



Reading the “power of clothes” in the Deuteronomic Code

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Abstract

This article explores the ancient Israelite law, namely the Deuteronomic Code (Deut. 12–26), in terms of how men and women were treated differently when it came to cultural adornment practices. In other words, the Deuteronomic Code was used culturally to hold women back and treated them differently in ancient Israel. It enforced the degradation of women. The legal terminology used when dealing with women and their cultural adornment practices is out of place when it comes to gender. The following areas are addressed in this work: How were anti-women practices enmeshed in the Israelite legal system (Deuteronomic Code)? Were these law codes resistant or open to change in the course of her history? In answering these questions, a feminist approach found that Israel did indeed subordinate and forcefully disenfranchise women.

Keywords: Deuteronomy; female subjection; law codes; anti-women; ancient Israel; culture.

Introduction

A number of scholars have extensively studied the Israelite law system. Many works shed light on the subordination of women in religious and other spheres of life (Bernard & Meyer, 2020:2000). For example, Phyllis Bird sees the disenfranchisement of women as the result of patrilineal and patriarchy (Bird, 2019:397-429). She advocates a reconstruction of traditional historiography devoid of the above. Anderson raises two important questions: Did the laws serve a legal purpose? Can ancient Israelite society be reconstructed from the biblical laws? She answers these questions by employing gender and postmodern feminist legal theory (Anderson, 2004). Emmerson (1989:371-394) emphasises the subordination of women in the Old Testament (OT), arguing that women played a crucial role in the liberation and progression of Israel, but that they were not given due credit. Matthews (1998) analyses the law and points out the protective and positive attitude towards women in the Deuteronomic law code. Habel (1995:277-291) advocates a sociological approach. His argument is to read the text by identifying with the oppressed group. Chirchigno's (1993:141) approach is more of a comparative analysis. The arguments of all these scholars are based on patrilineal and patriarchal ideology. They highlight the discrepancy in the law codes and express their reservations about domination, either based on class or on gender. Many other scholars have also contributed immensely to the understanding of the Israelite law system, such as Bernard Levinson. (Levinson argues for revision and interpolation.) The issues raised by all these scholars are immensely helpful to understand the reasons behind the degradation of weaker sections of Ancient Near East (ANE) society, which included slaves and women (Pietersen, 2021:5).

The issue I will explore, however, is to find out whether female disenfranchisement was exclusively due to the ideology of ancient Israel's neighbours or whether it has other



dimensions to it, such as colonization, which in many ways promulgated female subordination. I intend to also ascertain whether there is any power play (colonial interest) within and outside of Israel in shaping her legal system, which affected marginalised sections of society, especially women.

To address these issues, I will approach the Deuteronomic Code from a feminist perspective, analysing readings which support women's rights to life, equality and self-determination.

Methodology

In addressing the inequality and disenfranchisement of women in the Deuteronomic Code (Pietersen, 2021:4), Kirk-Duggan (2012) is critical in her approach, it is from this critical lens that this research is foregrounded. It is the view of Kirk-Duggan and this work that the Deuteronomic Code in general and all its relevant texts demonstrates that things such as clothes and other related objects were used to be powerful 'weapons' in the treatment of women (Kirk-Duggan, 2012:261–265). This is how far reaching the disempowerment towards women was in the ancient world. Therefore, addressing this topic through the feminist framework helps to "hear women's voices, and make sure that alternate perspectives that included women's views in the story are lifted from the text" (Kirk-Duggan, 2012:84).

Setting the Scene for Discriminatory Laws- Deuteronomy (the Second Law)

It is generally agreed that the Deuteronomic Code (12–26), though widely regarded as the "original" Deuteronomy and the oldest part of the Old Testament (OT) book, is a product of Josiah's reform (a view endorsed by Martin Noth and others). If we agree with this view, the political changes which occurred during that era hold much significance (Otto 2009:319–340). The law and the reformation had a strong bearing on the weakening and collapse of Assyrian control over Judah. For a century, Assyria had control over Judah (736/733 BCE–630/622 BCE). The Assyrian dominance over Judah can be seen from the Syro - Ephraimite war (736–733 BCE) to Josiah's reform (622 BCE). By the time Josiah came to the throne, the power of Assyria had declined, which probably was a major reason for reformation in Judah (cf. II Kings 22–23). This development also paved the way for Judah to control her sister kingdom, Israel (Walker, 2015:5). The destruction of the sanctuary at Bethel and the suppression of its priesthood (II Kings 23:15–20) is a clear reference. The rapid decay of the Assyrian world empire must have encouraged Josiah to throw off his vassalage, abandoning the agreement that existed between him and the Assyrian king. Thus, Josiah took full advantage of the weakness of the Assyrian empire and forged unity in Israel by attaining a separate identity and freedom from external political, social and religious interference. This aspect of oneness can be seen in the book of Deuteronomy.

In the light of these political developments, we can better understand the laws of Deuteronomy and human rights (right to bread, right to equality and right to self-determination). Unlike other law codes, the laws of Deuteronomy are highly moralistic and humanitarian. They are deeply concerned with the idea of Israel as a nation chosen and redeemed by God, expecting her citizens to express a similar attitude of forgiveness and acceptance towards other human beings. These laws, distinct from other parallel codes, give more importance to the overall social and cultural development of Israel.¹

¹ The law deals with the fundamental aspects of family life, such as the release of both male and female slaves in the seventh year (Deuteronomy 15:12–18), prohibition against selling a wife who had been chosen from among captives (Deuteronomy 21:14) and the protection of women in marriage (Deuteronomy. 22:19)



Deuteronomy 12 to 26 is the detailed law of the covenant. It deals with religious life (unity and purity of Israel's worship, occasional obligations and institutions), political life (the responsibility of the officials of a theocratic state towards their nation and vice versa), and social life (respect of individuals, particularly in the context of family relationships, humanitarian behaviour, first fruits and tithing, etc). Based on the correspondence between some of the laws, for instance, the Decalogue and slavery, it is proposed by some scholars that the Deuteronomistic Code is a modification of the Exodus Code, while others argue that the Deuteronomistic Code harmonises the legislation of the Covenant Code and the Holiness Code (Pietersen, 2021:165).

Deuteronomy 15:12–18: An Anti-Feminist Approach to the Liberation of Hebrew Slaves

The slave law (Deuteronomy. 15:12–18) is casuistic in style² and is made up of two sections (vv.12–15a and vv.16–18). Verse 15b stands as the centre of the literary unit, emphasising the reason to redeem the indentured servant. Each of these sections has a law in casuistic form, followed by an exhortation (v.15 and v.18) (Mayes, 1979:252).

The law in Deuteronomy advocates the release of all Israel's slaves after a period of six years. Moreover, at the time of release, the owner must not send them away empty-handed, but must provide for them generously. The people should show empathy to those who have been forced into servitude due to difficult circumstances (Matthews et al, 1998:136-138). However, in spite of this provision, the slaves are free to remain with their masters for life. It totally contradicts the law of release in the Book of the Covenant (Exodus. 21:2–11). The comparison between the two law codes will be explored in the following section.

The slave law provides remission to those who have lost their freedom because of debt and poverty. It refers to debt slaves and not foreign slaves. After serving for six years, a Hebrew male or female slave must be freed in the seventh year and the owners are expected to provide for them liberally, so that they may start a new and independent life. As God rescued the Israelites in Egypt when they were weak and enslaved, in likewise manner they are expected to treat their fellow citizens.

The uniqueness of the Deuteronomistic Code is not just in its choice of words. The word "Hebrew" rather the word "brother" (v. 12) marks a radical departure from parallel law codes, especially the Covenant Code. Women are also given equal privilege with men in the release of slaves (v. 12 and 17). The Deuteronomistic Code thus supersedes the Covenant Code by granting equal treatment to female and male slaves (Tigay, 1996:148). The position of equality clearly shows that the Deuteronomistic Code springs from a more advanced society in which the power of a father over his daughter was no longer supreme (Driver, 1902).

Yet, as Anderson so aptly expresses it (2006:51), men still hold the highest position of power in Israelite society: "These laws reflect the perspective of the free, privileged, adult male who is the head of a household" and they serve to "construct identities for other groups who are not free (slaves and debt slaves), not privileged (the marginalised), and not male (females)".

If a member of your community is sold to you is in the context of verses 1 to 11. The reason for the sale would be due to the default in the repayment of debt. The way to substitute the debt is by servitude. He or she shall serve you six years. These are not the six years of the sabbatical cycle, but rather the six years following the sale. In the seventh year, they are declared as free.

² Unlike the impersonal form, which is typical in casuistic style, here it is in the second person singular form.



You shall let him go free: This command is in line with the phrase, “Let my people go” (Exodus. 5:1). This expression is a humanistic approach. In Exodus, the command is given: “he shall go out free” (v.2), whereas here the owner is indebted to release his slave (cf. v.18) (Weinfeld, 1972:282-283). In verses 13–14, the owner is asked to “garland” the slave – in other words, give him or her a necklace of flocks, grain and wine in abundance (Wright, 2009:192-193). The implication of this phrase is to bestow generously.

The Deuteronomic Code goes beyond the provision of Exodus 21:2–11. The obligation aspect is missing in the Covenant Code. Here the owner’s responsibility towards the slave is highlighted. Slaves should not begin their state of new-found freedom in destitution or indigent insecurity. Rather, they must enjoy themselves as full and independent members of society. The strong humanitarian spirit and concern for the weak and oppressed can be seen clearly. A remarkable advance in terms of social thinking is shown in this text. The principle of love – for God and for others – is vital to the covenant community, and it is strongly demonstrated in this text, but Exodus 21:2–11 makes no provision for the released slaves (Wright, 2009:192).

Therefore, I command you this word today (v.15): The word “today” is unique in the command of freeing the indentured servants. It stands exactly at the centre of the literary unit (between two sub-units: vv. 12–15a and 16–18). Here the call to remember was not merely a means to evoke sympathy or compassion for the slave, which would lead to generosity, but rather to remember their past when the Israelites were slaves under Egypt (Deuteronomy 5:15, 16:12, 24:18, 22). The freedom from their bondage in Egypt was not done on merit but was the result of God’s love towards them. The love of God is shown both by delivering them from the land of Egypt and also by supplying ample provisions (cf. Exodus 3:21–22 [you will not go empty-handed], 11:2, 12:25–27) (Merrill, 1994:2450246). In return, they should do no less to the manumitted slaves in the seventh year. A powerful motivating force is thus indicated. In comparing this passage with other codes, the proper love and concern of God towards the poor are here expressed. In Exodus, the taste of injustice is seen, especially towards the female slave. In the Deuteronomic Code, the liberation of the male and the female slave is an act of love, whereas in Exodus, it is an act of cruelty. Total justice is evidenced when a person set free has some hope of success ahead. And if it is not achieved, it is nothing other than leading them to further slavery.

The law intends that freedom be given to all. But according to this law code, if a slave, in spite of receiving freedom, decides to stay with the owner, he shall be categorised as a *perpetual slave* (v.17). The regulation and exhortation contained in vv.12–17 is applied equally to male and female slaves (v.17b); this is completely absent in Exodus 21. In the Exodus passage, the slaves are brought to God (household gods before whom the ceremony was performed), but Deuteronomy does not mention it. The reason why is that gods had been rendered illegal objects under Josiah’s reform (2 Kings 23:24).³ The pierced ears indicate to the general public the slave’s legal position. It symbolises the slave’s obligation to hear the owner’s order and serves as a slave mark.

Had the slaves rendered free service for six years, there would have been every possibility of selfishness and greed on the part of the owner. Here the law clearly indicates that the six years of service is worth the wages of hired labourers. The slaves had worked for no pay and the wages that would have been paid to an employee for the same labour were to be considered as full repayment for the debt that had caused the slavery in the first place (Craigie, 1976:239). The law cautions the slave owner not to consider it as a hardship, but rather free the slave with total willingness. The result will be a blessing from God. This concept is wholly absent in the Exodus passage (Pietersen, 2021:170-171).

³ The Deuteronomic legislator avoids the word “God”, instead preferring the word “door” to highlight the “single sanctuary” practice and considers the household gods as illegal objects under Josiah’s reform.



Hence the law of slavery in Deuteronomy is sound, both theologically and economically. The economic feasibility to have a fresh start at life, in other words, historic and economic redemption (Exodus. 12:33–36), is given much emphasis. It recognises and respects the private life of the slave. The law regards him as an equal, who sells his or her services and not his or her person. Unlike Exodus, there is no mention of the hidden agenda of the owner to increase his slaveholdings by giving the slave a wife and at the end of six years keeping back the wife and children. The slave now has a voice in the community and as a citizen, he enjoys the same rights as his master. He not only has the right to freedom, but also can stay with his family. (In the Covenant Code, the slave has to decide whether he wants freedom or family and in the Holiness Code, his children can go with him, but the freedom of his wife is not mentioned). The Deuteronomistic Code does not view male and female slaves as chattel under the slave owner's control. Rather, they are regarded as brothers and sisters, fellow Israelites. Justice and compassion to the weak and powerless members of the community are well addressed in this law.

Deuteronomy 16:11–14: Anti-Feminist Worship

Deuteronomy 16:1–17 deals with the three feasts of Israel. Within the series of festivals, vv1–8 (the Passover/Hebrew Pesach) is much discussed; verse 3 contradicts with verse 8. It is generally argued among biblical scholars that the two feasts, Passover/ Hebrew Pesach and unleavened bread, have been combined (Mayes, 1979:254-256). This chapter consists of the Passover with Unleavened bread (vv.1–8), the Feast of Weeks (9–12), the Feast of Booths (13–15), followed by a summary (16–17). In all these feasts, the expectation of YHWH is for his people to remember the faithfulness of God in their lives and to observe the feasts from generation to generation by involving “all members of society” (vv. 11, 14). This passage is a Deuteronomistic version, as it gives more importance to worship (the word “rejoice” is unique in Deuteronomy). With the exception of Passover/ Hebrew Pesach, the three feasts have an agricultural setting and belong to the period of settlement (Cunliffe-Jones, 1951:101).

The heart of the festival is not merely to remember the salvific act of God and his blessing, but to have a fellowship meal involving “all members of the community”, regardless of their socio-economic status. The law here motivates the owner to extend the celebration to servants and others connected to his family. Deuteronomy 16:9–17 deals with the Feast of Weeks and the Feast of Booths. Unlike the parallel passages in Exodus (23:14ff. and 34:18ff) and Leviticus (23:15–22, 33–44), the Deuteronomistic passage has one small difference. Neither of the two feasts in Deuteronomy is connected with salvation history (cf. Exod. 23:15; 34: 18; Lev. 23:42–43). In the Book of Leviticus, the dwelling in booths is projected to remind the people of Israel of their wandering in the desert. In the Book of the Covenant, the Feast of Weeks is also called the Feast of Harvest (23:16).

In the Deuteronomistic Code, the striking significance is not merely Israel's history, but rather the involvement of each member of society (“Rejoice ...you and your sons and your daughters, your male and female slaves, the Levites, the strangers, the orphans and widows” vv.11 and 14). In the parallel passages, male members are bestowed with privilege, as they were considered members of the covenant community. For the Deuteronomist, the dependent members are also given privilege, as an Israelite too was once in a similar dependent social position (cf. 15:15) (Merril, 1994:254). Verse 12 is the reason for such a stipulation: “Remember that you were a slave in Egypt”. For Deuteronomy, the reason for celebration is not merely to recall the Exodus experience, but instead to consider how their lives were when they lived in Egypt – their servitude (Exodus. 23:14; Leviticus. 23:43; Deuteronomy. 16:12) (Mayes, 1979:260). In Egypt, all faced the same hardships and were delivered, hence participation in the feast was not limited to male members of society, but



rather to all of the Jewish faith.⁴ Each member of the community had full access and rights to enjoy the feast. For the Deuteronomist, the festivals were a time of rejoicing for all members of the community. He creates empathy for the weak and marginalised and creates a sense of being among them: they too are given rest to celebrate the redemptive act of God. Hence, the celebration, unlike in other codes, gives new value to the community, emphasising the significance of each member, irrespective of their social standing. This change is vital, as it brings social bonding, renewal and a deep conviction that everyone is part of the 'community of God'.

It is important to note that I have no desire to give a detailed account of these issues in this chapter, but rather to interpret the text from a feminist perspective, so as to deal with the oppression and disempowerment of female members in ancient Israel.

Deuteronomy 22

Firstly, let's look at how the structure of this law gives way to disempowering women in terms of their clothing and then move on to key words to better understand why this can be construed as disempowerment. The focal text is Deuteronomy 22:5, which prohibits a man from wearing a woman's clothing and vice versa, declaring this to be an abomination before God.

Structure of the Anti-feminist Agenda

The construction *הוּאֵ תַבְעוּת* explains the gravity of breaking the Deuteronomic law. How does this construction contribute to a better understanding of Deut. 22:5? The meaning of *תַבְעוּת* is "abomination, abhorrence". In a broader sense, the word is used to identify anything offensive (Prov. 8:7) (Baker, 2003:183). Harris et. al (2000:977) points out the nature of the offence may be of a physical, ritual or ethical nature and may be abhorred by God or man. Thus, the verse can indicate that which is excluded by its very nature, that which seems dangerous or sinister, by *tô'ēbā* (Jenni and Westermann, 1997:1429).

The construction *הוּאֵ תַבְעוּת* appears only in Deuteronomy (8 times) and Proverbs (11 times). It expresses the incompatibility of some things with YHWH's nature (Jenni and Westermann, 1997:1430). Davidson (2007:171) points out that *תַבְעוּת* is not only about cultic taboos, but as with Leviticus 18, it is a violation of the creation order. I support a more literal translation, evidenced in Fox's translation, believing the verse to be condemning crossdressing in general: "There is not to be a man's item on a woman, a man is not to clothe himself in the garment of a woman, for an abomination to YHWH your God is anyone doing these" (Fox, 1995:22).

Context to Unlawful and Anti-Feminist Laws

After looking carefully at the words of this verse, let's see how the context sheds light on the meaning of it. Firstly, there are scholars who attach little importance of the context here (Vedeler, 2008:460). And indeed, at first glance it seems that the law is out of place. In Deuteronomy 22:1–12, we have the following laws:

1. law of respect for other's property (vv. 1–4);
2. law on protecting birds' nests (vv. 6–7);
3. law on requiring parapets on homes (v. 8);

⁴ In my observation, along with God, there were human agents for the deliverance of Israel. The human agents were not merely male members of society, but women and children as well. Hence the rights of rejoicing are for all. Surprisingly, the parallel codes center around male members of society. Possibly the Deuteronomist had this in mind while issuing this particular legislation.



4. laws concerning forbidden mixtures (v. 9–11); and
5. law concerning clothes and clothing (v. 12).

After examining the passage, it becomes clear that there are some common elements. The position of Deuteronomy 22:5 seems to anticipate both the laws on forbidden mixtures in verses 8–11 and the laws on sexual behaviour between men and women in verses 13–30 (Hall, 2000:230).

Kaufman (1979:136) points out a small chiasmus that binds:

v. 5–12: (a) dress,
v. 5: (b) animals,
vv. 6–7: (c) house,
v. 8: (c) field,
v. 9; (b) animals,
v. 10; (a) dress,

This arrangement sets Deuteronomy 22:5 in chiasmic parallel with the law concerning forbidden mixtures. How does this influence our interpretation? It will be helpful to first understand the reason for the laws concerning forbidden mixtures. There are three laws concerning mixtures that are forbidden: (1) sowing different kinds of seeds, (2) ploughing with different kinds of animals, (3) wearing clothes made from different kinds of threads (this last one is in direct chiasmic parallel relationship with Deuteronomy 22:5).

Houtman (1984:226) offers some insight into why mixing different substances was so abhorrent: “mixing of kinds has to be prevented, because the order of the world must not be endangered”. He argues that the world was created by means of separation; the world exists thanks to the separation of heaven and earth, the alternation of light and darkness, of heat and cold, of water and land, thanks to the differences between man and beast, thanks to the diversity of species (Houtman, 1984:227). And blurring this distinction may induce a reversion of the cosmos to chaos and must therefore be avoided at all costs. According to the context, it seems that Deuteronomy 22:5 prohibits any confusion between man and woman, as God created them at the beginning.

ANE Background that Wrongfully Aimed for Womanism

In ancient Egypt, there were some instances where people were involved in cross-dressing. There were two pharaohs who chose to depict themselves with traits of the opposite sex. Pharaoh Hatshepsut (1478/72–1458 BCE) is one of them. She, “after seizing power, had herself depicted with such male (and pharaonic) features as a beard, male kilt, and crown” (Vedeler, 2008:465). She did all this without a clear reason because there were female pharaohs before her. Besides Hatshepsut, other transgender behaviour was exhibited by Pharaoh Akhenaten who was “depicted with feminine hips and his wife Nefertiti wearing the crown which was only for pharaoh”. Similarly, the motivation behind Akhenaten’s behaviour remains unclear.

In Mesopotamia, there was a group of temple servants who were involved in cross-dressing. The male cult functionaries (called *assinnu*, *kargarrû* or *kulu’u*) in the cult of Ishtar used to dress like women, wore female make-up and often carried the female symbol of the spindle (Vedeler, 2008:465). And it seems inescapable that these individuals did participate in ritual homosexual practices. It was considered that these functionaries were changed from men to women by the goddess Ishtar (Davidson, 2007:137).



In Canaan, there is one reference in the Bow of Aqhad about the Canaanite goddess Anath who “takes away men’s bow”, that is, changes men into women. This may allude to the goddess transforming these men into homosexuals, according to the similitude with the Mesopotamian statements about Ishtar. This would appear to be the background of Deuteronomy 22:5. The law might have in mind the male servants in the cult of Ishtar. The cult of Ishtar is equal to the cult of Astarte/Ashera in Canaan. On the basis of this parallel, it can be concluded, even though there is no substantial evidence, that *assinnu* had its counterparts in Canaanite religion (Davidson, 2007:138-141).

(Ir)rationality behind the Law (Anti-Feminist)

One of the most important questions related to Deuteronomy 22:5 is about the (ir)rationality of the law. Why should a woman not wear anything that pertains to a man and a man not wear a woman’s clothes? There is a long debate among scholars about the reasons for this law and there are several viewpoints that they share. There are those who translate ילכ as “weapon”; they suggest that this text is a prohibition related to war. The law prohibits women from assuming and men from avoiding the role of warrior (Ames, 1997:55).

On the basis of the ANE background, there are scholars who suggest that the author is prohibiting involvement in a foreign cult (Payne, 2001:125). They suggest that women appeared in male garments and men in women’s clothes when they worshipped pagan deities. YHWH wanted his people to be unique and to do nothing that was in any way connected with foreign religions (Maxwell, 2004:241).

Another view is that Deuteronomy 22:5 it is about a sexual perversion, such as homosexuality. Pickett (1985) suggested that this verse appears to refer to the practice of transvestism as a not uncommon behavioural extension of homosexuality. She believes that biblical writers share a unique aversion to homosexuality, which means that anything that smacks of homosexuality and gender blurring is similarly prohibited, including cross-dressing (Frymer-Kensky, 1989:288).

There are other scholars that take into consideration the second and third interpretation, but they go even further to suggest that the law is against blurring distinctions between men and women, distinctions that are God-given at the creation (Cairns, 1992:194).

Keil and Delitzsch (2002) comment on the rationale of the law:

The immediate design of this prohibition was not to prevent licentiousness, or to oppose idolatrous practices [...]; but to maintain the sanctity of that distinction of the sexes which was established by the creation of man and woman, and in relation to which Israel was not to sin (p. 945).

Anderson (2004), on the other hand, suggests that this discrimination is as a “result of gender asymmetry in patriarchal societies where men demand ‘exclusive control of their wives’ sexuality’ while maintaining their ‘sexual access to other women’”(p. 71).

While taking into account the ANE background, the scholars who endorse the second interpretation don’t pay attention to the context of Deuteronomy 22:5. Here there is no reference to a cultic situation. The third interpretation is interrogated by Hoffner (1966:33) claims there are more direct ways for referring to this practice [homosexuality] which are, in fact, employed elsewhere in the Old Testament. It seems that it ought to be more than a law against homosexuality. According to the context of Deuteronomy 22:5, it seems that the rationale behind this law is indeed to prevent the blurring of creation order. Davidson (2007) offers a well-balanced view:



Thus, cross-dressing is morally/culturally repugnant to God not only because of its association with homosexuality and fertility cult rituals, but also and primarily because it mixes/blurs the basic distinctions of gender duality (male and female) set forth in creation (p. 172).

Lange suggests that it is too narrow a view to regard the law as a mere safeguard against sensuality and too wide a view to regard it as a disapproval to practices at idolatrous festivals. The difference between the sexes is accepted and is recognised by God in how they were created, and any inattention or violation of unique otherness, even in externals, not only leads to impurity, but involves the infraction of the laws of God (Lange, 2008:164). However, it is undeniable that the focus of this law is not about idolatrous festivals and protecting chastity, but the issue at stake is not accepting the blurring of distinctions in external appearances between men and women. Many would argue that it is discriminatory and anti-feminist at best, and I would agree here.

In concluding this discussion, God is saying here that a man in its various differences ought to take on that confidently (McGee, 1991:139). Maxwell (2004) adds that the law is against “the wearing of any item specifically intended for the opposite sex. The distinctives of the varied degree of sexes should be maintained and protected in regard to outward appearance.” (p. 241).

Status of Men versus Women in an Anti-Feminist Ancient Israel

Concerning the role of clothes to establish identity in OT times, Gamberoni (1995:468) states: “If clothing does not establish the identity of an individual in human society, at least it plays an indispensable role in signalling this identity unmistakably.” Clothes are a means of communication; they are expressing something about the wearer. Kelle and Ames (2008) adds:

On the symbolic level, clothing always serves as a means of visual communication. Thus, to dress the part is to assume the role, either intentionally or unintentionally. Clothing, one might say, is a fashionable form of synecdoche: the part represents the whole (p. 56).

Looking at this definition of clothes, it seems that trying to exchange appearances with the other sex became a matter of hiding identity. Let us examine those items that are specifically worn by men and women and carried identity in those times. This topic is related to the question that remains unanswered in this study, the question about the broadness of the terms in the first part of Deuteronomy 22:5. (Why does the author use these broad terms in order to describe what it is forbidden for a woman to wear? He could have been much more specific.)

I would suggest that when it is about men, there are articles other than clothes that differentiate him from women. Besides clothes, men in ancient Israel would have worn weapons and tools. Maybe there are other articles specifically worn by men of that time (for example, particular adornments), but in this paper I will deal specifically with weapons, tools and clothes.

Firstly, there are weapons (they are part of the definition of *לֵבַשׁ*) and were used and worn only by men in ancient Israel and the ANE (Kelle and Ames, 2008:220). Secondly there are tools and instruments used for work that were carried only by men. Israel was an agricultural society and men did the work that required strength, in contrast with women who were more family-centred. Because men’s work often involves strength, the expenditure of great deals of energy in quick bursts, the use of large muscle groups and travel away from home, they



needed to carry tools for long distances for different types of work (Jackson, 1980:107). There is archaeological evidence that men wore a belt around the waist in order to fasten the skirt that they wore. The belt was used to hang on “various articles, such as a sword, dagger, weights or other valuables”. Tools and different instruments of work might be carried or hung on this girdle. Tools of the trade were something that carried man’s identity (Wright, 1995).

Regarding clothes, there are some differences between men and women. Wright (1995) asserts that,

The clothing worn by women was similar to that of men, except that they did not wear a short skirt and, in all probability, they could adorn themselves in a greater variety of garments if they possessed the means to purchase them (p. 18).

It seems that men wore a kind of short skirt in order to have the ability to move more quickly while working.

What was specifically worn by women in that era? Women’s activities seem to have been directed towards domestic tasks and because of her duties, she was not seen in public wearing any ילכ as men did (Batten, 2010:150). The biblical author mentions only תלמש as something worn specifically by women. It is interesting that there are cloaks (תלמש) for men also. But it seems that the cloak of a woman was different, according to the verse. It may have been made of finer materials and made distinctive by its vivid colours and elaborate embroidery (Rodriquez, 2020:225).

I believe that in that time because of their duty, men had specific articles that differentiated them from women, such as weapons, tools and clothes. Deuteronomy 22:5 makes it clear that women cannot wear them. The reason for the broadness of the terms in the first part of the verse is probably because these articles will make women appear like men and God does not want the distinction between genders to be blurred.

Concerning women, there are specific garments that differentiate them in appearance from men. In labelling “the wearing of clothes of the opposite sex”, for whatever non-sexual reason or however innocently done as morally repugnant to God (הוהי תבעות), Deuteronomy seeks to assert that total fidelity to YHWH extends even to the mundane world of dress.

Conclusion

In this article, the interpretation of the Deuteronomic Code and Deuteronomy 22:5 in particular has established that there is a need for contemporary application – in other words, giving contemporary meaning to traditional customs and definitions of gender. Because of the obscurity and unclear interpretation of the above text, the impression is given that women are not able to make choices that could empower them and define their role in society, so that they can worship YHWH in the appropriate way. This even extends to many African churches today, who frown upon women wearing trousers to church (Ademiluka, 2007:49). Deciding what a woman should or shouldn’t wear is not something that should be done heavy-handedly; I think the text allows the reader to consider the myriad translations, but it is obvious that it could be interpreted as disempowering to women.

What it is a point of reference for the application of this law is the rationale behind it. Rodriquez (2020:15) writes: “The distinction between male and female was established at Creation when the human race was defined as ‘male and female.’” Anything that alters that distinction is rejected. But the principle cannot be limited exclusively to that cultural expression in ancient Israel *because it is based on the order of creation*. Braun (2000) adds:



Styles change from one time and place to another; it's impossible to dictate a specific dress code for all the rest of human history because implicit in that approach is to question the identity of women. God wants men and women to appreciate the dignity of their own sex, instead of assuming the appearance or preferring the role of the opposite sex (p. 197).

We are living today in a culture very different from that of the Old Testament, but sexual stereotypes remain, and these are often expressed in terms of clothing and outer appearance. Religion should not be seen to propagate these stereotypes or forbid women from expressing themselves through their choice in clothing as this would stifle their identity and contribute to their disempowerment.

References

- Ademiluka, S.O. (2007). *Issues at Stake in the Contemporary Nigerian Church*. Ilorin: Nathadex. 49–50.
- Anderson, C.B. (2004). *Women, Ideology, and Violence: Critical Theory and the Construction of Gender in the Book of the Covenant and the Deuteronomistic Law*. New York: T&T Clark.
- Ames, F.R. (1997). "Women and War in the Hebrew Bible", Ph.D. dissertation (University of Denver: School of Theology).
- Baker, R.W. (2003). *The Complete Word Study Dictionary: Old Testament*. Chattanooga, TN: AMG Publishers.
- Barnard, E and Meyer, E. (2020). A Theological Response to Biblical Violence, *Scriptura*, 119(1), 1–15.
- Batten, A. J. (2010). "Clothing and Adornment," *Biblical Theology Bulletin*, 40(3), 148–159.
- Bird, P. (2019). "The Place of Women in the Israelite Cultus," in *Ancient Israelite Religion*, ed. Miller Patrick. Philadelphia: Fortress Press.
- Braun, M.E. (2000). *Deuteronomy: The People's Bible*. Wis: Northwestern Pub. House.
- Cairns, I. (1992). *Word and Presence: A Commentary on the Book of Deuteronomy: International Theological Commentary*. Grand Rapids, Michigan: W.B. Eerdmans.
- Cunliffe-Jones, H. (1951). "Deuteronomy". in *Torch Bible Commentaries*, ed(s). Alan Richardson, John Marsh R and Gregor Smith. London: SCM Press Ltd.
- Chirichigno, G.C. (1993). *Debt-Slavery in Israel and the Ancient Near East*. Sheffield: Sheffield Academic Press.
- Craigie, P.C. (1976). *The Book of Deuteronomy, NICOT*. Grand Rapids: W. B. Eerdmans.
- Davidson, R. R. (2007). *Flame of Yahweh- Sexuality in the Old Testament*. Peabody, Massachusetts: Hendrickson Publishers.



Driver, S.R. (1902). *A Critical and Exegetical Commentary on Deuteronomy: The International Critical Commentary on the Holy Scriptures of the Old and New Testaments* (Edinburgh: T & T. Clark, 1902).

Driver, S. R. (1996). *A Critical and Exegetical Commentary on Deuteronomy*. Edinburgh: T&T Clark.

Emmerson, G.I. (1989). "Women in Ancient Israel" in *the World of Ancient Israel: Sociological, Anthropological and Political Perspectives*, ed. Ray E. Clement. Cambridge: Cambridge University Press.

Fox, E. (1995). *The Five Books of Moses: Genesis, Exodus, Leviticus, Numbers, Deuteronomy; a New Translation with Introductions, Commentary, and Notes*. New York: Schocken Books.

Frymer-Kensky, T. (1989). Law and Philosophy: The Case of Sex in the Bible, *Semeia*, 45(1), 89-102.

Gamberoni, J.P. (1995). *Theological Dictionary of the Old Testament*. Grand Rapids, Mi: William E. Eerdmans.

Habel, N.C. (1995). "The Future of Social Justice Researching the Hebrew Scriptures: Questions of Authority and Relevance", in *Old Testament Interpretation: Past, Present and Future*. London: T & T Clark.

Hall, G.H. (2000). *Deuteronomy: The College Press NIV Commentary*. Joplin, Mo: College Press Pub. Co.

Harris, G, Brown, C & Moore, M.S. (2000). *New International Biblical Commentary: Joshua, Judges, Ruth*. Peabody, MA: Hendrickson.

Harris, L.R. (1999). *Theological Wordbook of the Old Testament*. Chicago: Moody Press.

Hoffner, H.A Jr. (1966). Symbols for Masculinity and Femininity- their use in Ancient Near Eastern Sympathetic Magic Rituals, *Journal of Biblical Literature*, 85(3), 326-333.

Houtman, C. (1984). Another Look at Forbidden Mixtures, *Vetus Testamentum*, 34(2), 226–228.

Jackson, W. (1980). *New Roots for Agriculture* University of Nebraska Press.

Jenni, E & Westermann, C. (1997). *Theological Lexicon of the Old Testament*. Peabody, MA: Hendrickson Publishers.

Kaufman, S.A. (1979). The Structure of the Deuteronomical Law, *Maarav*, 1(2), 105–158.

Keil, C F & Delitzsch F. (2002). *Commentary on the Old Testament*. Peabody, MA: Hendrickson.

Kelle, B.E. & Ames, F.R. (2008). *Writing and Reading War: Rhetoric, Gender, and Ethics in Biblical and Modern Contexts*. Society of Biblical Lit.



Kirk-Duggan, C. (1997). *Exercising Evil: A Womanist Perspective on the Spirituals*. Maryknoll, NY: Orbis Books.

Kirk-Duggan, C. (2012). "Precious memories: Rule of law in Deuteronomy as catalyst for domestic violence", in A. Brenner & G.A. Yee (eds.), *Exodus and Deuteronomy: Texts and contexts*, Fortress Press, Minneapolis, MN.

Koehler, L. (1999). *The Hebrew and Aramaic Lexicon of the Old Testament*. Leiden, New York: E.J. Brill.

Kline, M.G. (1963). *Treaty of the Great King*. Grand Rapids, MI: William B. Eerdmans Publishing Company.

Kosmala, H. (1969). "The Term *geber* in the OT and in the Scrolls," *Supplement to Vetus Testamentum* , 1(7), 152–162.

Lange, J.P. (2008). *A Commentary on the Holy Scriptures: Deuteronomy*. Bellingham, WA: Logos Research Systems, Inc.

Matthews, V.H; Levinson B.M & Frymer-Kensky, T. (1998). *Gender and Law in the Hebrew Bible and the Ancient Near East*. Sheffield: Sheffield Academic Press.

Maxwell, J.C. (2004). *Deuteronomy: Preacher's Commentary Series*. Nashville, Tennessee: Thomas Nelson Inc.

Mayes, A.D. (1979). Deuteronomy, in *New Century Bible Commentary*, ed. Ronald E. Clements. Grand Rapids, Michigan: Wm. B. Eerdmans Publishing Company.

McGee, V.J. (1991). *Thru the Bible Commentary: The Law (Deuteronomy) Thru the Bible Commentary*. Nashville: Thomas Nelson.

Merrill, E.H. (1994). *The New American Commentary: An Exegetical and Theological Exposition of Holy Scripture: Deuteronomy*. Nashville, TN: Broadman & Holman.

Otto E. (2009). Deuteronomium und Pentateuch: in die Tora: Studien zum Pentateuch, *Beihefte zur Zeitschrift*, 9(1), 168–228.

Payne, D.F. (2001). *Deuteronomy: The Daily Study Bible Series*. Louisville: Westminster John Knox Press.

Pietersen, D. (2021). "Disempowerment of and Violence against Women: Old Testament Perspectives", Ph.D. dissertation. Pretoria, University of Pretoria.

Pietersen, D. (2021). "Reading a few exemplary books or texts in the Pentateuch and comparing how these books or texts portray the theme of violence and disempowerment", *HTS Theologiese Studies/ Theological Studies*, 77(2), 1-8.

Pickett, W.H. (1985). "The Meaning and Function of 't'b/to'evah' in the Hebrew Bible (Abomination, Old Testament)," Ph.D. dissertation. Ohio, Hebrew Union College-Jewish Institute of Religion.

Rodriquez, A.M. (2020). "Deuteronomy 22:5", [Available at <https://adventistbiblicalresearch.org/materials/bible-ot-texts/deuteronomy-225>.] Accessed on 20 January 2021.



Stabnow, D.K. (2004). "A Discourse Analysis Perspective on the Syntax of Clauses Negated by לֹא in the Primary History", Ph.D. dissertation. Pennsylvania, Westminster Theological Seminary.

Tigay, J.H. (1996). "Deuteronomy." in *The Jewish Publication Society Torah Commentary*, ed. Nahum M. Sarna. Jerusalem: The Jewish Publication Society.

Vedeler, H.T. (2008). "Reconstructing Meaning in Deuteronomy 22:5: Gender, Society, and Transvestitism in Israel and the Ancient near East," *Journal of Biblical Literature*, 127(3), 460–61.

Walker, W. (2015). "The Idealised King: How the Foreshadowing of Saul in the Book of Judges Functions as Pro-Josianic Political Propaganda", Ph.D. dissertation. Lynchburg: Liberty University of Divinity.

Weinfeld, M. (1972). *Deuteronomy and the Deuteronomistic School*. Oxford: Clarendon Press.

Wright, D.P. (2009). *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. Oxford: University Press.

Wright, E.G. (1995). "Israelite Daily Life," *Biblical Archaeologist*, 18(3), 50–75.