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A Rejoinder to A. Brenner, “Regulating ‘sons’ and ‘daughters’ in the Torah and in Proverbs: Some Preliminary Insights”

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Athalya Brenner’s brief essay, as one would expect, is a fascinating, if necessarily preliminary, exploration of the treatment of sons and daughters in the Torah and Proverbs, and as such raises as many questions as it answers; I hope that I can contribute to its further development. I am a great admirer of Brenner, and am currently reading her book of autobiographical essays of biblical women, *I Am*, with much pleasure. One can say so much more, and with more subtlety, in fiction than in conventional academic exposition. Perhaps that is the point of this essay too, with its emphasis on the fictiveness of the Torah’s laws, on the uncertainty of their relationship to praxis, whatever that is.

I must confess also a certain disappointment, precisely on the issue of the imagination. Neither the Torah nor Proverbs lack complexity; both require very close reading. I was expecting, in this essay, both more detailed attention to the text and a greater sense of ideological conflict. But I also wondered: Why Torah and Proverbs? Why these two texts, in a synchronous reading, and not the others in between? Why no context? And why the selection, for instance, of the Torah’s laws without its narratives, of Proverbs’ sandwich without its filling?

I will begin with Brenner’s first sentence, which is in some respects the crucial one. “This essay traces, in general lines, how the regulations a society presents as normative may reveal its deepest uncertainties.” Indeed this may be or must be so; but

surely there is spectrum of uncertainty. Some areas of life may arouse very great anxiety e.g. sexual practices, while others might be regarded as rather trivial, such as parking regulations. Careful analysis is required to assess the emotive value of each case. Then we go on to Brenner's next phrase: "more so than its implied praxis." But what praxis is implied by a regulation? Surely the regulation itself! Or shall we say that a regulation implies no praxis whatsoever? It is a simply a regulation. To infer a praxis, and certainly a praxis differing from a regulation, one needs historical evidence. The evidence is occasionally there, at least in texts, but the crucial point is that its source must be different from the regulation. Brenner's may indeed be a "vertical (chronologically, textually intersecting) as well as horizontal enquiry," but I am not sure that she has done this. Where is the vertical dimension here? I do not find a chronology, stratification, or the textual analysis that would produce such a thing. I am not sure, moreover, how this can be reconciled with Brenner's subsequent statement that "my approach in this survey is social/cultural and literary/critical rather than historical".

Let us turn to Brenner's "general guidelines and premises," from which this quotation is taken. There are four:

1. The relation between text and "reality" is uncertain.
2. Texts produce other texts, with an equally uncertain relationship to reality.
3. Texts arise from "implied modes of production, subsistence and culture," which are not easy to define (N.B. Why "implied"? Implied by what? The texts? If so, there is a circular argument).
4. The Ancient Near Eastern context will be ignored.

I will focus on two issues:

1. “For us, the Bible is a parallel universe not only to ours, but to the [social, moral] worlds we tease out of it”. In fact, there are four worlds: the world of the Bible, that of the reality it addresses and in which it is written, the world(s) the interpreter “teases out of it”, and our world. None of these worlds is parallel to the others. It is the difference between them that is important. Indeed, Brenner’s earlier metaphor of “textually intersecting” is appropriate. The Bible is necessarily an apperception, as is our own interpretation of it. We don’t simply, naively, project our own world on to the text, just as we don’t equally simply leave it behind.

2. The “prescriptions and prohibitions” may be anchored in “modes of production, subsistence and culture,” but, as Roland Boer has argued in an excellent essay on Deutero-Isaiah,¹ the substructures of premodern societies are theological and symbolic. In other words, a proper materialist analysis of a society’s economy has to take into account its entire system of values, its total symbolic capital. I would note, also, that a materialist interpretation has to be historically grounded. The opposition Brenner interposes between social/cultural readings and historical ones does not exist (I am not sure where literary criticism fits into this). I suspect that by the “social/cultural” approach Brenner in fact refers to what historians of the Braudel school used to call the “long durée,” abiding trends and conditions rather than short term events. Nonetheless, even the long durée has to be historically located e.g. in the late monarchic or Persian periods, with their long term or cataclysmic changes.

Now such locations are notoriously difficult to determine, whence the need, from Brenner’s point of view, to reconstruct the social world implied by the text. But then we

¹ Roland Boer, “Deutero-Isaiah: Historical Materialism and Biblical Theology” *Biblical Interpretation* 6 (1998) pp.181-204.

run aground on the problem, mentioned above, that the worlds of the text and reality are not congruent. This is especially the case with the Torah, which projects a variety of utopias and dystopias that are the product of the human imagination whose relation to reality is always a matter of negotiation. From a materialist point of view, texts are the work of people, and people's thoughts, emotions, pleasures and fears are never fully determined, at least by the cultural background.

As a result of the preference for interpretations based on "modes of production" etc. an economic reductionism pervades the essay. There are two clear examples. One is the unsubstantiated assertion that the injunction to "Honour your father and mother" is "undoubtedly an economic necessity". This ignores the primacy of honour as social currency in Mediterranean society, and in particular "the honour of the family." Honouring father and mother, with its attendant rituals of deference, is a prerequisite for the family's enactment of its status and the perpetuation of the patriarchal principle. It is relatively independent of economic circumstances; a family may be poor but honourable, or conversely, rich but discredited. Secondly, Brenner suggests that "'be fruitful and multiply' is a highly realistic ideology in times and places of alarming child mortality". I can't see, however, that in the creation narrative in which it appears it has anything to do with child mortality or even anxiety, especially when it applies to the animals. Its message is that the reproductive drive is mandated by God, as part of the general insistence of the creation narrative that there is no such thing as nature separate from God's will.

Turning to particulars, there are a number of omissions in Brenner's overview of texts from the Torah, as well as points that require greater precision. She omits one

inclusive term: זרע, “seed,” as in the injunctions against sacrificing one’s seed to Molech (18.21, 20.2). It is true that one may not sacrifice children of either gender, but not that one may; the three examples Brenner gives are all from narrative (two from outside the Torah!) and hardly prescriptive. On the other hand, all firstborn sons are to be given to or belong to God (Exod.13.2, 22.28, Num.8.17), and are replaced either by the Levites (Num.3.41, 45, 8.16, 18) or by silver (Num.3.47, 18.15-16, and cf. Exod.13.13, 34.20). It is true, too, that “ט is subject to the military ban”; however, women as well as children are spared in an attack on non-Canaanite cities (Deut.20.14-15). That such a woman is imagined as a daughter is clear from the sequel about the captive woman, who is permitted or required to “weep for her father and mother for a month” (Deut.21.13). Similarly, in the narrative of the war against the Midianites, Moses commands the death of all but virgin daughters (Num.31.15-18). The relevance of these texts for Brenner’s concluding discussion of Pharaoh’s sparing of the Hebrew daughters is clear.

At other times Brenner misses some crucial distinctions. Sons and daughters must indeed rejoice in festivals and other sacred meals (Deut.12.12, 18, 16.11, 14), together with yourself, your manservant and your maidservant and the Levite in your gates in a celebration from which only the wife is conspicuously missing; here sons and daughters are simply listed as members of a happy family. On the other hand, only males are required to appear at pilgrimage festivals (Exod.23.17, 34.23, Deut.16.16); in Deuteronomy both prescriptions are, presumably deliberately, juxtaposed. Women and children, however, must attend the septennial Torah reading on Sukkot, and are assumed to accompany their men on pilgrimages (Deut.31.11-12).

In Numbers 18, there is no contradiction between v.10 (“every male shall eat it”) and vs.11 and 18, in which daughters may eat of the תרומה, since they refer to different things. Only males may eat of the “most holy” sacrifices – essentially expiatory offerings – while both males and females eat תרומה, communion offerings, etc. which have a lesser sacred status. This is evident, too, in Lev.22.13, in which a childless divorced or widowed priest’s daughter, who has presumably married outside the priestly clan, may consume her father’s sacred food, “as in her youth.”

Other significant omissions are the case of the man who sells his daughter as a servant (Exod.21.7-11), and the capital offences of striking and cursing one’s parents (Exod.21.15,17). Although, notoriously, there is no law against father-daughter intercourse, there are several proscriptions of intergenerational incest e.g. with one’s daughter-in-law (Lev.18.15) or granddaughter (Lev.18.10). In these cases it is transgressive paternal sexuality that is regulated, and hence the source of anxiety.

In short, one has to look at the general verbal context and theme. If “sons and daughters” appear as part of a long list, clearly the regulation does not specifically concern them. It is not that D is more “generous” than the other Torah texts, but it has different rhetorical goals. Deuteronomy is interested in evoking communal solidarity, an ideally blissful Israel; other texts (including Deuteronomy at times!) in defining the sacred. Some texts, moreover, are slippery and ambiguous, like life. What is one to make of the father who sells his daughter, and the Torah’s attempt to protect her rights? Does the injunction to educate one’s “sons”/”children”(Deut.6.7, 11.19) or to narrate the Exodus (Exod.12.25-28, 13.14-15, Deut.6.20-24), apply also to daughters?

To sum up, daughters are mentioned along with sons when it serves the text's rhetorical agenda, sons exclusively when it wishes to delimit the sacred. Brenner is right that the laws reflect and presuppose an agrarian patriarchal society. This, however, is not to say very much. I would like to know more about specifically what kind of agrarian patriarchal society, and how the text deals with anomalies, such as matters of inheritance (the case of Zelophehad's daughters) and vows (Numbers 30). It is not simply that the text assumes a patrilineal norm and patriarchal authority, but that in the one case it demarcates and then eliminates the exception (Numbers 27 and 36), while in the other it permits female autonomy within limits, an autonomy which, in the case of the Nazirite vow (Num 6), breaches the male monopoly on the sacred.

Brenner's treatment of Proverbs is short and generalized, and indeed there is little to say. Proverbs has no prescriptions and proscriptions for daughters, and a lot of advice for sons, from parents, substitute parents, or sisterly Wisdom. As Brenner says, it is conservative, and will help the recipient navigate an upper-class urban world. I missed two things in her account. One was a close reading of those instances when sons and daughters are mentioned. Does Lemuel's mother's instruction to her son differ from that of allegedly male parental figures (31.1-9)? Who are the daughters of the leech (30.15)? Why the description of the disrespectful and dissolute generation in 30.11-14? And so on. And secondly, I missed the playfulness of ch. 30, in particular, with its riddles and its wonder. Finally, I thought that Brenner's reading of Proverbs might have benefited from

Claudia Camp's observation in her book *Wise, Strange and Holy* that the polarized figures of Wisdom and Folly tend to merge, that the book subverts itself.²

In her conclusions, Brenner provides a list of fears (old age, usurpation, early death, and female sexuality) that these regulations counteract. I do not see that she justifies this list in the course of the paper. Are the commandments to respect and "fear" one's parents motivated by a fear that otherwise they would be abandoned and superseded? Or are they simply a statement of essential values: "we are a nation that is defined by its proper treatment of parents." It does not seem to me that for every law there is a pre-existing and normative condition of its breach. That there is a law to honour parents does not mean it was not a "'favoured' norm". That would contradict what we know otherwise about Mediterranean societies.

Brenner is right, however, about the anxiety concerning sexuality. It is not directed, however, exclusively or primarily against female sexuality. In Proverbs, for instance, it is the young man who is being warned against his own desires. In the incest code in Leviticus, the legislation is directed against infractions by both sexes.

A few concluding observations. Brenner's list of objectionable sacrifices (Abraham and Isaac, Jephthah's daughter, the Crucifixion) consists of one that does not take place, a second that exemplifies the motif of the "stupid vow" and hardly meets with the narrator's approval, and a third from outside the Hebrew Bible. The texts self-evidently emanate from an urban elite in an agrarian world; there is little that can be deduced about that world that cannot be explicated by the ideological and rhetorical goals of the text (to imagine an ideal Israel on the one hand, to train youth on the other).

² Claudia Camp *Wise, Strange, and Holy: The Strange Woman and the Making of the Bible* (JSOT Supp; Sheffield: Sheffield Academic Press, 2000). See especially ch.1.

Finally, there is nothing very puzzling about Pharaoh's attempt to eliminate only the infant boys, as the law concerning the conquest of distant cities and contemporary examples from Bosnia show. Males constitute the military potential Pharaoh fears (Exod.1.10) and the patrilineal identity of Israel. Without men, the women have no protectors and can be absorbed into the general Egyptian population, like the captive woman in Deut.21.10-14.

I would like to thank Athalya Brenner for raising these issues about "regulating sons and daughters" in her fascinating contribution, awakening in me a desire to think further about them, and for shaping the challenge of responding to her insights.