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The Relation of Children to the People of God in the Old Testament

IT is usually accepted that, according to the Old Testament, children were incorporated into the covenant of Israel by virtue of their birth, so that a child's status as a member of the people of God was a gift conferred upon him by his ancestry alone. In this way race was the determinative factor in establishing the relationship of the child to God. There is undoubtedly much truth in this contention, but at the same time it is an over-simplified presentation which is worthy of closer examination and criticism. There are two main areas where fuller investigation is called for and from which it is possible to bring fresh information upon a study of the religious status of children in ancient Israel and in early Judaism. The first is what we might briefly term the sociological investigation of the status and legal responsibility of children within the family unit, and the second is a study of the relationship of such family units to the wider entity of Israel. This latter is primarily a consideration of theology.

At the outset it is necessary to remark that we must avoid the temptation to establish any one single criterion for defining membership of Israel, since Israel itself changed its constitutional structure very markedly throughout the millenium of Old Testament history. From being a tribal federation it developed into a territorial state, and subsequently, in the post-exilic era, it became a religious society which never recovered a fully independent status as a self-governing nation. Similarly, in alluding to the covenant basis of Israel as the people of God, it is erroneous to assume that there was one single interpretation of this covenant which was always valid throughout the entire nation. There are in fact distinct covenant theologies within the Old Testament, just as more than one covenant is referred to. The interpretation of the covenant underwent development and change in the course of Israel's historical development.

1. The Legal Responsibility of Children within the Family

Israelite society was patriarchal in its structure, and the status of a family within the wider social circle was defined by the position of the father.¹ Women and children took their place only indirectly through their relationship to the father, and they normally had no means of supporting themselves independently of him. From this fact arises the repeated injunctions for charitable dealing

towards widows and fatherless children, since the organisation of society left such unfortunate people in a very unhappy situation. At best they could be cared for within the parental family circle of the widow, to which she would return after her husband's death.² This was not possible in every case, especially in the cities, where a greater tendency existed for a family to become isolated from its forbears.

The authority of a father over his family was absolute and his wives and children were treated in law as being his property. This conception of the family as belonging to the father is important for an understanding of certain legal practices and punishments in which children suffered for the crimes of their parents. This was not necessarily because such children were regarded as sharing in the father's guilt, but because, as his property, he could be punished by being deprived of them.³

A father could deal with his children as he wished, and in the earliest period he could even punish them with death if he felt that this was necessary for the good of the whole family. In this regard the law of Deut. 21 : 18-21 is of considerable interest since it establishes that if a father has a rebellious son the matter is to be investigated by the city elders, and if the accusation is found to be true then the 'men of the city' are to carry out the death sentence. Contrary to its apparent severity this law was designed to protect children and it marks a significant restraint upon the father's authority over his family. Its purpose was to remove from the father his absolute jurisdiction over the life of his children and to place it instead in the hands of the elders of the city. The possibility of the father abusing his authority for personal reasons, especially in polygamous households, was too great for the local elders to remain indifferent. We can see here the beginnings of a recognition of social responsibility towards children, and an awareness of their needs as individual beings irrespective of their family. This, however, was only a very limited intrusion of society into the private affairs of a family, made necessary in extreme circumstances. Normally the family lived and acted as a unit, guided by the will of the father. In religious matters it was the father who determined the allegiance of the family and he, together with the other male members of the household, represented the family in worship.⁴

The solidarity of the Israelite family has led to the description of its functioning in society, and even of its legal status, as being that of a corporate personality.⁵ Its members were not seen as separate individuals, but as members of a whole, and the behaviour of the whole group was regarded as manifesting itself in each member. In recognising this mode of functioning of Israelite families there is nothing to suggest that Israelites were in any way defective in recognising the individual nature of human personality, but they certainly did take account of the fact that people did not normally

live as isolated individuals but as families. It was a sociological fact that in order to survive families had to hold together and, as we have already noted, the family was treated in law as the property of the father. Those who shared a common board shared a common interest and way of life, and the Old Testament fully recognises this fact. It is from this importance of the family as a unit that the special status of the first-born son was derived. His preferential position was conferred upon him because he would one day grow up to take the place of the father of the house, and become the guiding will of the family.⁶

In early Israel children were involved in the legal responsibility which their family as a whole owed to the community. If the family brought guilt upon itself the children were included in the retribution which this brought. In course of time certain limitations were placed upon the degree of punishment which the children could suffer for their parent's wrongdoing.⁷ During the exile the prophets Jeremiah and Ezekiel firmly repudiated the doctrine that children were to suffer for the sins of their parents.⁸ In these prophecies we are not dealing with legal enactments, but with a religious application of certain basic legal ideas. These prophets denied that Israel's misfortunes were solely the responsibility of past generations, and argued that each generation suffered for its own wrongdoing. Ezekiel in particular stressed the purely individual responsibility of each person before God. During the exile, in which both Jeremiah and Ezekiel prophesied, the entire social and administrative organisation of Israel collapsed, and when eventually a stable pattern of life was re-established considerable changes took place. In these changes there was a new emphasis upon individual responsibility which inevitably raised the question of the legal accountability of children for crimes which their parents had committed. The disruption of normal life with the Babylonian invasion and the deporting of many people into exile brought division among families and severed the close-knit ties of kin-groups. Many circumstances combined to necessitate a reconsideration of the legal responsibility of children within the family unit. In this regard the Priestly Document, which was completed after the exile but which contains much material dating from a time during the exile and even before this, has a very illuminating reference. In dealing with the tradition of the complaints in the wilderness, and of the exclusion of those responsible from entry into the land of Canaan, it established that the age at which such moral responsibility was accountable was twenty :

"As I live," says the Lord, "What you have said in my hearing I will do to you; your dead bodies shall fall in this wilderness; and of all your number, numbered from twenty years old and upward, who have murmured against me, not one shall come into the land where I swore that I would make you

dwelt, except Caleb the son of Jephunneh and Joshua the son of Nun. But your little ones, who you said would become a prey, I will bring in, and they shall know the land which you have despised." (Numbers 14 : 28-31 (P))

This is the first time in the Old Testament that we find an attempt to define precisely the age at which a child becomes an adult, and so fully accountable to God for his actions.⁹ It is important in two ways. First, it clearly recognises the need to define an age of responsibility at which the child becomes a fully individual member of society. Secondly, it passes a clear verdict of 'not guilty' upon children below this age. They are at this stage only junior members of society and so only junior members of the people of God. Whilst they were certainly not excluded from membership of Israel it is evident that their membership was such as accorded with the development of their own personalities. Before this age they could not, like the generation of those who complained against Moses, exclude themselves from the privileges of membership in the divine society.

This raises the question of the relationship of children to the larger society of which their own family was a part. At what stage were children reckoned in early Israel to have attained the status of adulthood? In some ways the legal attitude which treated the family as a unity has tended to obscure the fact that this was still a real necessity. Almost all ancient communities have recognised by means of some special rite the stage of puberty as marking the transition from childhood to full maturity. Usually this recognition has taken the form of a ceremonial act which betokened the acceptance of the youth into the larger society which he would enter on marriage. We must ask whether any rite fulfilled this function in Ancient Israel, and if so, what its significance was. This points us directly to the question of circumcision. In the Priestly Document it is laid down quite categorically that circumcision was to be carried out upon male infants on the eighth day after birth.¹⁰ Such circumcision was the sign and seal of incorporation into the covenant with Abraham. Before this time we do not possess conclusive evidence at what age circumcision was carried out in Israel. In origin, however, there is no doubt that it was a puberty rite, intended to mark the attainment of manhood, and the readiness of a young man for marriage. It was at one time carried out in puberty among Israelites.¹¹ Subsequently it was transferred to infancy, as the Priestly Document attests, but how early we do not know. It may not have been until the period of the exile, or it may have taken place rather earlier. In any case it is clear that circumcision was at one time a sign of the attainment of an age of maturity and responsibility, which was subsequently transferred in Israel to infancy. Originally, it was a community rite, supported by religious sanctions but not related to a specific covenant concept.

The Priestly Document drew out from circumcision a very distinctive religious meaning by relating it to the Abrahamic covenant, and every indication points in the direction that this was the first time that such a meaning had been attached to it. Nowhere do we have any evidence relating it to the Sinai covenant.

Post-exilic Judaism was clearly conscious of the particular status of children within the religious community, and we have already noted its attempt to exonerate immature children from the blame which attached to their parents. We have therefore moved some way in recognising the special problem of individual responsibility as applied to children. Later Judaism solved this question by establishing that it was not until the age of thirteen that the child of Jewish parents was held responsible for observing the Mosaic law.¹² Before this age any transgression of the law's prescriptions was not reckoned as sin. In civil law the Jewish child was not reckoned as fully accountable until reaching the age of twenty.¹³ There was therefore in Judaism a realisation that membership of the religious community entailed fulfilling certain demands which a child could not reasonably be expected to understand. There was no questioning whether or not a child of Jewish parents belonged to the people of God, but there was an awareness that before becoming a mature person a child was only a junior member, whose responsibilities did not exceed his capabilities.

We can summarise the conclusions of this section quite briefly. Ancient Israel recognised very positively the social nature of human existence, and the close integration of individual persons into family units. Such families were themselves members of larger clans, which in turn were incorporated into the tribal units of which (ideally) Israel was constituted. Individuals were related to the whole people of God by their membership of the small local group. A purely individual membership within the people of God was not reckoned, because socially it had no meaning.¹⁴ Within this social context children found their place within their families, with whom their own fortunes were bound up for good or ill. They were held responsible, along with other members of the family, for its actions, and they could suffer if it incurred guilt upon itself. By the time of the exile, and especially on account of it, the degree to which children were held to be involved in the guilt of their parents came to be questioned. After this we find quite affirmatively that Judaism did not regard children as guilty for their parent's wrongdoing, and a clear recognition emerged that an age of maturity had to be attained before children were fully accountable for their actions.

In the post-exilic age circumcision became a sign that a male child was incorporated into the sacred covenant with Abraham, but its earlier use as a social rite was less specifically religious, and was carried out in puberty.

2. The Relationship of the Family to the People of God

Before the establishment of the monarchy, Israel was a federation of tribes which was kept ideally at the number twelve.¹⁵ These tribes formed an amphictyony around a central shrine, and the retention of twelve as the proper number of tribal units was an organisational device for providing a rotation of priestly ministrants at this central sanctuary. One tribe would have been responsible for the service of the sanctuary for one month.

Although the Old Testament portrays the origins of the tribes as purely racial, in which each tribal ancestor was regarded as a son of Jacob, we must recognise that this was a purely theoretical and artificial claim. The actual origin of each tribe was the result of many circumstances and is now very hard for us to track down. If more recent analogies are considered, and combined with a number of clues given in the Old Testament itself, it becomes in every way probable that the constitution of the early Israelite tribes was brought about by a mixture of geographical, social and racial factors.¹⁶ Groups of families formed themselves into clans, embracing the inhabitants of a particular area, and such clans united over a region to form a tribe. If a tribe became too large for its settlement area to support it would separate into two tribes. Within the variety of relationships that human life makes possible, the actual history of individual families and clans could undergo many changes. A particular clan might alter its allegiance to a tribe more than once and whole towns and villages might seek the protection of a tribe by aligning themselves with it. Some form of covenant agreement would denote the acceptance of particular obligations and oaths of loyalty would be sworn. It was a matter of urgent necessity that smaller groups should seek to protect themselves by joining a larger tribe.

Within each family a number of members might be reckoned as belonging to it, who did so not by birth but for some other reason. Thus the purchase of slaves or the offer of refuge to a fugitive would add to the numbers of a family unit, so that it could become quite a large community.¹⁷ Within the family the father was the dominant will and his religious allegiance determined that of all the members.

In Israel a loyalty to Yahweh as the God of the covenant was the constitutive factor in establishing the membership of its tribes.¹⁸ In consequence of this earliest Israel represented a kind of religious movement which attracted to itself a number of clan and tribal groups which had at one time shown a different religious allegiance.¹⁹ An obedience to Yahweh as God was essential to membership of Israel and provided the basis of unity among its tribes. The community grew not only by the birth of new members but also by the addition of other family and clan groups who entered into the obligations which the covenant brought.

This covenant structure of Israel as a federation of tribes gave way under the introduction of the monarchy to a state which defined its boundaries territorially and which sought to impose a unified constitution upon all its citizens. After Solomon's death this unified state broke up into the two separate kingdoms of Israel and Judah, but not before the basic character of such a political organisation had brought extensive changes. The power of the tribes had been gravely weakened and the inhabitants of a large area had been identified as the new Israel, replacing the more restricted scope of the older tribes.²⁰ The boundaries of the religious and political communities of Israel were coterminous, and Yahwism became the official state religion. This situation continued throughout the period of the divided monarchy when the two kingdoms of Israel and Judah existed side by side, each continuing in some measure to preserve the heritage of the old Israel.

Within these kingdoms there emerged a strong concept of Israel as a united race of people, descended from a common ancestor and experiencing together the saving action of Yahweh. A strong impulse towards such an understanding of Israel's origin certainly goes back to David's day. The idea of "all Israel" became a very important one which sought to express both the religious and political phenomenon of Israel's rise to greatness as the covenant people of Yahweh. As a result of this greatly increased sense of national unity, which did not disappear even after the division of the kingdom, there arose a considerable emphasis upon the pure racial origin of all true Israelites. The belief in a common ancestor gave expression to the conviction that Israel was a united family of people, whereas the actual history of the nation's origins was very diverse, and no theories about its ancestry could wholly eradicate the memory of this.²¹

In the law code of Deuteronomy strict regulations were laid down for membership of Israel (Deut. 23 : 1-8). Ammonites and Moabites were permanently excluded from membership of the *qāhāl*, the worshipping community of Israel, whilst Egyptians and Edomites could become full members in the third generation. The appearance of Deuteronomy marks a particularly interesting stage in the development of Israel.²² It deals with the existing nation as a single group, and yet regards it essentially as a religious community. In its legislation it demands obedience to Yahweh's laws from the community as a whole and makes no concession to individual weakness, although the nature of the laws is such that an individual response was called for from each member of Israel. It represents a very interesting half-way stage between reckoning Israel as a national community to which birth gave entrance, and regarding it as a religious society which was constituted by obedience to a given set of cultic and civil laws.

By the time Deuteronomy appeared the Northern Kingdom of

Israel had already suffered defeat and exile at the hands of the Assyrians (722 B.C.). In 587 B.C. the surviving kingdom of Judah suffered a similar fate from the Babylonians. These events brought a complete disorganisation of normal life in both kingdoms and led to far-reaching changes when a new community sought after the exile to identify itself as the heir of the old Israel. The changes in the pattern of family life we have already noted. From the period of the Babylonian exile we find that references to the *qāhāl* of Israel begin to note the presence of women, and also children.²³ They seem to imply that these were now regarded as constituting a part of its membership.²⁴ The close-knit family units of before the exile, represented by its men, now gave way to a more individual reckoning of participation in religious affairs. This inevitably brought a considerable change in religious and social life.

The most pressing of all the problems which faced those exiles who returned from Babylon, and who sought to re-establish an organised religious community in Jerusalem, was that of securing some effective guarantee of continuity with the earlier community of Israel. The temple, which had once formed the religious focal point of the kingdom of Judah, was in ruins, and the population of Palestine had become very mixed. In an effort to identify itself as the heir to the promises made to Israel by Yahweh we find that the post-exilic community laid down a number of requirements for its members. There was a marked increase in the importance attaching to a pure racial origin, with its concomitant concern to prevent mixed marriages. This was an inevitable effect of the new status of woman within the *qāhāl*, since it placed a greater importance upon the purity of race of both parents. It is apparent before the exile that many of the kings of Israel and Judah had had foreign wives. The primary goal of this prohibition of mixed marriages was to preserve children of purely Jewish parenthood and to prevent their being influenced by an alien culture.²⁵ There is no question therefore that the religious interests of children were of first concern and that children of accepted Jewish parents were members of the religious community, whilst others were excluded.

Another aspect of the attempt to define the scope of membership of the community is found in the imposition of demands to keep certain laws.²⁶ Failure to do this carried with it exclusion from the community with the consequent loss of civil as well as religious rights. Only those who were obedient to the law were to be regarded as members of the true Israel. The rebuilding of the temple must also be seen in the light of the post-exilic community's overall need to maintain its continuity with the past. By rebuilding and reconstructing the cultic centre of Israel the community was seeking to revive the cultic basis of unity which had existed in the days of the Solomonic temple. It is significant therefore that those citizens who were not deemed to meet the requirements of racial and

religious orthodoxy were prevented even from sharing in the work of rebuilding.²⁷ The eventual outcome of these exclusivist tendencies on the part of the returning exiles was the Samaritan schism of the third century B.C. The unattractive face which these racial and religious measures present to us can only be judged in the light of the need which existed at this time to forge new links with the past. The whole cultic and political unity of Israel had been shattered by the events of 587 B.C. and an effective basis was required on which the new Israel could be built. All of these measures were simply attempts to identify the restored community with its religious past since the formal political and cultic means of doing so had disappeared.

One other feature of the theological development of Judaism is of great interest. This is the fact that the Priestly Document, composed in the late 6th century B.C., lays a new emphasis upon the Abrahamic covenant. It does not mention a separate Sinai covenant but sees the events which took place there as the fulfilment of the promises which God had made with Abraham.²⁸ The reason for this development must certainly be sought in the sense of failure that had become attached to the Sinai covenant, since it required for its validity the fulfilment of the covenant laws. By failing to do this Israel had nullified the covenant, and this belief was widely accepted as the interpretation of Israel's sufferings and defeat. A great incentive existed therefore for looking behind the Sinai covenant to Abraham, and to the covenant of promise made with him. This was regarded as eternally valid, and it carried no legal requirements in order to establish its effectiveness.

We can see that post-exilic Judaism included children within its covenant membership, and it established a particular racial requirement as the basis for such inclusion. This development, however, can only be understood in the light of the overall problem which beset post-exilic Jewry of identifying itself as the true people of Israel, and so as continuing the religious heritage which had been disrupted by the exile. Racial, legal, cultic and theological factors were established as a means of assurance that the Judean society was the church of Israel. In the course of doing so there was the inevitable exclusion of those who were considered to be unable to meet these requirements, and no final assurance could be found that Judaism as a whole had attained to fulfilling them. In this regard it is noteworthy that the Qumran community introduced a far stricter basis of membership than generally existed for the Jewish community, and it required a voluntary acceptance of a very rigid discipline. This sect denied the claim of the Jerusalem Jews to be the true people of Israel. The sectarian spirit of such Judaism and its arguments over the law were, at bottom, all attempts to answer the question, "Who is a Jew?" The status of Jewish children therefore can only be understood within the wider context of the

theological and social basis of Judaism as a whole. Whilst such children were never denied their Jewish heritage, their membership within the people of God was subject to the uncertainty and tensions which gnawed at Judaism as a whole. Such a voluntaristic society as the Qumran community could not accept children as full members, whilst those who placed all emphasis upon the Abrahamic covenant found a ready position for them within the people of God.

NOTES

¹ Cf. R. de Vaux, *Ancient Israel: Its Life and Institutions*, Eng. Tr., London, 1961, p. 19ff. Traces of a matriarchal society in the Old Testament have been noted, but it was certainly not the normal pattern.

² Cf. Ruth 1:8, where a widow is expected to return to her mother's house.

³ Cf. the death of David's child in II Sam. 12:15-23, where David's sin was punished by the death of the offspring of his illicit union with Bathsheba.

⁴ Cf. Ex. 23:17 (E), "Three times in the year shall all your males appear before the Lord God".

⁵ H. Wheeler Robinson, "The Hebrew Conception of Corporate Personality", *Werden und Wesen des Alten Testaments*, (B.Z.A.W. 66), Berlin, 1936, pp. 49-62. A number of important criticisms and modifications of the idea of corporate personality are made by D. Daube, *Studies in Biblical Law*, Cambridge, 1947, p. 154ff, and J. R. Porter, "The Legal Aspects of the Concept of 'Corporate Personality' in the Old Testament", *Vetus Testamentum*, Vol. 15, 1965, pp. 361-380.

⁶ It is noteworthy that there is almost no evidence for the practice of adoption in ancient Israel, such as existed in many other ancient Near Eastern communities. No laws are to be found giving a legal basis for adoption. The "theological" assertion of the adoption of the Davidic king as God's son is to be regarded as a very special case. Cf. Gerald Cooke, "The Israelite King as Son of God", *Zeitschrift für die alttestamentliche Wissenschaft*, Vol. 73, 1961, pp. 202-225.

⁷ Cf. Deut. 24:16, "The fathers shall not be put to death for the children, nor shall the children be put to death for the fathers; every man shall be put to death for his own sin".

⁸ Jer. 31:29-30; Ezekiel 18.

⁹ This tradition in the Priestly Document revises the earlier tradition of Deuteronomy 1:34-40, where the innocence of the Israelite children is asserted, but no precise age for their attainment of an age of responsibility is laid down. They are simply described as, "your children, who this day have no knowledge of good or evil".

¹⁰ Gen. 17:10-14; cf. Lev. 12:3.

¹¹ K. Galling, "Beschneidung", *Die Religion in Geschichte und Gegenwart*, 3rd ed. Tübingen, 1957-63, Vol. I, clmn. 1091; J. P. Hyatt, "Circumcision", *The Interpreter's Dictionary of the Bible*, New York—Nashville, 1962, Vol. I, p. 629b. The practice of circumcision at marriage seems to be reflected in the story of Ex. 4:24-26, relating the circumcision of Moses by Zipporah. Cf. also Gen. 34:13-24 and Jos. 5:2-8, where, however, special circumstances are being dealt with. In Gen. 17:25 (P) Ishmael is said to have been circumcised at the age of 13.

¹² Cf. H. L. Strack and P. Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch*, Vol. II, 2nd ed., Munich, 1956, p. 144ff.

¹³ Cf. H. L. Strack and P. Billerbeck, *ibid.*, Vol. III, p. 563f.

¹⁴ G. E. Mendenhall, "The Relation of the Individual to Political Society in Ancient Israel", *Biblical Studies in Memory of H. C. Alleman*, New York, 1960, pp. 89-108.

¹⁵ M. Noth, *Das System der Zwölf Stämme Israels (B.W.A.N.T. IV:1)*, Stuttgart, 1930.

¹⁶ M. Noth, *ibid.*, p. 78 note. Cf. also G. E. Mendenhall, "The Hebrew Conquest of Palestine", *The Biblical Archaeologist*, Vol. 25, 1962, pp. 68ff.

¹⁷ Cf. the command to circumcise the children of foreigners, whether slaves or resident aliens (Gen. 17:12-13 (P)). Such circumcised aliens could then share in the feast of Passover (Ex. 12:44ff (P)).

¹⁸ M. Noth, *op. cit.*, pp. 56, 70, 87f.

¹⁹ Cf. the attachment of the Gibeonites to Israel (Jos. 9:3-27), where the Canaanite origin of the Gibeonite clan is fully acknowledged, but it was nevertheless accepted into Israel, even though in a restricted manner. The narrative is aetiologically motivated to support the employment of the Gibeonites as slaves.

²⁰ Cf. II Sam. 8:15, where the title "all Israel" may be intended to include the neighbouring peoples who were subjected to David's rule.

²¹ Cf. Ezek. 16:3.

²² Cf. G. von Rad, *Das Gottesvolk im Deuteronomium, (B.W.A.N.T. III:11)*, Stuttgart, 1929, pp. 17f, 38f, 46; A. R. Hulst, "Der Name 'Israel' im Deuteronomium", *Oudtestamentische Studiën IX*, Leiden, 1951, pp. 65-106.

²³ See especially Jer. 44:15; Ezra 10:1 and Neh. 8:2. In Extra 10:1 children are included.

²⁴ Cf. L. Rost, *Die Vorstufen von Kirche und Synagoge im Alten Testament (B.W.A.N.T. IV:24)*, Stuttgart, 1938, p. 24.

²⁵ Neh. 13:23ff.

²⁶ Cf. Neh. 5:6-13.

²⁷ Ezra 4:1-3.

²⁸ W. Zimmerli, "Sinaibund und Abrahambund", *Gottes Offenbarung. Gesammelte Aufsätze*, Munich, 1963, pp. 205-216.

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