

Does Deuteronomy 22:28-29 Compel a Woman to Marry Her Rapist?

By Ashby L. Camp

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Some non-Christians attempt to shut down evangelistic appeals at the start by citing Deut. 22:28-29 and declaring that they could never believe in or worship a God who compels a woman to marry her rapist. They use this alleged character defect as a shield, as justification for their refusal to engage the gospel, but I think it is a shield fashioned from a misunderstanding. Though many scholars and translators (e.g., NIV, NET) interpret these verses as involving the rape of an unbetrothed virgin, there are many others who disagree, who think that Deut. 22:28-29 addresses sexual intercourse to which the young girl acquiesced from enticement or pressure. That seems correct to me for the reasons given below.

Here is the ESV's rendering of Deut. 22:28-29 with the two key Hebrew words (in lexical form) placed in brackets following the ESV's rendering of the word: ²⁸ "If a man meets a virgin who is not betrothed, and *seizes* [שָׁפַח, *tāpas*] her and lies with her, and they are found, ²⁹ then the man who lay with her shall give to the father of the young woman fifty shekels of silver, and she shall be his wife, because he has *violated* [עָנָה, *ānā*] her. He may not divorce her all his days."

Whether the sexual intercourse in question was by force or acquiescence, a rape or the result of enticement or pressure, depends in significant part on how one understands these Hebrew verbs. Regarding *tāpas*, the renowned Jewish scholar Moshe Weinfeld states, "There is, indeed, nothing in the two verses [Deut. 22:28-29] of this law that necessarily points to rape. The word שָׁפַח means 'held' and not necessarily 'attacked'. When dealing with rape the author of Deuteronomy employs the verb הִזָּז [hāzaq] (22:25) and not שָׁפַח [*tāpas*]." ¹ A. D. H. Mayes, who was Lecturer in Hebrew and Semitic Languages at the University of Dublin, states: "The law of vv. 28f. is probably concerned with seduction rather than rape. This is made explicit in Exod. 22:16f. Here it is implied in the use of the phrase **they are found**. Moreover, the verb translated **seizes** [in the RSV] is not the same verb as that found in v. 25. Here it is the verb *tāpas*, which has the general sense of 'hold' or 'handle'." ² Anthony Phillips, who taught Old Testament at Cambridge University, states:

Attempts have been made to explain this Deuteronomic deprivation of the husband's right to divorce his wife by arguing that while Ex. 22:16-17 (MT 22:15-16) implies that the girl was persuaded by her lover to consent to the act, Deut. 22:28f. envisages rape. This cannot however be maintained. For the verb tapas used in Deut. 22:28 does not indicate force but means quite generally "hold", "handle". As Deut. 22:25 indicates, where the Deuteronomists need to specify that force was used, then the hiph^cil of hazaq occurs (cp. Deut. 25:11)."³

Ronald Du Preez states in his doctoral dissertation submitted to Andrews University:

¹ Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972), 286.

² A. D. H. Mayes, *Deuteronomy*, NBC (London: Marshall, Morgan & Scott, 1979), 313-313.

³ Anthony Phillips, "Another Look at Adultery," *Journal for the Study of the Old Testament* 20 (1981), 12-13.

As seen in the passages outlined [Ex. 22:16-17; Deut. 22:28-29], the words describing the crimes in these two passages are different. According to the NASB, in Exodus the man "seduces" (*pāṭāh*) the woman and lies with her; yet in Deuteronomy, he "seizes" (*tāpaś*) her and lies with her. While it is correct to observe that *pāṭāh* refers to a milder form of coerced sexual intercourse than *tāpaś*, it should be noted that a third and more powerful word is used in a different law in Deut 22:25. In this case, the man "forces" (*ḥāzaq*) a woman and lies with her.

An examination of the use of these three words in the Old Testament shows that *ḥāzaq* often implies the overpowering of a weaker one by a stronger one. In the context of sexual encounters it indicates a case of rape. In distinction to *ḥāzaq*, the less forceful word *tāpaś* can, among other things, mean "catch" (Gen 39:12), "take" (2 Kgs 10:14), or "seize" (Deut 21:19), while *pāṭāh* refers to psychological pressure, and can be translated "entice" (Judg 14:15), "allure" (Hos 2:14), "persuade" (Prov 25:15), or even "deceive" (2 Sam 3:25).

Of the two laws concerning sexual intercourse with an unengaged woman, neither makes use of the term *ḥāzaq* (to overpower). Rather, the man in the Exodus passage uses psychological pressure, while the man in Deut 22:28, 29 uses physical power to induce the woman to have sex with him. Since in different places in the Bible, the word *pāṭāh* clearly implies that the one being "enticed" has the choice of resisting, it is very likely that in Exod 22:16, 17 there was a certain amount of complicity or willingness on the part of the woman. The passage in Deut 22:28, 29 could be indicating some similar kind of acquiescence on the part of the woman by noting that here the man takes her, lies with her, "and they are discovered" (Deut 22:28, emphasis added).

J. Ridderbos thus appears correct in his conclusion that the law in Deut 22:28, 29 relates to a case of seduction, not rape. In other words, even though they use different terms, these laws are analogous in that both of them have to do with a case of sexual seduction.⁴

As Du Preez points out, though Potiphar's wife "seized" (*tāpaś*) Joseph by the coat (Gen. 39:12), she did not overpower him.⁵ Grabbing him was part of her effort at persistent seduction. So the fact *tāpaś* involves physical contact, even if understood as involving a degree of restraint, is not inconsistent with the young girl of Deut. 22:8 ultimately surrendering to the man's importuning.

Gordon Hugenberger, an Old Testament scholar at Gordon-Conwell Theological Seminary, states:

Contrary to Craigie and the NIV, however, it is not at all clear that Deut. 22:28-29 treats a case of rape rather than seduction of even premarital sex with mutual consent, as in the parallel case of Exod. 22:15, 16 [ET 16, 17]. The fact that this

⁴ Ronald Du Preez, "[Polygamy in the Bible With Implications for Seventh-day Adventist Missiology](#)," (D.Min. diss., Andrews University, 1993).

⁵ Du Preez (1993), 98 (fn. 3).

law employs vocabulary in vs. 28 different from that used in vs. 26 (תפש rather than תפשו) does not favour the assumption that the context of rape in vss. 25-27 necessarily carries over to 28-29. Furthermore, while it is true that the verb תפש, "to lay hold of" or "to seize," can be used with reference to the detainment of persons . . . or acts of violence . . ., it can also be used in a quite general manner, as in Deut. 9:17, "So I took hold [תפש] of the two tables...., or Ezek. 14:5, "that I may lay hold [תפש] of the hearts of the house of Israel...." . . .

Decisive evidence that Deut. 22:28-29 concerns a case of consenting premarital sex rather than rape appears in the expression, "and they are found [וְנִמְצְאוּ]." It is notable that the same implication of consent attends the expression, "is found [נִמְצָא]," in Deut. 22:22 (rendering this a case of adultery rather than rape) and the Akkadian equivalent of this expression, the IV/1 perfect of *šabātum*, in cuneiform law.⁶

Tikva Frymer-Kensky, who was a Hebrew Bible scholar at the University of Chicago, states:

In Deuteronomy, the man who grabs a girl and sleeps with her and is discovered must pay 50 shekels to her father, marry her and never divorce her. The word 'grab' [*tāpaś*] is sometimes understood to imply rape, but once again, the text does not really say this. The previous law [Deut. 22:25-27] deals with the case of clear unambiguous rape of a betrothed girl: the man overpowered her in a field where no one could hear her cry out. Once again, as with Tamar and Amnon, the verb 'overpower' [*hāzaq*] is used.⁷

Richard Davidson, the J. N. Andrews Professor of Old Testament Interpretation at Andrews University, states:

The law of Exod 22:15-16 (ET 22:16-17) concerns most likely a situation of verbal persuasion or enticement (the meaning of *pātā*), but commentators differ on whether Deut 22:28-29 describes a case of forcible rape or seduction (statutory rape). . . . The passage in Deut 22, however, also seems to indicate that the woman had acquiesced and was a willing partner in the sexual encounter, when it notes that "*they* [not just he] are caught in the act [*wēnimšā'ū*]" (v. 28).

Both of these laws are probably speaking of a similar (but perhaps not identical) situation of sexual seduction (statutory rape) of a virgin (*bētūlā*) who is not betrothed (*'āraś*, in the *pu'al* pf.), the former emphasizing more the psychological pressure (he "seduces" [*pātā*] her) and the latter physical pressure (he "catches, takes, seizes" [*tāpaś*] her). The two laws are complementary (the Deuteronomy passage an extension of the Exodus law), and together they give the whole picture of circumstances and legal consequences. The point here is that the woman in this situation has never been married

⁶ Gordon Paul Hugenberger, *Marriage as a Covenant* (New York: E.J. Brill, 1994), 255-257.

⁷ Tikva Frymer-Kensky, "Virginity in the Bible" in Victor Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky, eds., *Gender and Law in the Hebrew Bible and the Ancient Near East* (London: Sheffield Academic Press, 1998), 92.

or betrothed: the seduction includes premarital sexual intercourse. And such activity constitutes an illicit sexual encounter.⁸

Paul Copan, the Pledger Family Chair of Philosophy and Ethics at Palm Beach Atlantic University, states:

Regarding verses 28-29 [in Deuteronomy 22], various scholars see Exodus 22:16-17 as the backdrop to this scenario. Both passages are variations on the same theme. Even if there is some pressure from the man, the young woman is complicit; though initially pressured (seduced), she doesn't act against her will. The text says "*they* are discovered" (v. 28) not "*he* is discovered." Both are culpable. Technically, this pressure/seduction could not be called forcible rape, falling under our contemporary category of statutory rape. Though the woman gave in, the man here would bear the brunt of the responsibility.

As it would have been more difficult for a woman to find a husband had she been sexually involved with another before marriage, her bride-price – a kind of economic security for her future – would have been in jeopardy. The man guilty of statutory rape *seduced* the unengaged woman; he wasn't a dark-alley rapist whom the young woman tried to fight off or from whom she tried to run away.⁹

Paul Heger, who was a Hebrew Bible scholar at the University of Toronto, states:

There is no explicit indication in the biblical text of Deut 22 that this term [*tāpas*] refers to rape. *שפח* has a great variety of meanings, both in Scripture and in Qumran, that range from gentle handling (Gen 4:21); to *firm grasping* or *holding fast* (Deut 9:17), or a slightly overpowering action (Gen 39:12); up to combative and coerced acts (Deut 21:18), and violent action done against a persons will (Josh 8:23).

. . . Translations in *Targum Onqelos*, *Targum Pseudo-Jonathan*, and the *Samaritan Targum* similarly demonstrate that the translation/interpretation of *שפח* must be decided according to the context in which it is used. In our passages from Numbers [5:13] and Deuteronomy [22:28], it may indicate "hold" or "united/put together," but it does not imply an act of coerced intercourse by means of violence. The *Targumim* probably understood the phrase . . . in Deuteronomy as "he held her / they were together."¹⁰

Katie McCoy, Assistant Professor of Theology in Women's Studies at Scarborough College of Southwestern Seminary, states:

⁸ Richard M. Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody, MA: Hendrickson Publishers, 2007), 359-360.

⁹ Paul Copan, *Is God a Moral Monster?* (Grand Rapids: Baker Books, 2011), 119.

¹⁰ Paul Heger, "The Seducer and the Rapist: Divergent Qumranic and Rabbinic Interpretations of Deut 22:28–29," *Journal of Ancient Judaism* 6.2 (May 2015), 233-234.

The verb used to explain what happened to the woman [in Deut. 22:28] is *תָּפַס* (*tāpas*). *Tāpas* means to "lay hold [of]," or "wield." Like *חָזַק* (*hāzaq*, the word for "force") used in vv. 25-27, *tāpas* can also be translated as "seize." Unlike *hāzaq*, however, *tāpas* does not carry the same connotation of force. As one Hebrew scholar explains, *tāpas* does not, in and of itself, infer assault; it means she was "held," but not necessarily "attacked."

There's a delicate difference between these two verbs, but it makes all the difference. *Tāpas* is often used to describe a capture. *Tāpas* also appears in Genesis 39:12; when Potiphar's wife tried to seduce Joseph, she seized (*tāpas*) him to wear down his resolve. This is distinct from *hāzaq*, which describes a forcible overpowering. Daniel Block notes that, unlike the law in verses 25-27, this law has neither a cry for help, nor an account of male violence. It's likely that the woman in verses 28-29 experienced overwhelming persuasion, perhaps an erosion of her resolve, but not necessarily a sexual assault.

This does not mitigate the seriousness of the act. This woman was indeed violated; she was dishonored and humiliated. However, verses 28-29 do not necessarily indicate she was raped. Had the author of Deuteronomy, Moses, (and the Holy Spirit who inspired him) intended to depict this as a sexual assault, it seems unlikely that he would have chosen *tāpas* instead of *hāzaq* – the verb used just before it. Given the lexical differences between *hāzaq* and *tāpas*, and how closely they appear in these two consecutive laws, it seems more likely that these two distinct verbs are meant to convey two distinct scenarios.¹¹

Sandra Richter, the Robert H. Gundry Chair of Biblical Studies at Westmont College, states:

And although too many have also attempted to read Deuteronomy 22:28 as a case of rape (e.g., the NIV), as Pressler details, our deuteronomic writer is going to great lengths to distinguish this final law in our section from the case of rape previously discussed (vv. 25–27). The girl in Deuteronomy 22:28 surely could have been manipulated or be under what we would consider a proper age, but not assaulted. Therefore, this law is designed not to punish the man for a violent capital crime, but to protect the young woman from the economic and legal insecurities that this irresponsible man has introduced.¹²

A leading study on the meaning of *innâ*, the *pi'el* form used in Deut. 22:29, is Ellen Van Wolde's "Does *Innâ* Denote Rape? A Semantic Analysis of a Controversial Word." She states in reference to Deuteronomy 22, "The conclusion is clear: *innâ* is an evaluative term used in a judicial context which marks a debasement of the social status of a woman with effects on the

¹¹ Katie McCoy, "[Did Old Testament Law Force a Woman to Marry Her Rapist?](#)" (March 5, 2018).

¹² Sandra L. Richter, "Rape In Israel's World ... And Ours: A Study Of Deuteronomy 22:23–29," *Journal of the Evangelical Theological Society* 64.1 (2021), 67.

debasement of the men related to her within the whole social structure of Israelite society."¹³ She echoes this in her overall conclusion:

The widespread opinion that the verb *'innâ* in the *Pi'el* refers to "rape" or "sexual abuse" is not acceptable. It suffers from a lack of analysis of all the biblical material and of the distribution of *'innâ* with a female object in the Hebrew Bible. A semantic analysis of the lexical collocations, of the word order and of the textual occurrences in which *'innâ* functions shows that this verb is used as an evaluative term in a juridical context denoting a spatial movement downwards in a social sense (it is used only once in a physical sense, namely, in 2 Sam. xiii 14, where also the word order differs from all other cases). Thus, *'innâ* should be translated as "debase."¹⁴

In other words, a man who entices or pressures an unbetrothed virgin into sexual relations debases her and her family. By corrupting her morals and taking her virginity, he diminishes their standing in the eyes of the community. Note that *'innâ* is used in Deut. 22:24 in reference to a clear case of consensual sex.

In light of the foregoing, a more neutral translation of Deut. 22:28-29 is:²⁸ "If a man finds a girl who is a virgin, who is not engaged, and **lays hold of** her and lies with her and they are discovered,²⁹ then the man who lay with her shall give the girl's father fifty shekels of silver, and she shall be his wife because **he debased** her; he may not divorce her all his days." The New Living Translation puts it this way:²⁸ "Suppose a man has intercourse with a young woman who is a virgin but is not engaged to be married. If they are discovered,²⁹ he must pay her father fifty pieces of silver. Then he must marry the young woman because he violated her, and he may never divorce her as long as he lives." Kyle Butt comments:

The practical value of God's instruction in Deuteronomy 22:28-29 is easy to see. A man has sexual intercourse with a young woman who is not betrothed to anyone. There is no force involved, and it is not rape. But their action has been discovered. Now, who in the land of Israel wanted to marry a young girl who has not kept herself pure? The man cannot walk away from his sin. He has put the young woman in a very difficult life situation, in which there would be few (or no) other men who would want to marry her. Since it was often the case that women had an extremely difficult time financially without the help of a husband, this would be even more devastating to the young woman. God holds both the parties accountable, instructing them to get married and stay together, both suffer the shame, and work through the difficulties that they have brought on themselves. Nothing could be more moral, loving, and wise than these instructions. Once again, the skeptical charge against God's love is without foundation.¹⁵

¹³ Ellen Van Wolde, "Does *'Innâ* Denote Rape? A Semantic Analysis of a Controversial Word," *Vetus Testamentum* 52.4 (October 2002), 537.

¹⁴ Van Wolde (2002), 543.

¹⁵ Kyle Butt, "[Deuteronomy 22:28-29 and Rape](#)," *Reason & Revelation* 35.8 (August 2015), 94.

If it is correct that Deut. 22:28-29 addresses a case in which an unbetrothed virgin acquiesced to sexual intercourse, then it is essentially the same offense addressed in Ex. 22:16-17, which states: ¹⁶ "If a man seduces a virgin who is not betrothed and lies with her, he shall give the bride-price for her and make her his wife. ¹⁷ If her father utterly refuses to give her to him, he shall pay money equal to the bride-price for virgins." This raises several questions: (1) Why does Ex. 22:16 require payment of "the bride-price," whereas Deut. 22:29 requires payment of fifty shekels? (2) Why does Ex. 22:17 refer to the father's ability to refuse to give his daughter to the man, but Deut. 22:29 says nothing about it? (3) Why does Deut. 22:29 specify that the man has no right of divorce, but Ex. 22:17 says nothing about it?

The probable answer to question (1) is that the fifty shekels of Deut. 22:29 corresponds to the bride-price of Ex. 22:16. Carolyn Pressler, now Professor Emerita of Biblical Interpretation at United Theological Seminary of the Twin Cities, states, "The fifty shekels to be paid to the father according to Deut 22:29 is best understood as the equivalent of the "bridewealth of virgins" referred to in Ex 22:16."¹⁶ J. G. McConville, Professor of Old Testament and Hebrew at Oxford University, states, "The fifty shekels is presumably the prevailing marriage price (doubled in v. 19 for the false accuser)."¹⁷ According to Hilary Lipka, now an adjunct professor in the Religious Studies Program at the University of New Mexico, "It is more likely that the fifty shekels in Deut. 22.29 is intended as a bride-price, perhaps either reflecting a concern of the author's part that the circumstances would place the father in a weak position to negotiate a good bride-price or, more likely, reflecting the set or average bride price that was customary in that period."¹⁸

Regarding question (2), it would be odd indeed if the father of a young girl who was charmed into sexual intercourse had a right to prevent the couple from marrying but a father of a girl who succumbed to pressure did not. It seems the father's veto power would apply *a fortiori* in the latter case, and thus its application may have been assumed without mention. As Pressler recognizes, "It must be questioned, however, whether the absence of the clause giving the father discretion in the Deuteronomic text means that the Deuteronomic redactors intended to exclude the father's right to withhold his daughter. It is possible that such a right was assumed."¹⁹ In addition, Daniel Block, now the Gunther H. Knoedler Professor Emeritus of Old Testament at Wheaton College, has noted that this veto power may be implied in a certain translation option of the text. He states, "However, if we translate the verb *w^enātan* modally, 'and he may pay,' rather than as an imperative, 'he shall pay' (NIV), the tone changes significantly. If her father accepts the bride price and agrees to accept the man as a son-in-law, then the man must fulfill the marital duties that go with sexual intercourse."²⁰

Regarding question (3), God probably increased the consequences of having sex with an unbetrothed virgin on the eve of crossing the Jordan to provide a stronger deterrent to that

¹⁶ Carolyn Pressler, *The View of Women Found in the Deuteronomic Family Laws* (New York: Walter de Gruyter, 1993), 39.

¹⁷ J. G. McConville, *Deuteronomy*, AOTC (Downers Grove, IL: InterVarsity Press, 2002), 342.

¹⁸ Hilary B. Lipka, *Sexual Transgression in the Hebrew Bible* (Sheffield, England: Sheffield Phoenix Press, 2006), 177.

¹⁹ Pressler (1993), 40.

²⁰ Daniel I. Block, *Deuteronomy*, NIVAC (Grand Rapids: Zondervan, 2012), 526.

conduct in the pagan environment Israel was about to enter. Or perhaps, as Hugenberger suggested,²¹ Ex. 22:16-17 involved a case in which the couple voluntarily revealed their sin rather than being discovered by another as in Deut. 22:28. The man's desire for marriage in the latter case may be considered more questionable and thus the law prohibits one who marries in his circumstance from obtaining a divorce. It may even be that the different treatment regarding divorce reflects the difference between alluring (*pātā*) and importuning (*tāpas*) the girl into bed, but that would be difficult to prove in practice.

²¹ Hugenberger (1994), 259-260.