to argue that, contrary to Deuteronomy 20, the Canaanites had every chance to make peace treaties with Israel. Here's what Deuteronomy 20 says, just so we're clear:

When you draw near to a town to fight against it, offer it terms of peace. If it accepts your terms of peace and surrenders to you, then all the people in it shall serve you in forced labor. If it does not submit to you peacefully, but makes war against you, then you shall besiege it; and when Yahweh your God gives it into your hand, you shall put all its males to the sword. You may, however, take as your booty the women, the children, livestock, and everything else in the town, all its spoil. You may enjoy the spoil of your enemies, which Yahweh your God has given you. Thus you shall treat all the towns that are very far from you, which are not

towns of the nations here. But as for the towns of these peoples that Yahweh your God is giving you as an inheritance, you must not let anything that breathes remain alive. You shall annihilate them—the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites—just as Yahweh your God has commanded, so that they may not teach you to do all the abhorrent things that they do for their gods, and you thus sin against Yahweh your God. (Deut 20:10-18)

So it's pretty clear—unequivocal, I'd say. Israel can make treaties with those outside of Canaan, but they can't make treaties with the Canaanites. Copan acknowledges that the majority of scholars contends that the allowance of peace treaties in Deuteronomy 20 applies only to non-Canaanite cities, whereas peace treaties with Canaanite cities were prohibited (179). Of course, this is the majority view for good reason: because that's what the text says. So what evidence does Copan provide to support his claim that Israel *could* offer peace treaties to Canaan? He offers four arguments, each one a failure.

First, he points us to the Gibeonites (Joshua 9). They secured a peace treaty with Israel, didn't they? We've just discussed this story. The Gibeonites were only able to secure a treaty with Israel by lying to Joshua, claiming not to be Canaanites. Once Joshua found out about their deception, it was too late. He was already bound by the treaty. This is not an "exception" to the rule. This narrative *assumes the rule*, in fact, *reinforces the rule*. What it assumes is that Joshua would *not* have made a treaty with them if they had told the truth about where they were from. This etiological narrative relies on Deut 20:10-18 and Deut 7:2 ("Make no covenant with them and show them no mercy").

Second, Copan points to the story of the repentance of Nineveh in the book of Jonah. Copan says that just as the Ninevites repented at the preaching of Jonah, the Canaanites could have repented when Israel invaded, unless, says Copan, the Canaanites were already beyond moral and spiritual repair (177). Copan misses the important distinction here. The Ninevites repented at

the *preaching* of Jonah. By way of contrast, no prophet was ever sent to Canaan, ever. Only military spies were sent. How do we know the Canaanites would not have repented had a prophet been sent to them? Yahweh wouldn't even send them a prophet back in Abraham's day when they weren't yet allegedly beyond redemption. Why? Because he wanted the land for his people. Now, as for this claim that the Canaanites were beyond redemption, two things: Clearly they weren't! According to Rahab, they were all terrified of Israel's god. I'd say that's grounds for a good turn-or-burn homily. Clearly the Gibeonites (if we are reading the narrative historically, rather than as the propaganda literature that it really is) weren't too far gone. Moreover, the Ninevites were pretty far gone themselves, according to Jonah. Jonah 1:2 says that the Ninevites were *so wicked* that the stench of their wickedness rose all the way up to Yahweh's heavenly nostrils. Clearly they were at least wicked enough that God was at the ready to wipe them out! Recall Copan's talk of a certain "moral threshold" that had to be crossed before Yahweh was willing to obliterate people. Well, apparently the Ninevites had crossed it. Yet Yahweh sent them a prophet, and they repented. Bad move on Copan's part pointing to Jonah, because all that does is to remind us that the Canaanites never got a fair shake.

Of course, both the narrative of Jericho and that of Jonah are fictional; they are theological and ideological in nature, and they have clashing ideologies! The book of Jonah was written as a critique of the nationalist ideology represented in books like Joshua and Ezra.¹⁰¹

Now for Copan's two arguments that Canaan *did* in fact get a fair shake. First is the argument that the Canaanites were offered peace treaties. Copan quotes Josh 11:9: "There was not a city that made peace with the sons of Israel except the Hivites living in Gibeon; they took them all in battle." Copan then claims that, as with Pharaoh who hardened his heart against Moses, so too the Canaanites were beyond redemption. Copan contends that God turned them over to their own hard hearts, and he cites Josh 11:20 as evidence (180).

Of course, as we've come to expect, that's not at all what the

¹⁰¹ See Stark, *Human Faces of God*, 1-6, 107.

text says. It doesn't say their hearts were already hard or too far gone. It says God hardened their hearts:

For it was Yahweh's doing to harden their hearts so that they would come against Israel in battle, in order that they might be utterly destroyed, and might receive no mercy, but be exterminated, just as Yahweh had commanded Moses. (Josh 11:20)

And why does it say he hardened their hearts? Not because they were too far gone, but rather so that God's prior orders to Moses to take possession of the land would be fulfilled. In other words, according to the text, in order to take their land from them and give it to his people Israel, Yahweh *prevented* the Canaanites from making peace with Israel. Note that the text does not say that Israel offered them peace treaties. That was, after all, expressly forbidden. What the text says is that Yahweh made sure they didn't even attempt to make peace (like the Gibeonites did by deception), so that he could give the land over to the Israelites.

The text doesn't say here, as it does with Pharaoh, that they hardened their own hearts, and that Yahweh reinforced that hardness. It says that Yahweh hardened their hearts. That's all it says. To read anything else into the text is to rewrite the Bible.

Moreover, if God could *harden* their hearts, why couldn't he *soften* their hearts? Why was the policy expressly to "show them no mercy"? Wouldn't mercy have softened their hearts, especially with a little divine help? If the Israelites *did* offer peace treaties to the Canaanites, they were false ones, thanks to Yahweh's meddling. They made them an offer they couldn't *not* refuse. I'm with Copan; I don't like the Yahweh of the Bible either.

Now Copan's second argument that the Canaanites (actually, just the people at Jericho) got a fair shake. Here he follows Hess, but he cites the wrong book! He cites Hess's *Joshua* commentary, but Hess only makes this argument in his essay, "The Jericho and Ai of the Book of Joshua." We'll quote Hess to see what's going on:

The seven-day, sevenfold march around Jericho (Josh 6:1-17) serves as a prelude to the invasion of

the fort. . . . [This] is exemplified by the verb used to identify the march around Jericho, *nqp*, which also occurs in Ps 48:12 and 2 Kgs 6:14. In Psalm 48, a pilgrim walks around Jerusalem in order to admire its gates and defenses. In 2 Kings, the Arameans surround Dothan in order to capture Elisha. In Joshua 6, the Israelite army, unable to surround Jericho, symbolically does so each day for seven days. As the army marches each day, it inspects the defenses and especially the gates to learn whether the fort's leader has relented and decided to open Jericho to the army. On each day for seven days the Israelites prepare to enter if the leader will allow it. The sevenfold refusal, a number of perfection and completion in the West Semitic world, indicates to everyone that they will never find a peaceful settlement because the leader of Jericho remains adamant.¹⁰²

Now, Hess's reading of the text here is utterly eisegetical. The text says no such thing as that the march around Jericho was an "inspection" or any kind of offer for the king to open up the gates and let them in. Hess is reading that into the text, and can provide no textual support whatsoever to substantiate it. But this doesn't stop Copan from picking up on Hess's reading and running away with it. But as Copan does so, he makes a series of additional mistakes in his attempt to restate Hess's argument.

First, Copan claims that the Hebrew word *naqap* (meaning "encircle, surround, walk around") connotes certain "ceremonial" features, such as the use of rams' horns and shouting (177). Here he cites 2 Sam 6:15-16 in support of this utterly wrong and very strange claim. In fact, the Hebrew word *naqap* connotes no such ceremonial features. It just means to encircle or to surround or to close in upon. It carries no connotation of any sort of ceremony. What's stranger still is that the text Copan cites here as evidence (2 Sam. 6:15-16) doesn't even use the word *naqap*, nor any synonym. There is no encircling or walking around anything anywhere

¹⁰² Hess, "Jericho and Ai," 43.

in this text. There is a ceremonial march *into* the city, but no march around. Yet Copan wants us to think that the word “march around” connotes a ceremony. It doesn’t.

Second, he points, as Hess does, to Psalm 48:12-13. It reads: “Walk about Zion and *go around her*; count her towers; consider her ramparts.” Copan claims that the word *naqap* here refers to an “inspection” that is being conducted (178). Again, not even Hess says this. Hess gets it right: “a pilgrim walks around Jerusalem in order to admire” the city. The Psalm (which is poetry) is extolling the glories of the city, calling upon the people to walk around and see how beautiful and strong it is. There is nothing formal whatsoever. Copan also cites 2 Kgs 6:14 as evidence that *naqap* implied a formal inspection. Once again, not even Hess says this. Hess says, “In 2 Kings, the Arameans surround Dothan in order to capture Elisha.” The text has nothing to do with an inspection, or a ceremony, or anything like that. All it says is that an army surrounded a city at night, before attacking it. *Does Copan even read these texts before he cites them?*

Third, going back to Jericho, Copan claims that each march around the city provided a formal occasion for the inhabitants of the city to avoid the *herem* slaughter. And again, not even Hess says this. All Hess says is that it’s an opportunity for Jericho to open its gates and let the Israelites in. Perhaps Hess means to imply that Jericho would then be spared, but he has the sense at least not to come out and say this, unlike Copan. Because the text says no such thing. This is pure eisegesis. Deut 20:10-18 and 7:2 both say that no treaties are to be made with the Canaanites; rather, they are to be utterly destroyed. Copan’s imaginative inspection/ceremony/silent-sermon reading of the Jericho march is a pure fiction. In sum, Copan’s attempt to circumvent the clear statement in Deuteronomy 20 that treaties with the Canaanites weren’t allowed has been a failure.

A More Refined Mass-Slaughter

Copan’s next argument is that Israel wasn’t as brutal as its ancient Near Eastern neighbors. He recalls Richard Dawkins’s claim that Israel participated in “ethnic cleansing.” Dawkins referred to the

conquest battles as “bloodthirsty massacres” that were undergone with a “xenophobic relish.” Copan claims that this is wrong-headed. To prove this, he embarks upon a summary of the character of Israel’s warfare, asserting that Israel was not the blood-thirsty maniacs that Dawkins claims they were (178).

I’ll note first that Copan again displays he doesn’t understand what “ethnic cleansing” means. For everything Dawkins gets wrong, he gets this exactly right. Second, Copan notes that the Neo-Assyrian texts brag about flaying live victims, impaling enemies on poles, heaping up piles of bodies, gouging out the eyes of enemy troops and cutting off their ears and limbs, and displaying their heads around the city.

Right! The Israelites, who slaughtered women and children *en masse* were never as brutal as all that!

This very day Yahweh will deliver you into my hand, and I will strike you down and cut off your head; and I will give the dead bodies of the Philistine army this very day to the birds of the air and to the wild animals of the earth, so that all the earth may know that there is a God in Israel. . . . Then David ran and stood over the Philistine; he grasped his sword, drew it out of its sheath, and killed him; then he cut off his head with it. (1 Sam 17:46, 51)

On David’s return from killing the Philistine, Abner took him and brought him before Saul, with the head of the Philistine in his hand. . . . David took the head of the Philistine and brought it to Jerusalem. (1 Sam 17:54-57)

David rose and went, along with his men, and killed one hundred of the Philistines; and David brought their foreskins, which were given in full number to the king, that he might become the king’s son-in-law. Saul gave him his daughter Michal as a wife. (1 Sam 18:27)

And he hanged the king of Ai on a tree until evening; and at sunset Joshua commanded, and they took his body down from the tree, threw it down at the entrance of the gate of the city, and raised over it a great heap of stones, which stands there to this day. (Josh 8:29)

When they brought the kings out to Joshua, Joshua summoned all the Israelites, and said to the chiefs of the warriors who had gone with him, "Come near, put your feet on the necks of these kings." Then they came near and put their feet on their necks. And Joshua said to them, "Do not be afraid or dismayed; be strong and courageous; for this is what Yahweh will do to all the enemies against whom you fight." Afterwards Joshua struck them down and put them to death, and he hung them on five trees. And they hung on the trees until evening. (Josh 10:24-26)

He [Josiah] slaughtered on the altars all the priests of the high places who were there, and burned human bones on them. (2 Kgs 23:20)

[Judah] came upon Adoni-bezek at Bezek, and fought against him, and defeated the Canaanites and the Perizzites. Adoni-bezek fled; but they pursued him, and caught him, and cut off his thumbs and big toes. (Judg 1:5-6)

So David commanded the young men, and they killed them; they cut off their hands and feet, and hung their bodies beside the pool at Hebron. (2 Sam 4:12)

Those last two, by the way, use the same word for "cut off" used in Deut 25:12: "You shall cut off her hand; show her no mercy." This is the passage that Copan tried to tell us should be translated,

“Thou shalt give her a Brazilian wax; show her no mercy.”

Next Copan claims that a number of Israel’s wars were defensive, not offensive. This is obviously true, but most of the battles he cites were offensive, not defensive. He gets the first one right: the Amalekites attacked the Israelites as they were coming out of Egypt; this was a defensive battle, which they won. But of course, Yahweh then tells them that once they settle down in the land, they’re to go back and retaliate against the Amalekites, killing their women and children. This battle was *not* defensive.

He notes that in Numbers 21, the king of Arad attacked the Israelites and captured some of their soldiers. Of course, Arad attacked them because they were *invading his land with intent to take it from him*, so such an attack can hardly be characterized as aggressive. And of course, how did the Israel’s respond? By making a deal with Yahweh that if he would give them victory over Arad’s military, they in turn would slaughter all of Arad’s non-combatants, which is what they did, with Yahweh’s approval.

Copan notes that in Num 21:21-32/Deut 2:26-35, the Amorite King Sihon refused to let Israel pass through his land peacefully, and came out to attack them. What Copan fails to mention is that Deut 2:30 says that *the reason* King Sihon refused to let them pass through is because Yahweh had hardened his heart, so that Israel could engage him in battle, kill all his people (“in each town we utterly destroyed men, women, and children”), and take his land for themselves—land, mind you, that wasn’t even within the borders of the Promised Land! I’m not sure but I think that by definition a genocidal war for land isn’t a defensive war.

Same goes for King Og of Bashan, whom Copan cites next as an example of a defensive war. It was a “defensive war” in which Israel killed all of the noncombatants and stole their land.

Copan next cites that battle against five Midianite cities, which ends with Israel (undeniably) slaughtering tens of thousands of male children and non-virgin women, while sparing 32,000 virgin girls as chattel. How was this a defensive war? Because a small number of Midianite women had led a small number of Israelite men after other gods. So in order to defend themselves against their own spiritual weaknesses, they slaughter tens of thousands of men, women, and children. I can see how that would be justifi-

able, in an alternate universe where being impaled by swords is how human beings achieve orgasm.

Finally, Copan cites the Israelite attack against the five Canaanite kings (the ones hung from trees in order to terrorize the populace/reader). This was defensive because the kings had attacked the Gibeonites, with whom Israel was in treaty. Of course, Copan forgets to mention that the reason they attacked the Gibeonites was because Israel—who was invading their land with intent to kill them all, and their children, and steal their land—had just made Gibeon their ally.

So of all the battles Copan cites as an example of a “defensive war,” not a one really qualifies. That’s not to deny Israel engaged in defensive wars (of course they did), but that is really just a big red herring. The whole conquest was one big act of aggression.

Next, Copan fallaciously claims that all of the divinely mandated wars after Joshua’s day were defensive wars. He also includes the battle to defend the Gibeonites (Josh 10-11) as defensive. He then further fallaciously claims that, although some offensive battles took place in Judges and in the monarchical period, these battles are not portrayed as ideal or commendable (178). First, as we’ve seen, the battle to defend the Gibeonites cannot be construed as “defensive” since it’s within the context of a massive offensive war. Their defense of Gibeon was part of their offense. Second, it simply isn’t true that Israel never fought an offensive war after the conquest period with Yahweh’s approval. They did so all the time. David was constantly fighting offensive wars, even before he was king, and he did so expressly with Yahweh’s approval on a number of occasions. David would, before going into battle, inquire of Yahweh to get the go ahead, and Yahweh gave him the go ahead. This is contrasted with Saul, who kept inquiring of Yahweh and got back nothing but static. And as we’ve already seen, the Israelites, together with the Judeans and the Edomites went up and attacked Moab, in order to defend the territory they had seized from Moab, and this battle was waged with Yahweh’s explicit approval, and his promise that they would win very easily. Of course, they lost, and Moab maintained their independence for another two hundred years.

Copan wants us to believe that in all of the ancient world, Is-

rael was exceptional—a more civilized group of barbarians. As usual, the truth is that while some were worse than Israel, many were better. It's all just standard fare.

The Slaughter of the Midianites

We've seen this text a number of times already: Numbers 31. In it, the Israelites kill all the male soldiers of five Midianite cities, and then execute tens of thousands of boys and their mothers and (now-widowed) sisters. They spare the 32,000 virgin girls, to be made chattel. So for all Copan's arguments that Israel certainly wouldn't kill women and children, he can't deny they did so here, *en masse*. So what does he do with this text? Certainly now it's time to give in, Copan! Right?

Instead, Copan argues that because a few Midianite women seduced a few Israelite men to worship another god, then the Midianites had it coming. He makes some other humorous claims of note:

1. Commenting on the slaughter of all the boys, Copan claims that the execution of *all* the males is not the norm (179). In fact, however, it isn't unusual: "and when Yahweh your God gives the city into your hand, you shall put all its males to the sword" (Deut 20:13). This was the policy for any city outside of Canaan. Of course, as we know, the policy for any city *inside* of Canaan was to kill everybody, male and female alike.
2. Copan wants us to bear in mind that the Israelite men who were led astray by the Midianite women were executed also (179). So we have a handful of Israelite men on the scale adjacent to tens of thousands of Midianite boys! I suppose since men weigh more than boys, and since Israelites were worth more than foreigners anyway, it just might even out.
3. Copan claims that the young virgin girls were spared because they weren't involved in the seduction of the Israelite men—they had not "degraded themselves" in that way (179). This is of course ludicrous. First of all, only a handful of Midianite women were involved in the seduction to begin with, so that doesn't explain why Israel killed tens of thousands of women

who had no involvement. Second, the boys weren't involved in the seduction either, yet they were all killed. Third, it's not like these virgin girls would not have been practitioners of their parents' religion. This whole argument is profoundly incoherent.

And that's the sum of Copan's moral defense of the slaughter of the Midianite women and children. If he can argue this for the Midianites, I don't see why he can't argue it for the Canaanites. Well, in fact, in his next chapter, he will, and much worse.

Driving Them Out Is Still Genocide

Here Copan argues that the *real* vision of the conquest was not to kill all of the inhabitants of Canaan, but just to drive them out of the land, displacing them (180). It's true that some texts speak of "driving out" the Canaanites, but we need to note three things. (1) There are multiple traditions at work here, and the primary picture painted by the Deuteronomist is that of *herem* warfare, devoting entire populations to destruction. (2) Even where driving out is in view, they are to be driven out *by violence*. (3) This is still genocide. Go back to the start of this chapter and check the definition. The point of driving people out of their land *is to destroy them as a people*. This will become clear in a moment. But first, after telling us that "driving out" and "destroying" aren't the same thing, Copan proceeds to tell us that they *are* the same thing. Copan uses the example of God's threat to destroy Israel, just as he had done with the Canaanites. According to Copan, this means that the obliteration is not literal, but instead that the Canaanites will be removed by God to another land, going against critics who cite *'abad* (perish/annihilate) and *shamad* (destroy) (180).

I'll note first that the verb *abad* (perish/destroy) is the *same verb* used in the Mesha Inscription, where the king of Moab says, "Israel is destroyed [*abad*], destroyed forever." So now Copan is saying that the word can just mean "driven out," in which case, there's no hyperbole in Mesha's statement, since he did in fact drive Israel out of the territories he mentioned in the text. (Of course, *abad* cannot mean "driven out.")

Second, Copan says that expelling Israel from their land is not a literal annihilation. But he's wrong, and the text he cites to prove his point actually contradicts it. He quotes Deut 28:63, which uses both of these verbs (*abad* and *shamad*):

And just as Yahweh took delight in making you prosperous and numerous, so Yahweh will take delight in bringing you to ruin and destruction; you shall be plucked off the land that you are entering to possess.

But here's what the whole passage says:

Yahweh will scatter you among all peoples, from one end of the earth to the other; and there you shall serve other gods, of wood and stone, which neither you nor your ancestors have known. Among those nations you shall find no ease, no resting-place for the sole of your foot. There Yahweh will give you a trembling heart, failing eyes, and a languishing spirit. Your life shall hang in doubt before you; night and day you shall be in dread, with no assurance of your life. In the morning you shall say, "If only it were evening!" and at evening you shall say, "If only it were morning!"—because of the dread that your heart shall feel and the sights that your eyes shall see. Yahweh will bring you back in ships to Egypt, by a route that I promised you would never see again; and there you shall offer yourselves for sale to your enemies as male and female slaves, but there will be no buyer. (Deut 28:64-68)

The text says that they will be reduced to a very few people, scattered throughout the nations, and become worshipers of other gods. In other words, *they will cease to exist as Yahweh's people*. The "people" of Israel will be destroyed, utterly. This *is* genocide. Remember that genocide also includes the forcible relocation and

integration of children into other cultures—the destruction of a people’s culture and their removal from their land *is* the destruction of a people. This is a bad thing. And this, *at the very least*, is what Yahweh wants Israel to do to the Canaanites. Of course, Yahweh *also* orders Israel to slaughter any Canaanite that gets in their path, not to take any prisoners, to utterly destroy them all alike—men, women, and children, and to “show them no mercy.”

Copan comments that when Babylon “destroyed” Jerusalem, all of the Jews who cooperated were spared, citing Jer 38:2, 17 (180). Of course, in Jeremiah 38, Israel is *encouraged* to surrender to save their lives, but in the case of the Canaanites, Israel is instructed to take no prisoners, but rather to kill them (Deut 20:16-17), and to “show them no mercy” (Deut 7:2). Nevertheless, Copan continues, it was only those who resisted who were “at risk,” while those Canaanites who fled would escape (180-81). Yes, fleeing Canaanites could escape, if they were able to escape. Of course, who is the *least likely* to make a successful escape but pregnant women, small children, the elderly, and the infirm? But at least the strong young people could get away and become foreigners in another hostile territory, scattered and dispersed. Of course, the reality is that if anybody was going to flee, they would most likely flee to a fortified city, only to find themselves staring down the edge of an Israelite sword a few days later.

Copan claims that all this proves that complete annihilation was not what the text really intended to convey and that the Canaanites were actually “encouraged” to escape (180-81). I’m not sure where in the world Copan gets the idea that the Canaanites were “encouraged” to escape. Perhaps he’s importing that from Jeremiah 38 where Israel is encouraged to surrender to Babylon. But no such encouragement is ever given to the Canaanites. Yahweh said he would drive them out with pestilences (a promise he doesn’t seem to have made good on). But that’s not “encouraging” the Canaanites to escape. That’s striking them with plagues and forcing them out—whoever survived at any rate.

And again, as for the claim that “utter annihilation wasn’t intended,” well, it’s nonsense. You don’t have to kill every last living soul in order to annihilate a people or nation. Survivors of such atrocities often wish they hadn’t survived, and are haunted with

guilt because, for instance, their child died and not them. Regardless, Copan claims that the text of Joshua offers no suggestion that the “just wars”¹⁰³ of Joshua involved the killing of civilians. Copan reminds us that in “Joshua” and in Judges, a plethora of Canaanites continued to live in the land, alongside Israel. Copan then reiterates that, generally speaking, the Canaanites were to be expelled, not slaughtered wholesale (181).

Sure, the biblical text gives no indication that the (somehow) “just wars” of Joshua were against noncombatants, *except every indication that they were against noncombatants* (Joshua 6, 8; Deuteronomy 2, 7, 20; and so forth).

Furthermore, Copan is again ignoring the fact that Joshua is composite. The Deuteronomist wrote the portions depicting a total annihilation (1-12), while the Priestly Writer (13-22), who was not writing in Josiah’s day, did not share that agenda. Thus, the picture is different. But make no mistake, both sources depict genocide; it’s just that the Deuteronomist’s depiction of genocide is more total, for propagandistic purposes.

Yet Copan continues to try to make this case, this time with one of his most strained arguments yet. He pits Deut 7:2 against Deut 7:3-5 and posits an imaginary tension. Verse 2 says that the Canaanites are to be totally and utterly destroyed, then verses 3-5 go on to prohibit the Israelites intermarrying and making treaties with the Canaanites. He then asks why there’s this talk prohibiting intermarriage and peace treaties if Israel is supposed to kill them all anyway (172). According to Copan, the prohibition of making covenants with the people of the land is an indication that the prescription to kill them all should not be taken literally. After all, if they’re all dead, how could they make a covenant with them!

This argument is, to be frank, ridiculous. Copan doesn’t actually quote verse 2 here. Right after it says, “make no covenant with them” it says, “show them no mercy.” To make a covenant with them, or to intermarry with them, would be to show them mercy. The opposite of showing them mercy is to kill them. What the text is doing is holding up *herem* and covenant-making/intermarriage

¹⁰³ I hope that Copan is not trying to make a reference to official “just war” theory here, because if so, the conquest of Canaan fails to meet every single criterion of just way theory.

as alternatives. If they didn't kill everybody, then they would have made a covenant of peace with them. They are not to do this; rather, they are to kill everybody. To posit that there is any tension here whatsoever is incredibly asinine.

Neither does Copan mention Deuteronomy 20. There a distinction is made between the people of the land of Canaan and those outside the borders allotted to Israel by Yahweh. Those inside the borders are to be utterly destroyed and no covenant is to be made with them. Conversely, Israel is permitted to make covenants of peace with the people outside the allotted borders. Copan keeps stretching to make a case for a figurative understanding of *herem*, and he keeps failing (neither Younger nor Hess supports him in this).

A further problem with Copan's claim that Deuteronomy can be read as depicting an incomplete annihilation of the Canaanites is found in the verses immediately preceding and following a text Copan cites in support of his claim. Copan says that God had told Israel that the removal of the Canaanites from the land would be a gradual process, and here he cites Deut 7:22 as evidence of this (171). Here's what Deut 7:22 says: "Yahweh your God will clear away these nations before you little by little; you will not be able to make a quick end of them, otherwise the wild animals would become too numerous for you." Yet the very next verses say:

But Yahweh your God will give them over to you, and throw them into great panic, until they are destroyed. He will hand their kings over to you and you shall blot out their name from under heaven; no one will be able to stand against you, until you have destroyed them.

And here are the two previous verses:

Moreover, Yahweh your God will send the pestilence against them, *until even the survivors and the fugitives are destroyed*. Have no dread of them, for Yahweh your God, who is present with you, is a great and awesome God.

So much for Copan's claim that total physical annihilation isn't in view. Deuteronomy 7 says that even if there are survivors and fugitives (i.e., people who escape), Yahweh will kill them dead with plagues! Of course, Yahweh didn't make good on this promise, but it's clear that the picture here is one of total annihilation.

Finally, Copan claims that "the root of the dilemma Israel faced wasn't 'the people themselves, but their idolatrous way of life'" (172).¹⁰⁴ But that's not at all what the text says. The text says the people were to be killed so they wouldn't influence the Israelites to serve other gods. Copan more than once quotes passages which command Israel to destroy the altars and cultic objects of the Canaanites, and he claims that this means the *real* emphasis was not on killing people but on destroying the cultic objects. This is a blatant false dichotomy. The emphasis is always and only on both; and it was the people that were the greater threat, since they might "teach you to do all the abhorrent things that they do for their gods" (Deut 20:18).

Just as Moses Commanded

Copan notes that the book of Joshua says that Joshua did all that Moses commanded. Moses said that Joshua was to "utterly destroy" the Canaanites and to "let nothing that has breath remain alive." Copan notes that Josh 11:15 states that Joshua fulfilled the command: "Just as Yahweh had commanded Moses his servant, so Moses commanded Joshua, and so Joshua did; he left nothing undone of all that Yahweh had commanded Moses." So, Copan argues, the Bible plainly says that Joshua did everything Moses commanded him. Thus, Copan claims, *if* Joshua fulfilled Moses's commands, and *if* the language of Joshua's destruction of Canaan was actually standard ancient Near Eastern hyperbole, a genre language with which Moses himself was acquainted, *then* obviously Moses must not have meant for Joshua to engage in a literal total annihilation of the Canaanites. As with Joshua, Moses was simply abiding by the literary practices of his time (182).

Of course, the text that claims Joshua fulfilled Moses's command to the letter is part of the same Deuteronomistic corpus in

¹⁰⁴ Quoting R. Gary Millar.

which Moses's command features (and nowhere outside of that corpus). Once again, Copan fails to recognize that multiple sources are at work, and fails to recognize the Deuteronomist's agenda in painting Joshua as the *ideal leader who perfectly obeys* the Law of Moses. And of course, as we've seen, the exaggerated rhetoric of ancient Near Eastern warfare literature *was written with an agenda*, and its intent was to be believed, in order to incite terror and inspire obedience to the king and his deity. That's precisely what's going on here, as Joshua is used as a symbol of Josiah, just as modern-day politicians cast themselves in the image of George Washington (Bush) or Abraham Lincoln (Obama). *It's propaganda*, written by the elite ruling classes in order to serve their imperial agendas (as Younger concluded). It is emphatically *not* innocuous hyperbole the likes of which the average citizen was expected to see straight through. This is a totalizing vision concocted by a propagandist under the employ of a king instituting a totalizing reform (a violent reform which, coincidentally, began its campaign in the same region as Joshua's campaign began). And this is what biblical scholars have been saying for well over a century. Pity that Copan (who seems to think Joshua wrote Joshua) doesn't even mention what biblical scholars are saying.

Scripture and Archaeology

Before his summarizing conclusion, Copan devotes an inadequate page and a half to a discussion of the archaeological evidence. It is replete with egregious errors. Here are just two:

(1) According to Copan, the archaeological evidence tells us that extensive destruction of the Canaanite cities did not actually occur, and that gradual integration of the Israelites into Canaan *did* take place. He says that only three of the cities (he insists that they are citadels) were actually put to flame: Jericho, Ai, and Hazor (182). No, this isn't the case. The archaeological evidence tells us that Jericho was burned in 1550 BCE (more than three hundred years before Copan's date for the conquest) and that Ai was an uninhabited ruin from 2400 BCE to about 1000 BCE (twelve hundred years prior to and two hundred and fifty years

after the alleged conquest), with no destruction level at all anywhere in that time span. The archaeological evidence *does* confirm a destruction level at Hazor from the thirteenth century (the right period if the conquest happened), but of course, we don't know whether the Israelites destroyed Hazor, or the Egyptians, or somebody else. Many scholars conclude that battles such as the one at Hazor provide the historical kernel for the development of later legends about a conquest, such as the legends about Jericho and Ai, which cannot be historical. And of course, although Copan insists that these cities were military forts, what he fails to mention is that Hazor (the only city of these three that was actually destroyed in the right period) had a population of about 20,000, most of which were civilians!

(2) According to Copan, if we were living in the Late Bronze Age (1400-1200 BCE) and we came across an Israelite and a Canaanite standing side-by-side, we wouldn't have been able to tell them apart. He rightly notes that they were indistinguishable in manner of dress, in architecture, in tableware, pottery, and language (182). So far so good. Unfortunately, he continues with the claim that this should not surprise us because "the Egyptian influence" on *both* the Canaanites and Israelites was very strong (182). Wrong answer! That's actually the opposite of what the evidence tells us. The material culture in Canaan and Israel shows *no* distinctly Egyptian influences. What actual archaeologists will tell you (and tell Copan, if he asks them) is that the *lack* of Egyptian influence on Israelite material culture, and the fact that it is *identical* to Canaanite material culture, indicates that Israel *did not come out of Egypt*, but rather was always in Canaan, only emerging as a people with a distinct identity in Iron I. That's also one of the factors that many scholars think explains the strong antipathy toward everything Canaanite: it was Israel's way, psychologically, of distinguishing itself from its Canaanite past.

Summary

Before I give a brief response to Copan's third chapter on the Canaanite genocides (the one in which he acknowledges that his reader probably won't be convinced by his first two chapters, and

therefore tries to defend the morality of actual mass-slaughter of women and children), I'll respond to Copan's summary of his arguments here in his second chapter on the genocides.

Copan reiterates Hess's claim that the language used in *herem* warfare was "stereotypical" language: "young and old," "men and women" were configurations that just meant "all" and did not mean necessarily that noncombatants were there to be killed (183). But actually, Copan never even came *close* to proving this. When we recall the Mesha Stele, we remember that Mesha made an initial claim to have utterly destroyed Israel forever (which could be read as a projection onto the future, not as a claim about a feat already achieved, or it could be referring to the destruction of Israel's imperialistic oppression of Moab), but *then* Mesha made very specific claims about *herem* warfare in which he put all the inhabitants of two different cities to the ban. The first claim is possibly hyperbolic, the second most certainly is not, as Younger and Hess and everybody acknowledges (except for Copan). Now Copan is claiming that *herem* was hyperbolic, but it wasn't. I wonder if Copan realizes that he's fudging the evidence here, and hoping no one notices, or if he just failed to read his own scholarly sources very closely. I'll quote Hess again: "It seems that the 'ban' was applied differently in different situations, *its one common element being the complete destruction of the inhabitants.*"¹⁰⁵

Copan claims that as far as he can tell, *herem* warfare was used against military fortresses and against soldiers, in fortified cities headed up by military commanders called "kings." Copan concludes that the totalizing language of *herem* was only aimed at soldiers (183). But in fact, the Deuteronomistic texts (Deuteronomy 7, 20; Joshua 6, 8; Judges 21; etc.) *everywhere* state the opposite, and Copan and Hess never establish that "kings" could just mean "military commanders."

Copan claims that the language of *herem* warfare both provides and "hopes for exceptions," citing Rahab, and concluding that *herem* was not unconditional (183). Actually, the language neither provides *nor* "hopes" for exceptions. Certainly Copan hopes for exceptions, but this idea that the language "hopes for exceptions" is a complete fabrication with no evidence to substan-

¹⁰⁵ Hess, *Joshua*, 45, emphasis mine.

tiate it. The contrary is in fact the case. Rahab was not an exception to the ban *because she was never placed under the ban*, in the same way that the 400 virgin girls from Jabesh-gilead in Judges 21 were not an exception to the ban *because they were never placed under the ban* (Josh 6:17; Judg 21:11).

Copan claims that the warfare rhetoric of the ancient Near East was exaggerated, and cites as evidence the fact that certain populations who were said in one part of the text to have been decimated are still alive and kicking later on in another part of the text (183). Again, Copan is making this argument from a lack of awareness that different sources are at work, and a lack of awareness to the particular ideological and political agenda of the Deuteronomistic source who wrote Deuteronomy 7, 20, and Joshua 1-12.

Copan claims that the primary *modus operandi* was not to wipe out the Canaanite *people*, but to destroy their religious apparatus (183). This claim is belied by Deuteronomy 20, and perhaps especially by Deuteronomy 7, where Yahweh promises personally to kill off any Canaanites who survive or escape the Israelite onslaught of bloodshed and destruction.

Copan notes that a few scholars contend that Canaanites had the option to make peace treaties with Israel, but none other than Gibeon chose to do so (183). It's true that some scholars *argue* this, but it's not true that any of them succeed, because Deuteronomy 7 and 20 both prohibit the making of treaties with the Canaanites. Copan continues to ignore the fact that the Gibeonites only secured their treaty by deception, a fact which actually reinforces the reality that the Israelites were prohibited from making treaties with the Canaanites.

Copan claims that there was a tacit peace offering made to the people of Jericho (183). No, there wasn't.

Copan claims that based on Judg 1:27-36; 1 Kgs 9:20-21; Josh 15:63; 16:10; 17:12-13; cf. Ps 106:34-35, because some (more compliant) Canaanites had to do forced labor instead of being exterminated, the ban was not absolute (184). But none of the texts cited here are from the Deuteronomistic portion of Joshua.

Next, Copan argues that the fact that Joshua followed Moses's orders demonstrates (1) that the language of these orders is typi-

cal of ancient Near Eastern hyperbole and (2) that Moses did not really mean Joshua should destroy all of the Canaanites (184). But Copan has failed to substantiate this awkward claim at every turn.

Copan claims that both the archaeological evidence and the Bible itself indicate the Israelites exercised great restraint both in their material destruction of Canaan and in their gradual occupation and ascendancy there, claiming even that the archaeological evidence *confirms* the biblical accounts (184). This claim, the most hilarious of the bunch, is also perhaps the most obviously false. The archaeological evidence flatly contradicts the conquest narratives. Jericho had no walls and was uninhabited, yet the text says it was inhabited and that the walls came tumblin' down. Ai was an uninhabited ruin, yet the text says it was populated by twelve thousand "men and women," whom it identifies as "the inhabitants of the city," and also that it was full of spoil and livestock. It is also said to have been burned, but there is no destruction level at Ai anywhere near the period of the alleged conquest. Even if Ai was historically used by the people of Bethel as a make-shift citadel (which Albright argued long before Hess),¹⁰⁶ that still contradicts *the text*, for the reasons just noted. And the "gradual infiltration" model of Israelite origins is belied by the material culture, which indicates that Israel emerged *from within* Canaan, not as immigrants from outside.

In Case You're Not Convinced

In his final chapter on the Canaanite genocides, Copan acknowledges that his argument in the preceding chapters may not be convincing to the discerning reader. He acknowledges that many readers will feel as though the portrait he is painting is very strained, that it is an argument that dies the death of a thousand qualifications. He acknowledges that readers may not buy his claim that women and children were not targeted in *herem* warfare. He acknowledges that readers may not buy his claim that the cities attacked were military forts with no civilians. He recognizes

¹⁰⁶ Of course, Albright hasn't been followed in this, and his argument was based on the now rejected idea that the historical Ai battle was really a battle with the people at Bethel.

that a lot of numerous exigencies have to be *exactly right* in order for the Canaanite conquest to pass moral muster (187-88).

So, Copan proceeds to argue that if noncombatants *were* killed (1) the women and the elderly got what they deserved; (2) the infants and children got to go to heaven; (3) in the war-hardened ancient Near Eastern world, the effects of such a war would have been significantly less psychologically damaging to its victims than in the modern world; (4) the overall goal was to be a blessing to the nations, and the Canaanite genocides need to be understood as part of that overarching narrative.

These are of course very poor and very calloused arguments, all of which I have already critiqued in the sixth chapter of *The Human Faces of God*. Suffice it to say here that argument number 2—that infants and children got to go to heaven—is three things: (1) thoroughly anachronistic, (2) utterly gnostic, and (3) morally reprehensible. But as is clear, Copan is not content to stick with his guns; he wants to have it both ways. Here I'll quote Randal Rauser:

I'm still not sure what view Copan wants to take. After reading the book he seems, where the issue of genocide is concerned, to be like a split brain patient (i.e. a person with a severed corpus callosum who has two resulting streams of consciousness). When that split brain patient goes to his closet he finds his two hands grabbing different shirts. Likewise, Copan seems simultaneously to want to say "Genocide can be okay" and "Genocide can't be okay." ...

Ultimately Copan justifies whatever the Israelites did as being under the unique direction of special revelation. And with that he gives the following trite quip which, under the circumstances, seems to me very inappropriate: "Some TV stunt shows warn children, 'Kids, don't try this at home!' Likewise, we could say about Israel's 'holy war' situation: 'Don't try this without special revelation!'" (161)

Not only is this comment in bad taste, but it begs the salient question: how does Copan know that the Israelites were actually commanded by God to engage in these horrendous acts of militaristic religious violence? What he has is a set of texts from the ancient Near East which he is reading in a particular way. But is that really sufficient justification for the conclusion that God commanded a chosen people to slaughter another people en masse as an act of worship? (And, even more troublingly, as Jones [and Copan both] seem to suggest in principle God could command this again, perhaps even on our debauched Lady Gaga culture.)¹⁰⁷

Copan makes two other strange claims here. First, he says that “unlike the ancient Near Eastern deities, the Savior of Scripture (like Narnia’s Aslan) is not safe. . . . He is a ‘butt-kicking God’” (192). But C. S. Lewis would have been disgusted by Copan’s comparison of the god of Joshua with Aslan. Lewis wrote that he was appalled by “the atrocities (and treacheries) of Joshua,” adding:

The ultimate question is whether the doctrine of the goodness of God or that of the inerrancy of Scriptures is to prevail when they conflict. I think the doctrine of the goodness of God is the more certain of the two. Indeed, only that doctrine renders this worship of Him obligatory or even permissible. To this some will reply “ah, but we are fallen and don't recognize good when we see it.” But God Himself does not say that we are as fallen at all that. He constantly, in Scripture, appeals to our conscience: “Why do ye not of yourselves judge what is right?” – “What fault hath my people found in me?” And so on. Socrates’ answer to Euthyphro

¹⁰⁷ Randal Rauser, “Is God a Moral Monster? A Review (Part 4),” *The Tentative Apologist*, <http://randalrauser.com/2011/04/is-god-a-moral-monster-a-review-part-4/>

is used in Christian form by Hooker. Things are not good because God commands them; God commands certain things because he sees them to be good. (In other words, the Divine Will is the obedient servant to the Divine Reason.) The opposite view (Ockham's, Paley's) leads to an absurdity. If "good" means "what God wills" then to say "God is good" can mean only "God wills what he wills." Which is equally true of you or me or Judas or Satan.¹⁰⁸

Moreover, this strikes me as either utterly disingenuous or remarkably obtuse. Copan has spent page after page arguing how bloodthirsty and dangerous those bad ancient Near Eastern deities were, and arguing how restrained Yahweh is by contrast. Now all of a sudden all those other deities are "safe" but Yahweh is off the hook?! Regardless of Copan's motives for making this claim, it's utterly false. As we've seen, all ancient Near Eastern deities were wild, they all punished their own people for their sins, they all executed brutal vengeance on their enemies, they all were jealous for their people's affections—and among them Yahweh is neither an exception nor exceptional.

Second, and perhaps this is the most reprehensible move Copan has made so far, Copan appeals to Miroslav Volf to defend the notion of divine wrath from its cultured despisers. Copan tells us that the Croatian-born Yale theologian Miroslav Volf, who survived the horrors of the former Yugoslavia brought about by ethnic strife, such as the slaughter of children, the raping of women, and the destruction of churches, used to believe God could not be a wrathful god. Eventually, however, he realized that, indeed, God could at times be wrathful if the situation warranted it. Copan claims that Volf's comments display why the New Atheists' whining and moaning about divine wrath is wrongheaded (191). Copan proceeds to quote from Volf:

I used to think that wrath was unworthy of God.

¹⁰⁸ C. S. Lewis, "Letter to John Beversluis, July 3, 1963," in John Beversluis, *C. S. Lewis and the Search for Rational Religion* (Grand Rapids: Eerdmans, 1985), 156-57.

Isn't God love? Shouldn't divine love be beyond wrath? God is love, and God loves every person and every creature. That's exactly why God is wrathful against some of them. My last resistance to the idea of God's wrath was a casualty of the war in the former Yugoslavia, a region from which I come. According to some estimates, 200,000 people were killed, and over 3,000,000 were displaced. My villages and cities were destroyed, my people shelled day in and day out, some of them brutalized beyond imagination, and I could not imagine God not being angry. Or think of Rwanda in the last decade of the past century, where 800,000 people were hacked to death in one hundred days! How did God react to the carnage? By doting on the perpetrators in a grandfatherly fashion? By refusing to condemn the bloodbath but instead affirming the perpetrators' basic goodness? Wasn't God fiercely angry with them? Though I used to complain about the indecency of the idea of God's wrath, I came to think that I would have to rebel against a God who wasn't wrathful at the sight of the world's evil. God isn't wrathful in spite of being love. God is wrathful because God is love.¹⁰⁹

Steve Douglas comments on this, one of Copan's most shameful moves: "If Volf is correct, God might not be too happy about the same sort of forcible upheaval perpetrated by the Israelites, or pleased with Copan and his kissing cousins, the divine command theorists, who do their best to find excuses for it."¹¹⁰

Steve is exactly right. Volf came to believe in God's wrath *because he couldn't stand to see the perpetrators of genocide go unpunished!* For Copan to use Volf's defense of divine wrath in order to justify the very same evils that forced Volf to see the need for wrath in the first place is just not right. This move spits in the face

¹⁰⁹ Miroslav Volf, *Free of Charge: Giving and Forgiving in a Culture Stripped of Grace* (Grand Rapids: Zondervan, 2006), 138-39.

¹¹⁰ Douglas, "Copan Defending the Indefensible, Again."

of all victims of genocide in every age. Moreover, Copan's jaundiced caricature of the New Atheists is clear here again. The New Atheists would have *no problem whatsoever* seeing the *perpetrators* of genocide brought to justice—that's the divine wrath that Volf is talking about. What they have a problem with is claims that genocide can ever be morally justifiable.

Conclusion

If you've made it this far than you've seen what kind of "answers" Copan's apologetics consist of. They are evasions of the truth touted as simple solutions to what are genuinely insoluble problems. You've seen Copan's inconsistent strategies; you've witnessed his not infrequent revisions of the biblical text as well as his disinclination to engage in fair historical description of other ancient Near Eastern texts and societies. You've come to realize that his book doesn't pack quite the academic punch it was purported to have packed. You've discovered that almost every one of his arguments fails on multiple levels.

So what do we do now? How do we move on? Where do we go from here? I suggest two courses of action. First, email Paul Copan and challenge him to take his responsibilities, both to the biblical text and to the church, more seriously from now on. Tell him you're not interested in easy answers, especially fallacious ones; you want to know how to struggle. Ask him to spend more time helping you struggle with the worst case scenario in the text; ask him to spend more time discussing what's morally problematic about a Yahweh who sanctions baby-killing. Ask him to take off his apologist hat and start talking straight, consequences be damned. Ask him to struggle alongside you. If you've read his book, and if his book convinced you up until now, then he owes you his personal time. I give my personal time to critics and to readers with questions. If Copan is really writing *for you* (as I'm sure he is), then no doubt he'll find the time to answer your direct questions directly, and to struggle with you.

Second, with or without Copan at your side, keep struggling, but don't do it on your own. Find a community that will allow you to be honest with your doubts, a community that won't force you to comply with phony definitions of faith that allow for no dissent and no despair. Find a community that will not only allow you to struggle openly, but one that will struggle with you, without the need to force easy answers onto questions that won't allow for them. Find a community that knows how to *argue*, both with one another, and with the text. The Bible is an argument with itself. Find a community that knows that joining in that argument is ex-

actly what it means to be a people of the book. Find a community that doesn't let experts speak over the top of the ignorant. Find a community that holds those who doubt in high regard, and one that treats those with all the answers with the kind of care appropriate to the mentally ill.

If you've already found such a community, find someone who hasn't. And if you haven't found one yet, keep looking. They're out there. I've found mine. You'll find yours. Christian or not, we all need such communities; it's what it means to be human. There may not be any answers forthcoming, but woe to the one who has questions and no one to throw them at.