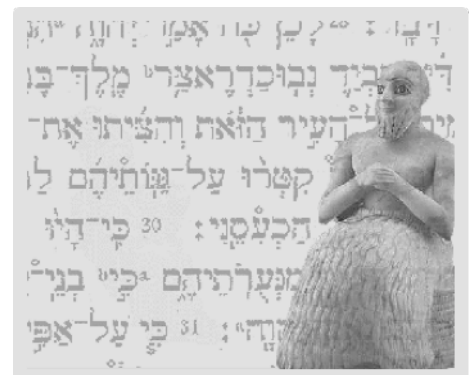


GENDERED HISTORIOGRAPHY: THEORETICAL CONSIDERATIONS AND CASE STUDIES

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1. Shawna Dolansky & Sarah Shectman, [Introduction: What Is Gendered Historiography and How Do You Do It?](#)
2. Susan Ackerman, [Ritual Undertones in Genesis 21:9–21?](#)
3. Alison L. Joseph, [“Is Dinah Raped?” Isn’t the Right Question: Genesis 34 and Feminist Historiography](#)
4. Mark Leuchter, [The Song of Miriam between Memory and History](#)
5. Megan Warner, [Finding Lot’s Daughters](#)

INTRODUCTION

WHAT IS GENDERED HISTORIOGRAPHY AND HOW DO YOU DO IT?

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GENDER AND HISTORIOGRAPHY

In 1997 Pamela Milne advocated the need to distinguish between confessional and nonconfessional feminist discourse in biblical studies, in order for feminist biblical scholars to be taken seriously by their counterparts in other disciplines who were suspicious of the underlying theological impulses that dominated some feminist discussions of the biblical text.¹ Twenty years later, feminist biblical scholarship is still marginalized from other fields of feminist inquiry.² It also does not seem to have penetrated mainstream historical-critical biblical scholarship. At the annual meeting of the Society of Biblical Literature, feminist inquiry related to the Hebrew Bible and ancient Israel seems largely confined to program units like Feminist Hermeneutics of the Bible; Gender, Sexuality, and the Bible;

¹ P.J. Milne, "Toward Feminist Companionship: The Future of Feminist Biblical Studies and Feminism," in A. Brenner and C. Fontaine (eds.), *A Feminist Companion to Reading the Bible: Approaches, Methods and Strategies* (Sheffield: Sheffield Academic Press, 1997), 39–60.

² Carol Meyers, for example, discusses the ways in which adherence to a notion of biblical "patriarchy" positions feminist biblical scholarship behind other fields such as Classics, in which the patriarchy paradigm has been refuted and replaced with understandings of more complex power dynamics and social structures than the dominance of women by men implied by the term; see C. Meyers, "Was Ancient Israel a Patriarchal Society?," *JBL* 133.1 (2014), 8–27, and further discussion below.

LGBTI/Queer Hermeneutics; and Women in the Biblical World. Correspondingly, in program units like Pentateuch, one would be hard pressed to find people who are discussing composition history with feminist or gendered perspectives in mind. This is likely due to a perception of feminist or gender theory and method as politicized for the purposes of presentist concerns, historians preferring to view their inquiry as inherently disinterested. Likewise, many feminist scholars criticize mainstream, historically oriented biblical scholarship as perpetuating the gender hierarchies of the texts simply by not attempting to subvert them. Both perspectives are incorrect or at least incomplete, but the result is that feminist biblical criticism has been dominated by theological and literary approaches rather than historical-critical ones.³

Much feminist biblical scholarship *is* explicitly political and presentist. Feminism as a method is appropriately premised on the conviction that the marginalization of women is ubiquitous and problematic, which is fundamentally a political conviction. Works that read the Hebrew Bible to decry its “patriarchy” and “misogyny” seek to reposition feminist biblical scholarship as “political engagement for epistemological transformation” in the present.⁴ In contrast, confessionally based feminist work often attempts to redeem women in the Bible for the purposes of empowering women, especially women in biblically inspired religions and cultures today. Although their goals differ (rejection of the Bible because of its patriarchy vs. reclaiming biblical women as positive figures⁵), they are similar in three respects: 1) political and/or faith concerns are seen as superseding historical ones; 2) these concerns prompt and then inform readings of the text; and 3) conclusions about history are drawn from these

³ For a detailed discussion of this phenomenon, see S. Shectman, *Women in the Pentateuch: A Feminist and Source-Critical Analysis* (HBM 23; Sheffield: Sheffield Phoenix Press, 2009), 9–54. That this is the case can be gleaned from the contents of S. Scholz (ed.), *Feminist Interpretation of the Bible in Retrospect, Volume III: Methods* (RRBS 9; Sheffield: Sheffield Phoenix Press, 2016). Only two of the eighteen contributions to that volume discuss historical criticism; three more cover literary methods and eight feature explicitly perspectival approaches. Note that the observations in the present article pertain to Hebrew Bible scholarship; though New Testament scholarship may be subject to the same phenomena, it is not our area of research.

⁴ E. Fuchs, “Biblical Feminisms: Knowledge, Theory and Politics in the Study of Women in the Hebrew Bible,” *BibInt* 16 (2008), 225. See further, for example, S. Scholz, “‘Tandoori Reindeer’ and the Limitations of Historical Criticism,” in C. Vander Stichele and T. Penner (eds.), *Her Master’s Tools? Feminist and Post-Colonial Engagements of Historical-Critical Discourse* (Atlanta: SBL, 2005), 47–69. Scholz argues that feminism cannot share common ground with historical criticism because historical criticism of the Bible isolates it from modern realities and therefore serves to support the *status quo*.

⁵ For more detail on this axis of rejection versus reclamation, see Shectman, *Women*, esp. 11–23.

analyses, a circularity that begins with the methodological flaw of reading modern constructions, such as the notion of patriarchy, into the text.⁶

Conversely, as noted above, historical-critical scholars largely avoid feminist criticism, perhaps because of attacks on such traditional models by feminist scholars or perhaps due to a general cultural wariness of feminism as radical and militant.⁷ Further, scholars who favor historical approaches may be deterred by the alignment of much feminist criticism with postmodern rejections of objectivity. Indeed, it is true that scholarship that defines itself as disinterested and objective often does accept the androcentric normativity of the biblical texts uncritically; and since, from the perspective of feminist standpoint theory, objectivity is unachievable, the ideal of unengaged historical inquiry can be seen as perpetuating a patriarchal charade.⁸

There are biblical historians who engage feminist methods and/or focus on historical reconstructions of women's lives in the ancient world and seek to avoid the pitfalls of claiming a disinterested objectivist historiography *and* of the circular reasoning inherent in reading presentist concerns into ancient texts. Their work is explicitly historical rather than political, engaging the social sciences, especially anthropology, archaeology, and ethnography, and seeking not to impose modern constructions of gender on the ancient text while also recognizing potential ramifications for politics in the present.⁹ Very few, however, combine their historical contextualization with the tools and methods of text, source, and redaction criticism in their reading of biblical law and narrative.¹⁰

⁶ Carol Meyers argues that using the term *patriarchy* imposes “contemporary feminist standards (which hope for an elimination of sexist tradition by seeking to promulgate equality between the sexes) to measure the cultural patterns of an ancient society struggling to establish its viability under circumstances radically different from contemporary western conditions”; C. Meyers, *Discovering Eve: Ancient Israelite Women in Context* (New York: Oxford University Press, 1988), 26; and see discussion below.

⁷ See Sheckman, *Women*, esp. 1–11, 49–54; see also S. Sheckman, “Back to the Past: An Overview of Feminist Historical Criticism,” in S. Scholz (ed.), *Feminist Interpretation of the Bible in Retrospect, Volume III: Methods* (RRBS 9; Sheffield: Sheffield Phoenix Press, 2016), 55–73.

⁸ See, recently, the insightful analysis of F. Borchardt, “CSTT and Gender #2: A Gender Theory Critique of the Historical-Critical Method,” *Academy of Finland Centre of Excellence: Changes in Sacred Texts and Traditions*, June 7, 2017, accessed July 19, 2017, <http://blogs.helsinki.fi/sacredtexts/2017/07/06/cs-tt-and-gender-a-gender-theory-critique-of-the-historical-critical-method/#.WW-uINPytE5>.

⁹ See, for example, the work of Carol Meyers, Susan Ackerman, Tikva Frymer-Kensky, Hennie Marsman, and Naomi Steinberg, among others; for a detailed discussion of their work, see Sheckman, *Women*, 24–37.

¹⁰ See Sheckman, *Women*, 24–37, 49–54. For an important discussion of gender and method in biblical studies, see Jacqueline Lapsley's introduction to the collection in *Hebrew Bible and Ancient Israel* 5.2 (2016), 75–77.

At the same time, feminist concerns in other disciplines have expanded and moved beyond the confines of a focus on women as readers and women as characters, as queer studies and masculinity studies have been understood as intimately related to the concerns of feminism.¹¹ An emphasis on gender rather than feminism broadens the scope of inquiry beyond looking at women, with a methodological emphasis on intersectionality, based on the idea that women cannot be studied in isolation from other types of social power related to, for example, ethnicity, lineage, and class.¹² As a social construction, gender identity is relational; femininity exists in relation to masculinity, and vice versa, just as people of one class or ethnicity exist in relation to another.¹³ Boundaries create divides and distinctions, but one cannot have a clear view of the whole system by looking only at one side. Feminism and a broader gender criticism thus are not mutually exclusive but rather are mutually enhancing approaches.

¹¹ Though some feminist biblical scholars have incorporated gender more broadly into their work, it is not the case that feminist interpretation automatically includes a broader gender perspective. See N. Ruane, "When Women Aren't Enough: Gender Criticism in Feminist Hebrew Bible Interpretation," in S. Scholz (ed.), *Feminist Interpretation of the Bible in Retrospect, Volume III: Methods* (RRBS 9; Sheffield: Sheffield Phoenix Press, 2016), 243–60. Ruane notes the tendency for feminist biblical interpreters to adopt the term *gender* for their method when they mean *women* (243, 256–58); very few scholars consider *gender* in the sense that Judith Butler developed the term. Note also that Scholz (ed.), *Feminist Interpretation*, contains separate articles on masculinity and on queer theory. For a thorough discussion of the differences between feminist and gender studies, and on the greater utility of the latter (or more specifically, "genderqueer" criticism), see D. Guest, *Beyond Feminist Biblical Studies* (Bible in the Modern World; Sheffield: Sheffield Phoenix Press, 2012).

¹² For an excellent and self-reflective discussion of the importance of gender in historical reconstruction, as well as a detailed example of the integration of gender theory and method with historical-critical concerns, see C. Chapman's "Modern Terms and Their Ancient Non-Equivalents: Patrilineality and Gender in the Historical Study of the Bible," *HeBAI* 5.2 (2016), 79–93. Some scholars have begun to use a broader gendered framework in Classics and Assyriology; see, e.g., S. Svärd, "Studying Gender: A Case Study of Female Administrators in Neo-Assyrian Palaces," in B. Lion and C. Michel (eds.), *The Role of Women in Work and Society in the Ancient Near East* (SANER 13; Boston: de Gruyter, 2016), 447–58.

¹³ On gender as relational, see R.W. Connell, *Masculinities*, 2nd ed. (Berkeley: University of California Press, 2005), 36–37, 76–77. On the relationship between femininity and masculinity, see Mimi Schippers and E.G. Sapp, "Reading *Pulp Fiction*: Femininity and Power in Second and Third Wave Feminist Theory," *Feminist Theory* 13.1 (2012), 32; M. Schippers, "Recovering the Feminine Other: Masculinity, Femininity, and Gender Hegemony," *Theory and Society* 36 (2007), 91; and J. Charlebois, *Gender and the Construction of Dominant, Hegemonic, and Oppositional Femininities* (Lanham, MD: Lexington Books, 2011), 8–9.

GENDER IS COMPLICATED

Feminism, as it has been employed in biblical studies, has thus been limited in two ways: in taking as its subject matter the role and status of women in the Bible and in viewing women in ancient Israel within a framework construed as patriarchal.¹⁴ Like the work of Susan Ackerman, Carol Meyers, and others, however, gender studies advocates for a more complicated understanding of social relationships, especially those related to sex and gender. Gender studies focuses on the ways in which power exists in the relationships between people. Following Foucault, this view sees power as a complicated set of interrelationships, in which one person may have different relationships of power with different people.¹⁵ Hierarchies may still exist, but there are many of them and they may be overlapping. Thus, someone who is subordinate in one relationship (say, Sarah in relation to Abraham) may be dominant in another (say, Sarah in relation to Hagar). This complexity can cross the sex and gender divide as well, so that a free woman, for example, is in a dominant position over her male slave.¹⁶ Like Meyers, a gendered perspective sees social structures in terms of *heterarchies*.¹⁷ Focusing on heterarchies allows us to see not only the variations in status between different groups of men and women but also the ways in which certain groups may in fact serve and even perpetuate hierarchies that enforce their own subordination.¹⁸

Although using the term *patriarchy* to describe an ancient society like Israel captures the notion of households under the formal au-

¹⁴ See further Sheckman, *Women*, and S. Dolansky, “Rejecting ‘Patriarchy’: Reflections on Feminism, Biblical Scholarship, and Social Perspective,” in M. Leuchter (ed.), *As It Is Written: Writing and Scribalism in Social Perspective* (Hebrew Bible in Social Perspective; London: Bloomsbury, 2019).

¹⁵ See the summary in S. Svärd, *Women and Power in Neo-Assyrian Palaces* (SAAS 23; Helsinki: The Neo-Assyrian Text Corpus Project, 2015), 145–59. See also Schippers and Sapp, “Reading *Pulp Fiction*”; a key aspect of the debate is the difference between second- and third-wave feminisms and, as Schippers and Sapp note, the difference between Marxist and Foucauldian models: “Third wave feminist theories of power do not deny disequilibrium; they understand disequilibrium as a dynamic and ongoing process rather than a fixed structure of domination and oppression” (32). See also Schippers, “Recovering the Feminine Other,” which seeks to lay out a theory of “hegemonic femininity and multiple, hierarchical femininities *as central to male dominant gender relations*” (85; emphasis original).

¹⁶ See Charlebois, *Gender*, 25–29, on emphasized femininities, which create hierarchies of women and thereby also perpetuate male domination (hegemony, patriarchy).

¹⁷ Carol Meyers argues for the use of this term in *Discovering Eve: Ancient Israelite Women in Context* (Oxford: Oxford University Press, 1988) and extends her argument in *Rediscovering Eve: Ancient Israelite Women in Context* (Oxford: Oxford University Press, 2012).

¹⁸ See Charlebois, *Gender*, 13, 21–22.

thority of a *paterfamilias*, designating Israel as patriarchal limits scholars to this one social observation and obscures the rich underlying heterarchy, a complex web of power relationships that are not unidimensional. Further, as Meyers points out, the patriarchy paradigm implies a fixed set of relationships, when in reality social arrangements are rarely static and power relations can shift over time.¹⁹ The focus on the subordination of women in much feminist scholarship also overlooks intersectionality: the fact that inequalities are a function of class or age as much as, if not more than, gender.²⁰ For example, insufficient regard is given to the inferior position of servants, slaves, and strangers in ancient Israel. And male hereditary institutions, like the Israelite priesthood, are a little-noticed form of exclusion that prohibits most men as well as women from arenas of community religious power. The term *patriarchy*, though in some sense an accurate depiction of Israelite social structure in which men held authority as heads of families, of the cult, and of the state, obscures the ways individuals and groups were organized in complex and interlocking spheres of activity, spheres in which they were often able to exercise power despite their subordinate status.²¹ Meyers concludes that patriarchy denotes a hierarchical model that cannot be uniformly applied to complex ancient societies.²²

One does not have to agree with all aspects of Meyers's reconstruction of ancient Israelite life in the premonarchic period in order to recognize that the term *patriarchy*, in its linguistic focus on the power and authority of men, when employed uncritically to categorize the social structure reflected in biblical texts, obscures and undermines the historical reconstruction of gendered life in Israelite households by imposing presentist stereotypes on ancient realities.²³ It is important to note that Meyers never claims that hierarchies did

¹⁹ See C. Meyers, "Was Ancient Israel a Patriarchal Society?" This is not to deny that such societies are *also* patriarchal. As Schippers, "Recovering the Feminine Other," 85, notes, multiple masculinities and femininities serve male dominance (that is, patriarchy). Thus, although a society may remain patriarchal in its general structure, what is going on under the surface to maintain that structure is more complicated than simply male domination.

²⁰ On the subject of intersectionality, which has permeated race and gender studies but which, like other approaches, has been slow to appear in biblical studies, see, e.g. (and canonically), K. Grenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43 (1991), 1241–99.

²¹ Meyers, *Rediscovering Eve*, 198. On the difference between power and authority in the context of gender relations, see A. Rassam, "Women and Domestic Power in Morocco," *International Journal of Middle East Studies* 12.2 (1980), 171–79; D.D. Gilmore, "Men and Women in Southern Spain: 'Domestic Power' Revisited," *American Anthropologist* 92.4 (1990), 953–70.

²² Meyers, *Rediscovering Eve*, 195.

²³ See Guest, *Beyond Feminist Biblical Studies*, 26–27, on constructions of gender in both the composition and the reading of the Bible.

not exist in ancient Israel or that gender equality or the absence of male privilege did. She does not claim that female sexuality was not controlled by men, and she recognizes that the small group of educated elites responsible for creating or recording the Hebrew Bible were male and that the text reflects androcentric interests.²⁴ She simply questions the usefulness of a term that cannot adequately capture the realities of a place and time very different from our own and the concomitant ways of reading the text and appropriating it into our own time as though the hierarchies we perceive and fight against today were relevant *in the same way* in that ancient world. In addition, focusing on the term *patriarchy* obscures the more complex social relations that depend not only on gender but also on class, ethnic identity, and other determiners of identity that serve to create complex social hierarchies.²⁵

There are larger ideologies and theologies, and much more complex power structures, as well as relational social identities inherent in the text's implicit worldview that go beyond the strict gender dichotomy proposed (or imposed) by the term *patriarchy*. In denying the relevance of history, feminist literary criticism is ultimately plagued most deeply by the problem of cultural relativism. Developing a fuller portrait of how power structures involve and relate to women would serve not only feminist literary-critical ends but historical ones as well. It would also acknowledge that the Bible, as a literary product, reflects ideologies that are essential to understanding the texts themselves, whether one accepts or rejects such ideologies in the present.

GENDERED HISTORIOGRAPHY

We are employing the term *gendered historiography* to describe research committed to social-scientific and historical-critical inquiry that also understands gender systems as interconnected with other social and cultural systems. The concept of historiography here refers to the way in which history is recorded within a particular context; as Mark Leuchter defines it in his contribution, historiography seeks to understand the texts as sites of memory and not simply as rhetorical constructs.²⁶ This may include historical-critical study of the type

²⁴ Meyers, *Rediscovering Eve*, 199.

²⁵ As Charlebois, *Gender*, notes, "power is fluid, and individuals shift between positions with relative degrees of power" (13). Though the abstract concept of patriarchy, or what some term the *patriarchal dividend*, may apply to ancient Israel, heterarchy recognizes that "gender is not only constructed from an assumption that men and women are naturally different but also from differences between members of the same sex. These differences lead to the formation of unequally valued masculinities and femininities" (Charlebois, *Gender*, 21).

²⁶ We are thinking here of cultural memory encoded in narrative, rather than literalistic readings of the Bible as straightforward history. Examining

mentioned in the discussion above, as some of the papers in this collection do, though it is not limited to these methods. The memories encoded in the text may be those of the ancient authors or of their readers. Recovering these memories broadens our understanding of ancient Israelite history and society.

Gender studies and the concept of heterarchy recognize that gender is constructed, and gender constructs vary with time and social circumstance. What is considered “masculine” behavior and what is considered “feminine” behavior depend on cultural expectations and norms, which differ across space and time and also vary within societies.²⁷ Further, gender constructions are relational; masculinity is performed and thereby defined in relation to femininity, and vice versa.²⁸ The concept of “hegemonic masculinity” has been successfully applied to other ancient Near Eastern societies to expose the power structures inherent in relational gender performance, demonstrating that the justification of males’ right to dominate depends on the complicity of women in their own subordination.²⁹ Masculinity and femininity are only upheld as social ideals when both genders—and all classes and ages as well—perform their assigned roles. As opposed to the strict social hierarchy suggested by the patriarchy paradigm, this results in a heterarchical organization of society, in which class, age, and gender intersect in various ways to construct complex layers of domination and subjection.³⁰

biblical texts as sites of cultural memory has proved fruitful in New Testament studies and has recently begun to be explored in scholarship of the Hebrew Bible, e.g., in R. Hendel, “The Exodus as Cultural Memory: Egyptian Bondage and the Song of the Sea,” in T.E. Levy, T. Schneider, and W.H.C. Propp (eds.), *Israel’s Exodus in Transdisciplinary Perspective: Text, Archaeology, Culture, and Geoscience* (Heidelberg: Springer, 2015); see further Hendel’s *Remembering Abraham: Culture, Memory, and History in the Hebrew Bible* (New York: Oxford University Press 2005); and idem, “Cultural Memory” in R. Hendel (ed.), *Reading Genesis: Ten Methods* (Cambridge: Cambridge University Press 2010), 28–46; also N. Na’aman, “The Exodus Story: Between Historical Memory and Historiographical Composition,” *JANER* 11 (2011), 39–69; J. Assman, *Cultural Memory and Early Civilization* (Cambridge: Cambridge University Press, 2011).

²⁷ For the idea of gender as a situated identity, dependent on context, culture, politics, social expectations, etc., see, for example, S. Fenstermaker and C. West, *Doing Gender, Doing Difference: Inequality, Power, and Institutional Change* (New York: Routledge, 2002); see further n. 25, above.

²⁸ See the excellent collection of essays that explore gender construction and masculinity in the ancient world in I. Zsolnay (ed.), *Being a Man: Negotiating Ancient Constructs of Masculinity* (New York: Routledge, 2016).

²⁹ See I. Zsolnay, “Analyzing Constructs: A Selection of Perils, Pitfalls, and Progressions in Interrogating Ancient Near Eastern Gender,” in S. Svärd and A. Garcia-Ventura (eds.), *Studying Gender in the Ancient Near East* (Winona Lake, IN: Eisenbrauns, 2018), 461–79.

³⁰ This understanding of gender has been successfully applied in Assyriology, for example; see Svärd, “Studying Gender,” 447–58. Explorations of the relative nature of masculinity and femininity have also been explored

The rules related to qualification, mourning, and consumption of sacred portions for priests and their families in Lev 21–22 illustrate the complex nature of the construction of gender and the diverse power relations and hierarchies that existed at least in this segment of Israelite society.³¹ These rules are thus ideal texts for analyzing heterarchies in the biblical world, as they portray women and men existing in different power dynamics with others depending on their relationship to them.

GENDER AND PRIESTHOOD IN LEVITICUS 21–22

This principle of fluid and heterarchical relationship is evidenced first in a gendered reading of the rules about mourning in Lev 21:1–4 focused on women: a male priest can mourn for his mother, daughter, or sister but not for his wife. Thus a woman in a priestly family who was survived only by her brother or sons, for example, might be given mourning rites—a symbol of social status³²—whereas a

in O. Creanga (ed.), *Men and Masculinity in the Hebrew Bible and Beyond* (Sheffield: Sheffield Phoenix Press, 2010); O. Creanga and P.-B. Smit (eds.), *Biblical Masculinities Foregrounded* (Hebrew Bible Monographs 62; Sheffield: Sheffield Phoenix Press, 2014).

³¹ It is possible that biblical laws reflect an idealized vision rather than reality; since these specific laws are laws *by* priests *for* priests, though, it seems reasonable to conclude that they were practiced, at least by some segment of the population at some point in its history. On these laws, see S. Sheckman, “The Social Status of Priestly and Levite Women,” in M.A. Leuchter and J.M. Hutton (eds.), *Levites and Priests in History and Tradition* (AIL 9; Atlanta: Society of Biblical Literature, 2011), 82–99. Studies of Priestly law from a feminist perspective have generally isolated women rather than taking in the larger context of gender and thus have come to more limited conclusions. Notably, the Feminist Companions to Exodus–Deuteronomy have, between both the first and the second series, a single article on Priestly laws. Most of the articles have to do with Miriam and other women in Moses’s life; the volumes also contain limited treatment of Deuteronomic law. See also n. 11, above, on Ruane’s work; those works that do apply the term *gender* to Priestly material are frequently focused mainly on women.

³² The arguments herein relate primarily to women’s social status; there is no indication in the biblical text that women in priestly kinship lines were considered to have sacred status approaching the status of the priests. However, the fact that they had access to sacred portions may indicate that blood kin in the priestly house (as well as purchased slaves, who were included, perhaps as something like adoptive members of the family in a way that hired or indentured slaves were not), have to maintain sanctity in their bodies so as not to bring defilement to the house. That is, rather than a *privilege* of being able to eat the sanctified food, the kin bond maintained with the priest means that what the women do with their bodies affects the priest’s sanctification (on this understanding, see further S. Dolansky, “A (W)hol(e)y Breach: Philology, Gender, and Meaning in the Holiness Code,” forthcoming in *HeBAI*). However, even if this access was not a

priestly woman whose husband remained alive but who had no sons or other male kin might not. These bonds seem to be stronger vertically than they are horizontally as well: a priest may mourn for his daughter regardless of whether she has married a nonpriest, but he may not mourn for his sister if she is married and no longer a member of his household.³³ The mourning bond seems also to be related to birth status—that is, it is conveyed by blood kinship primarily. The blood bond is broken by marriage in some cases (for a sister) but not others (for a daughter).³⁴

In contrast, the rules about consumption of priestly offering portions, though also at least partly blood or kinship based, are more concretely influenced by physical location. Certain portions may only be eaten by the priests, and only in the sacred precincts. But others may be consumed by nonpriests outside of the sanctuary. Permission to eat these portions extends to members of the priest's household, including some not related to the priest by blood, such as a household slave. Leaving the priest's household results in loss of the privilege: so the priest's daughter who marries a nonpriest may no longer eat the sacred portions (in contrast to her status regarding mourning, where the bond is maintained). As with the mourning rites, the woman's status and the slave's status here are dependent on a relationship to a priestly male and his household, through whom that status is conveyed.³⁵

The status of these individuals in the priestly household is not just a passive existential matter but extends to the physical/internal and is bidirectional. Consumption by the wrong person has the power to deconsecrate the sacred portions.³⁶ Verses 14–16 explain: when a layperson (that is, anyone who is not a member of the priest's household) inadvertently eats sacred food, they undo the sacred status of that food, profaning it and thus taking it away from Yhwh. The corollary is that consumption by the right people—including

privilege, it reflects a hierarchy of access and exclusion—namely, a hierarchy of status.

³³ Sheckman, "Social Status," 92.

³⁴ The fact that this blood bond exists—that is, that a priest may only mourn for people in his bloodline—is yet more evidence for the particular status of priestly families. Lay Israelites do not face any such limitations on the people they may mourn for.

³⁵ Because there is social status associated with access (see S. Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* [Princeton: Princeton University Press, 2000]), the dependents of priests are not the same as dependents of nonpriests. As with bloodlines and mourning rites, different rules apply to dependents of nonpriests—namely, they can't eat sacred foods. Once again, we see "constellations of privilege" when we look more closely at the distinctions created by the intersection of class and gender.

³⁶ On internal matters being related to holiness/wholeness, see R. Graybill, "Masculinity, Materiality, and the Body of Moses," *BibInt* 23 (2015), 522, DOI: 10.1163/15685152-00230A01, which discusses intact/leaky as related to male/female.

even women and slaves—*maintains* the sanctity of the sacred portions and thereby of the priests and of Yhwh. In this regard, the rules about consuming sacred portions are similar to priestly rules about marriage, which likewise govern both abstract notions of status and concrete, internal bodily matters and the effect they can have on the sacred.³⁷

These rules create a range of hierarchies—or constellations of privilege and status³⁸—that varied by individual and by relationship. In some contexts, access to the sacred would give a woman or even a slave in a priest's household a status denied to a free male in a nonpriestly household. The priestly rules in Lev 21 and 22 are as clear an illustration as any that status and power are a complex matter governed by a mesh of relationships. That is, they are heterarchies. Although the priest's slave would not have commensurate status with a free layperson on the whole, the priest's slave likely would have higher status than the free layperson's slave. The same would be the case for women; thus, we cannot speak of "women's status" in ancient Israel as though it were a single thing at a single time. It was intersectional and relational, as was the status of men. The term *patriarchy* is not sufficient to describe this system.

A gendered reading that focuses on masculinity is also relevant to understanding the priesthood in ancient Israel. How is the masculinity of the priests understood? According to Hilary Lipka, "hegemonic masculinity in biblical texts is tied to the notion of [male] strength," as expressed through a variety of terms, such as *גבורה*, *חיל*, *זרוע*, and *עז*. The hegemonic male "was also supposed to always be the active and dominant partner, who had control over both his wife and his household, in addition to . . . sexual control over his own body."³⁹ Though this latter is true of the priests, as evidenced in marriage laws and elsewhere, depictions of strength and the use of strength terms are not: not a single one of those terms appears in reference to the priests. This points to multiple constructions of hegemonic masculinity operating in the society and differing by place and time.⁴⁰ However, priests are required to conform with hegemonic masculinity in some other ways. They are prohibited from

³⁷ See S. Shectman, "Priestly Marriage Restrictions" (paper given at the Society of Biblical Literature Annual Meeting, Baltimore, MD, Nov. 24, 2013), accessed May 28, 2017, https://www.academia.edu/32653432/Priestly_Marriage_Restrictions.

³⁸ *Constellations* is a term suggested by Saul Olyan; see Shectman, "Social Status," 94.

³⁹ H. Lipka, "Shaved Beards and Bared Buttocks: Shame and the Undermining of Masculine Performance in Biblical Texts," in I. Zsolnay (ed.), *Being a Man: Negotiating Ancient Constructs of Masculinity* (New York: Routledge, 2016), 177.

⁴⁰ Indeed, the term *נח* is the only one to appear anywhere in the book of Leviticus (26:20), and there it appears in the list of curses (applying to all Israelites) that will result for not following Yhwh's laws.

shaving their beards (Lev 21:5), also a marker of hegemonic masculinity, according to Lipka.⁴¹ Nor are they allowed to have certain kinds of physical attributes (מוֹם; Lev 21:17–23), including blindness, a limp, broken limbs, or crushed testicles, the last of which may refer to eunuchs and points to the importance of masculine heteronormativity for the priests.⁴² (Note that the disqualified Aaronide can still consume even the most holy food, but he is prohibited from offering sacrifices or from approaching the altar or the *parokhet* separating off the holy of holies; Lev 21:22–23.⁴³)

These rules are couched in terms of holiness (and wholeness) rather than explicit masculine strength. But as Rhiannon Graybill notes, “Bodily wholeness—itsself associated with male bodies and not female ones—is a major concern of the purity laws and the legal texts more generally.”⁴⁴ Holiness and the masculine, then, are associated with one another in the biblical, or at least the Priestly, worldview. Like prophecy, the priesthood is “a deeply embodied practice,”⁴⁵ and the form of those bodies—the ideal masculine form, both inside and out—matters. This idea is also reflected in the fact that the Israelite priesthood is limited to men; the system quite literally enshrines men’s higher status in relation to women. But seeing this discrepancy only in terms of a single division between genders obscures other aspects of the social structure, like class or ethnicity, that create a more complex and intersectional series of social relationships between men, not only between men and women.⁴⁶

⁴¹ Lipka, “Shaved Beards,” 178–79.

⁴² On eunuchs and masculinity, see M. Nissinen, “Relative Masculinities in the Hebrew Bible/Old Testament,” in I. Zsolnay (ed.), *Being a Man: Negotiating Ancient Constructs of Masculinity* (New York: Routledge, 2016), 228–30, who observes that eunuchs could nevertheless achieve positions of considerable power usually occupied by holders of hegemonic masculinity, further complicating our understanding of how masculinity functioned. See also Deut 23:2 for a more extreme view on eunuchs/castrates.

⁴³ These strictures suggest that there are some areas of the sanctuary where he is allowed. The laws discussed here mostly relate to H.

⁴⁴ Graybill, “Masculinity,” 522; Graybill links bodily purity/wholeness with masculinity. See also R. Graybill, “Men in Travail: Masculinity and the Problems of the Body in the Hebrew Prophets” (Ph.D. diss., University of California, Berkeley, 2012).

⁴⁵ Graybill, “Masculinity,” 534.

⁴⁶ See Schippers, “Recovering the Feminine Other,” 98–100, and Charlebois, *Gender*, 22–41. To extend their ideas about multiple femininities that either support or challenge hegemonic masculinity, it is important to note that allowing certain privileges—such as eating sacred food—to women who are attached to priestly men, that are not permitted to other women, ultimately supports and reinforces the higher status of priestly men over other men (and women). Likewise, allowing non-priestly male slaves who are attached to priestly houses to eat this food privileges them over other non-priestly men in a way that serves to maintain the higher status of priestly men over all other men. In other words, the privilege of eating sacred food that is permitted to certain men and women attached to priests

The status of men and women in these texts is relational: not only do women in priestly families derive their particular status directly from their relationship to priestly males, but men, too, rely for their status and power on the women who are complicit in supporting their masculinity. For example, a high priest must marry a virgin. Other priests are able to marry widows but not prostitutes or divorcees. The reason given is specifically “because he is holy to his God” (Lev 21:7), suggesting that a woman’s sexual or prior marital status has the potential to degrade her husband’s holiness.⁴⁷ Similarly, a daughter’s sexual misbehavior disqualifies her father from being able to perform his duties as a priest: “a daughter of a priest who defiles herself with harlotries; it is her father whom she is defiling” (Lev 21:9). Men exercise their hegemony through their control over the women in their families, but this hegemony is manifested in various strictures that define men in relationship to women (and not only vice versa): the fact that a priestly father may mourn his mother or daughter but not his married sister demonstrates that his status as a mourner is dependent on his relationship to the woman being mourned, as well as her status being determined by the household to which she belongs.

In this Priestly view, and likely in ancient Israel more broadly, identity was relational, not autonomous or individual: the personal worth and dignity of women *and* men were defined in terms of each person’s place within larger corporate structures of family and lineage and by the way in which each contributed to those structures. We cannot assume for ancient Israel the connotation that the concept of patriarchy carries: namely, that ancient Israelite women possessed the kind of social and sexual autonomy that we in the modern world take as normative, where human value and meaning is predicated on individual autonomy and bodily self-possession. Applying terminology that only makes sense in the postindustrial capitalist West in order to understand what those structures were in the past is not only unhelpful but distortive. Without the hierarchically based oppression of all women by all men connoted by the term *patriarchy* as one’s premise, it is possible to read beyond a strict male vs. female, object vs. subject, empowered vs. submissive dichotomy of gender relations and constructions in the ancient world. It is this nuanced, complex set of understandings of social relations in ancient Israel that Meyers and others who reject the term *patriarchy* are striving to

and their households not only raises the status of those men and women relative to others of their gender or class, but ultimately does so in the service of maintaining the higher status of male priests over all other males, as women and slaves attached to those other males have no similar privileges.

⁴⁷ See Shectman, “Priestly Marriage Restrictions,” which argues that the marriage rules are about clarity of the woman’s primary male bond, which is muddled if she is divorced or a prostitute, not one of moral opprobrium toward these categories of women. See also Dolansky, “(W)hol(e)y Breach,” which further investigates the impact of women’s sexuality on male (priestly and nonpriestly) social and sacred status.

reconstruct. It is also this intersectionality of identity that gender studies, as opposed to feminist studies, seeks to understand and describe.

Feminism defines itself by its attempt to give voice to the voiceless, be they women, men, slaves, children, or any other category of person. Gender criticism can do this for the world of the Hebrew Bible—recover or at least reconstruct the voices, stories, histories of the people who write and who are written, in terms that would be more familiar to that worldview—and *should* do this, should seek the voices of the various corporate bodies and communities within ancient Israel, beyond the hegemonic voices of both selected and selective authors of the biblical texts *and* beyond the hegemonic voices of the biblical scholars—feminist or not—who read and seek to reify them as other. Giving them our voices—that is, giving voices to women as victims—does not tell us anything about ancient Israel and only serves political ends, while undermining the authority of gender-sensitive *historical* investigations into ancient Israel.

THE CONTRIBUTIONS IN THIS COLLECTION AS EXAMPLES OF GENDERED HISTORIOGRAPHY

The essays in this collection are the results of a session of the Pentateuch program unit at the 2016 Society of Biblical Literature Annual Meeting in San Antonio, Texas. Participants were invited to present papers on gender and historiography broadly construed, with a focus on texts from the Pentateuch. Although the foci and methods of this collection vary, each essay demonstrates the ways in which a historiography sensitive to ancient political, social, and religious structures leads us to better understand the authors and audiences of the Hebrew Bible. At the same time, awareness of the nature of gender construction in ancient Israel allows us to avoid the methodological problem of reading present political concerns and constructions into the biblical texts to reach conclusions about the ancient world and to focus instead on ancient ideals and ideologies *in situ*.

Susan Ackerman has long combined a thorough understanding of historical-critical scholarship with a focus on female characters, which she examines alongside archaeologically informed constructions of Israelite life. Ackerman's contributions to the field epitomize the ways in which gender-critical historiography, ancient Near Eastern archaeology, and comparative literature can substantially increase our understanding of gender constructions in the Hebrew Bible and in ancient Israel. In her contribution to this collection, Ackerman combines insights about the ritual aspects of fasting and weeping in other biblical texts and in the larger ancient Near Eastern literary context with a literary analysis of the narrative of Hagar and Ishmael in Gen 21. She concludes that an Israelite audience would have understood Hagar's weeping and fasting as means of oracle seeking and recognized in the character of Hagar a certain ritual agency, one that

has previously been overlooked in feminist critiques of Hagar's treatment and in historical-critical readings of this text.

Alison Joseph contrasts various feminist and historical-critical approaches to the story of Dinah and Shechem in Gen 34 and finds each one lacking on its own. Feminist approaches seek to give Dinah a voice from the present, either as a rape victim or a free-thinking independent young woman, neither of which fits an understanding of the ancient Israelite context. However, while Joseph agrees with historical-critical perspectives that argue that a modern definition of rape does not fit the biblical account either linguistically or conceptually, she points out that these perspectives are devoid of ethical responsibility. She asks: "by suggesting Dinah is not raped are we further objectifying her, removing the only memorable and significant thing about her story?" Joseph's gendered historiographic analysis leads her to conclude that "Is Dinah raped?" is not the right question and that in fact the story is not about gender at all.

Mark Leuchter looks at the layers of composition and redaction of the Song of Miriam in relation to the Song of Moses, asking a variety of feminist and historical-critical questions. Probing these and related texts using both gender-critical and literary-historical tools, Leuchter argues that Miriam was venerated as a saint in the premonarchic era, probably by a priestly group, and that the text preserves a cultural memory of Miriam's leadership that is eclipsed in the later written record of the exodus and preservation of the songs. His conclusions have ramifications for feminist and gender-critical understandings of historical, social, and political changes that are preserved in the various redactional layers of the text and for historical-critical scholarship of the Pentateuch and reconstructions of ancient Israelite monarchy, priesthood, and scribal traditions.

Megan Warner combines redaction criticism with a gender-critical approach in examining the story of Lot's daughters to suggest that the narrative stance toward the young women's actions is far more ambiguous than one would suppose if reading Gen 19 in light of Deuteronomy. Her sensitivity to language and source criticism moves beyond traditional historical-critical methods to questions of gender, ethnic, and social relationships, status, and power in the writing of historicized narrative. Warner's gendered historiography is able to take traditional feminist literary conclusions further as well. Rather than demonstrate the ways in which female characters like Lot's daughters are either empowered or abused by male authors, Warner argues that male authors use female characters in their stories to challenge political and theological ideologies; the power that women held in domestic settings created safe narrative spaces in which dominant social, legal, and ethical concepts might be subverted.

Despite efforts by eminent scholars such as Carol Meyers⁴⁸ and Susan Ackerman⁴⁹ to integrate gender-oriented concerns with historical method, scholarship of the Hebrew Bible lags behind other disciplines in incorporating a gendered historiography into mainstream historical-critical inquiry. It is our hope that in convening this collection of papers committed to a gendered historiography of particular pentateuchal narratives, we might inspire others committed to either gender or feminist scholarship and/or historical-critical scholarship to recognize their compatibility—indeed, their need for each other, if the end goal is to better understand the communities that composed biblical texts—and to integrate their methods. The essay contributions that follow each expand the possibilities of pentateuchal and biblical historical-critical scholarship with a focus on textual representations of gendered systems and their implications for understanding the social, political, cultural, and religious contexts in which they were composed. In doing so, they demonstrate the ways in which a gendered historiography can cultivate a more nuanced understanding of power hierarchies in the social reality of ancient Israel.

⁴⁸ See esp. Meyers, *Discovering Eve*; idem, *Rediscovering Eve*.

⁴⁹ See, among many others, S. Ackerman, *Warrior, Dancer, Seductress, Queen: Women in Judges and Biblical Israel* (ABRL; New York: Doubleday, 1998).

RITUAL UNDERTONES IN GENESIS 21:9– 21?

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In 2015, I published an essay on 1 Sam 1:3–18, the tale that recounts how the barren Hannah beseeches Yahweh for a child during one of the annual pilgrimages that Hannah, her husband Elkanah, and the rest of Elkanah’s family make to the Israelite cult site of Shiloh.¹ Hannah’s petition to God clearly includes prayer (explicitly cited in 1:10 and 1:12 and then alluded back to in 1:26–27) and a vow (1:11), promising that if Yahweh will give her a son, she will “give him to Yahweh all the days of his life” and “no razor shall touch his head.”²

My 2015 essay acknowledged Hannah’s prayer and vow—and also Hannah’s presenting herself “before Yahweh” at the entryway to the Shiloh temple (1 Sam 1:9)—as explicit ritual acts in which Hannah engaged as part of her efforts to reverse her barrenness and give birth to a son. However, I argued that there were other and theretofore neglected components of Hannah’s ritual solicitation that were signaled in 1:7, 8, 9, and 10: namely, Hannah’s weeping and her refusal to join her family in eating the sacrificial meal that was otherwise the highlight of the annual Shiloh pilgrimage.³ To be sure,

¹ S. Ackerman, “Hannah’s Tears,” in S. Ackerman, C.E. Carter and B. Alpert Nakhai (eds.), *Celebrate Her for the Fruit of Her Hands: Essays in Honor of Carol L. Meyers* (Winona Lake, IN: Eisenbrauns, 2015), 13–25.

² This last promise—that Hannah’s hoped-for son’s hair will remain uncut all his life—is, of course, identified elsewhere in the Bible as a component of the Nazirite vow, and LXX^B makes this connection explicit by quoting Hannah as saying to Yahweh, “I will set him before you as a nazirite until the day of his death.”

³ MT seems to indicate that even though she refused food in v. 7, Hannah (perhaps because she was comforted by Elkanah’s words in v. 8) ate and also drank shortly thereafter, in v. 9. However, MT’s meaning in v. 9 is not wholly clear, as the form *’oklā*, most commonly taken as an infinitive construct of the verb *’akal*, “to eat,” plus a third-person feminine singular suffix, is missing the *mappiq* that would make it certain that it is a feminine singular suffix, and so a reference to “her [Hannah’s] eating” is intended. What’s more, the form *šatō* that allegedly refers to Hannah’s drinking is an infinitive absolute of the verb *šatā*, “to drink,” rather than a conjugated form that would definitively indicate whether Hannah is the intended subject.

interpreters typically describe Hannah's weeping and refusal to eat in 1:7, 8, 9, and 10 as *emotional* expressions rather than *ritual* acts, responses to her despair regarding her barrenness and/or regarding Elkanah's other wife Peninnah, who used to provoke Hannah because she had children while Hannah did not.⁴ Regarding Hannah's refusal to eat, for example, Adele Berlin writes, "not eating is a common *sign of depression* in the Bible."⁵ Regarding her tears, Mayer I. Gruber lists 1 Sam 1:7, 8, and 10 as three among "twenty instances [in the Bible] where crying or weeping [is] an expression of *sadness or depression*."⁶ Rodney A. Werline similarly comments, about both Hannah's refusing to eat and her weeping: "This [Peninnah's provoking Hannah about her barrenness] caused *great hurt to Hannah*, to the point that she would weep and not eat" (emphases in all cases are mine).⁷

I agree that Hannah can be portrayed in 1 Sam 1:3–18 as emotionally on edge: after all, in 1:16, she describes herself to Eli as "anxious" (*šth*) and "vexed" (*ka'as*).⁸ Yet in my 2015 essay, I urged we pay heed to the numerous texts from the ancient Near East and eastern Mediterranean that describe how weeping and abstaining from eating—which is to say, fasting—were ritual acts, deliberately engaged in by petitioners who seek to receive some sort of divine oracle from

MT's logic also seems off, for why would Hannah eat in v. 18, presumably because she has been encouraged by the priest Eli's oracular pronouncement in v. 17 that her barrenness will be ended, if she had already eaten a short time before, in v. 9? Moreover, in v. 15, when queried, Hannah forcefully denies that she has been drinking, meaning that either she lies in that verse or v. 9's seeming notice regarding her drinking does not belong in the text. Given all these problems, here I follow LXX, which suggests that those who ate according to v. 9 were Hannah's family but not Hannah herself, who rather abstains from eating from (at least) the time she refuses food in 1 Sam 1:7 until the time she eats in v. 18, after the priest Eli declares in God's name that her barrenness is to be ended.

⁴ LXX does not include the tradition of Peninnah provoking Hannah. Rather, according to the Greek, Hannah "was in depression" solely due to her barrenness.

⁵ A. Berlin, "Hannah and Her Prayers," *Scriptura* 87 (2004), 228.

⁶ M.I. Gruber, *Aspects of Nonverbal Communication in the Ancient Near East* (Studia Pohl: Dissertationes Scientificalae de Rebus Orientis Antiqui 12/1; Rome: Biblical Institute Press, 1980), 385.

⁷ R.A. Werline, "Prayer, Politics, and Power in the Hebrew Bible," *Int* 68 (2014), 9.

⁸ See E.J. Hamori, *Women's Divination in Biblical Literature: Prophecy, Necromancy, and Other Arts of Knowledge* (AYBRL; New Haven: Yale University Press, 2015), 97, who, while understanding Hannah to be emotionally upset, argues, "Hannah is not sad, she is angry" because Peninnah has enraged her. See similarly J.G. Janzen, "Prayer and/as Self-Address: The Case of Hannah," in B.A. Strawn and N.R. Bowen (eds.), *A God So Near: Essays on Old Testament Theology in Honor of Patrick D. Miller* (Winona Lake, IN: Eisenbrauns, 2003), 124.

a god.⁹ Examples particularly relevant to the Hannah story include the Canaanite legend of King Kirta, which describes how Kirta, who through a series of calamities had been left without an heir and royal successor, retires to his bed chamber and weeps. The god El responds by appearing to Kirta in a dream and providing detailed instructions on how Kirta is to procure a wife and eventually a son. We can also note a fragmentary Mesopotamian text from the Late Babylonian period that details, on the obverse, an account of a lady, perhaps named Qatantu, weeping at a gate (of a city? of a temple?) and, on the reverse, a dream appearance to King Kurigalzu by the god Bel in the Esagila temple. In his *editio princeps* of this text,¹⁰ Irving L. Finkel speculates that Qatantu may be both Kurigalzu's wife and barren. If so, the text could represent a fascinating account of a cooperative ritual solicitation: the barren wife engages in the weeping that induces a dream vision that the husband lies down on a couch in Esagila to receive. In addition, and as Finkel duly notes, the text's possible focus on barrenness offers an intriguing parallel to the Hannah account.

A significant number of texts in the Hebrew Bible likewise identify weeping and fasting, undertaken either separately or together, as ritual acts performed in order to solicit divine oracles.¹¹ Particularly clear examples are found in Judg 20:23 and 26–28, texts in which the Israelite army is described as weeping “until the evening” as its troops seek an oracle about whether to continue waging civil war against the renegade tribe of Benjamin. Judges 20:23, 26–28 are also noteworthy because the Israelite army's weeping, like

⁹ I have discussed some of the materials that support this conclusion more fully in S. Ackerman, “The Deception of Isaac, Jacob's Dream at Bethel, and Incubation on an Animal Skin,” in G.A. Anderson and S.M. Olyan (eds.), *Priesthood and Cult in Ancient Israel* (JSOTSup 125; Sheffield: JSOT Press, 1991), 92–120; see also S.M. Olyan, *Biblical Mourning: Ritual and Social Dimensions* (Oxford: Oxford University Press, 2004), 62–96. Observations somewhat similar (although not totally identical) to my analysis of the Hannah story are in addition offered by M.D. Gursky, “Reproductive Rituals in Biblical Israel” (Ph.D. diss., New York University, 2001), 34–42; K. Kim, *Incubation as a Type-Scene in the 'Aqhatu, Kirta, and Hannah Stories: A Form-Critical and Narratological Study of KTU 1.14 I–1.15 III, 1.17 I–II, and 1 Samuel 1:1–2:11* (VTSup 145; Leiden and Boston: Brill, 2011); and D. Neufeld, “Barrenness: Trance as Protest Strategy,” in P.F. Esler (ed.), *Ancient Israel: The Old Testament in Its Social Context* (Minneapolis: Fortress, 2006), 139–40.

¹⁰ I.L. Finkel, “The Dream of Kurigalzu and the Tablet of Sins,” *AnSt* 33 (1983), 75–80.

¹¹ In addition to the texts discussed just below, note, regarding weeping, Pss 6:7 and 42:3–4 (in most of the Bible's English versions, 6:6 and 42:2–3) and Jer 50:4; regarding fasting, note 1 Sam 28:3–25 (see especially v. 20); 1 Kgs 3:4–15 (2 Chr 1:1–13), given that the sacrifices Solomon is said to offer before he slept and envisioned Yahweh in a dream are explicitly described as *'ôlâ* offerings that were burned in their entirety to the deity; and 2 Chr 20:3–4.

Hannah's, is said to take place "before Yahweh," meaning, presumably, within the sanctuary precinct of Bethel (which is explicitly mentioned in 20:26). Moreover, Judg 20:23, 26–28, as well as 20:18, state that the Israelites' aim at Bethel was to "inquire" (*šā'al*) of Yahweh, a term used to refer to the soliciting of cultic oracles elsewhere in the Bible¹² (including, arguably, in the Hannah story).¹³ Judges 20:26–28 furthermore indicates that the Israelites fasted in addition to weeping as they sought an oracle from God at Bethel, as I have argued is indicated in the Hannah story as well.

An even closer parallel to the Hannah story is found in 2 Sam 12:15–23, which describes how King David sought (*biqqēš*) God in an attempt to save the life of his first child by Bathsheba. The use of *biqqēš* is noteworthy, as *biqqēš*, like *šā'al*, functions as a technical term indicating that God is being ritually petitioned for an oracle.¹⁴ Equally of note is the fact that, according to v. 16, David fasted before seeking Yahweh. According to 2 Sam 12:21, David may have wept as well in order to solicit an oracle.¹⁵ In this verse, which is set after Bathsheba's ailing child had died (meaning that David's attempts to induce a divine oracle and receive a favorable response to his petition had failed), David's servants describe the behaviors in which the king had earlier engaged by saying "you fasted and wept" (*šamtā wattiēbk*). Also, according to v. 16, David, after preparing himself through the rituals of fasting (and weeping?) to seek Yahweh, "went in, lay down, and spent the night." Where, exactly, David went "into" to spend the night is unspecified in the text, but since he is said to have lain "on the ground," it was surely not his regular sleeping chamber (which would have typically been located in his dwelling

¹² H.F. Fuhs, "*šā'al*," *TDOT* 14:258–61; see also J.K. Kuemmerlin-McLean, "Divination and Magic in the Religion of Israel: A Study in Perspectives and Methodology" (Ph.D. diss., Vanderbilt University, 1986), 94–98; J.M. Sasson, *Judges 1–12: A New Translation with Introduction and Commentary* (AYB 6D; New Haven: Yale University Press, 2014), 121–22.

¹³ See 1 Sam 1:17, 20, 27 (twice); note also 1 Sam 1:28 (twice) and 1 Sam 2:20, where the verb *šā'al* occurs in the *hiphil* conjugation, with the meaning "to dedicate" (reading *hš'yhb* in 2:20 with 4QSam^a for the nonsensical *š'l* of MT).

¹⁴ S. Wagner, "*biqqēš*," *TDOT* 2:236–39.

¹⁵ David's fasting and weeping in 2 Sam 12:15–23 are, like Hannah's acts in 1 Sam 1:3–18, often taken to be expressions of grief or, more specifically in David's case, rites of "anticipatory mourning" over the imminent death of his infant son: for references, see D.A. Bosworth, "Faith and Resilience: King David's Reaction to the Death of Bathsheba's Firstborn," *CBQ* 73 (2011), 693–94 and n. 8 on p. 694; and J. Jacobs, "The Death of David's Son by Bathsheba (II Sam 12:13–25): A Narrative in Context," *VT* 63 (2013), 568 and n. 4 on that page. But as Bosworth, "Faith and Resilience," 693–94, emphatically states, David's fasting and weeping are acts of supplication, not to "be confused with mourning," just as I have proposed that Hannah's fast and her tears are not expressions of grief but rites of petition.

place's upper story).¹⁶ Rather, I suggest that, as in the Hannah story, some kind of special or even sacred precinct is indicated.¹⁷

Indeed, many parallels to the Hannah story suggest themselves here. To be sure, Hannah, unlike David, did not seek a divine visitation in a dream,¹⁸ and while David sought to save the life of a child that had already been born, Hannah sought to end her barrenness and give birth. Still, both David and Hannah (as I interpret 1 Sam 1:7 and 9) fast;¹⁹ both David (arguably) and Hannah weep; both David and Hannah, having fasted and wept, go to some special precinct, one that is surely, in Hannah's case, sacred (the temple at Shiloh) and one that, in David's case, may well be. David's avowed intent in undertaking all these actions is to solicit (*biqqēš*) a divine oracle concerning a child; we should presume this is Hannah's intent as well.²⁰ In Hannah's case, moreover, an oracle results, in the form of a promise from Yahweh's priest Eli that Hannah's plea that she might bear a son will be granted (1 Sam 1:17).²¹

Recognizing the ritual valences of fasting and weeping—and especially fasting and weeping as actions undertaken to solicit a divine oracle concerning a child—suggests new interpretive possibilities for the story of Hagar's expulsion found in Gen 21:9–21. Here,

¹⁶ L.E. Stager, "The Archaeology of the Family in Ancient Israel," *BAJOR* 260 (1985), 16.

¹⁷ Note, however, that only after the child has died, in v. 20, is David said to go to the "house of Yahweh." Thus, if David did go to a sacred precinct in conjunction with his ritual acts of fasting and weeping, it was not Yahweh's temple in Jerusalem. Indeed, according to the logic of the larger biblical tradition, David could not have gone to the temple even after his ritual of fasting and weeping, since the temple is not said to have been built until the time of his son Solomon!

¹⁸ But cf. Kim, *Incubation*, 300–302.

¹⁹ See above, n. 3.

²⁰ See above, n. 13.

²¹ While many translations—including some ancient sources (the Vg)—render Eli's statement as a wish ("May the God of Israel grant your request"), it is just as possible, and in my opinion more probable, to read it as a divine promise ("The God of Israel will grant your request"). See similarly R. Albertz, "Personal Names and Family Religion," in R. Albertz and R. Schmitt, *Family and Household Religion in Ancient Israel and the Levant* (Winona Lake, IN: Eisenbrauns, 2012), 273; and R. Schmitt, "Rites of Family and Household Religion," in R. Albertz and R. Schmitt, *Family and Household Religion in Ancient Israel and the Levant* (Winona Lake, IN: Eisenbrauns, 2012), 389, 411; also, J.S. Bray, *Sacred Dan: Religious Tradition and Cultic Practice in Judges 17–18* (LHBOTS 449; New York: T&T Clark, 2006), 96; W. Brueggemann, *First and Second Samuel* (Interpretation; Louisville, KY: John Knox, 1990), 13; idem, *Worship in Ancient Israel: An Essential Guide* (Nashville: Abingdon, 2005), 32; Kim, *Incubation*, 305, 309; and J.T. Willis, "An Anti-Elide Narrative Tradition from a Prophetic Circle at the Ramah Sanctuary," *JBL* 90 (1971), 291, n. 10; idem, "Cultic Elements in the Story of Samuel's Birth and Dedication," *ST* 26 (1972), 59, n. 96 (in both cases with additional references).

Hagar has been banished from the house of Abraham along with her son Ishmael, who—whatever the chronology presumed in the larger Abraham-Sarah-Hagar account (see Gen 16:16 and 17:1, 24–25)—seems envisioned in this text as a small child (Hagar carries her son on her shoulder according to 21:14). Also carried on Hagar’s shoulder are the provisions with which Abraham has sent her forth—bread and a skin of water—as she is left to wander in the wilderness of Beersheva.

Unfortunately, the water and presumably the bread do not seem to last long, and once no supplies are left to her, Hagar casts her son under some bushes and withdraws, “about the distance of a bow-shot,” so that she will not have to witness the child’s imminent death. Then, “she lifted up her voice and wept” (*wattiššā’ ’et-qolah wattiēbk;* 21:16).²² This is not an uncommon idiom in the Bible, and it is not uncommon for the idiom to be used in contexts that concern the weepers’ great distress. Ruth and Orpah both lift up their voices and weep, for example, when faced with the prospect of separating from Naomi (Ruth 1:9, 14), and in 2 Sam 3:32, David lifts up his voice and weeps when lamenting over the death of Abner. Not surprisingly, therefore, commentators often speak of Hagar’s lifting up her voice and weeping in terms of sorrow. Susan Niditch remarks that “Hagar’s grief at the impending death of her child is finely drawn”;²³ Sharon Pace Jeanson likewise speaks of the “poignancy” of Gen 21:16 in describing “the point of Hagar’s deepest suffering”;²⁴ and in her exegesis of Gen 21:16, Phyllis Tribble writes of Hagar’s “grief,” “despair,” and “lamentation.”²⁵ Tribble also explicitly identifies the text’s focus as being on Hagar’s *emotions*.²⁶ To interpret Hagar’s weeping as an emotional expression, moreover, allows us to read her tears as the literary antithesis to her adversary Sarah’s incredulous laughter in Gen 18:12–15 and even more so as antithetical to Sarah’s joyous laughter after her son Isaac is born in 21:6 (which is, like Gen 21:9–21, an E text).

Yet the biblical idiom of lifting up one’s voice to weep need not refer to an emotional response to an experience of distress. After all, many commentators have suggested that although David lifts up his

²² LXX takes the subject of the two verbs here to be the child Ishmael, presumably because of the notice in v. 17 that “God heard the voice of the boy.”

²³ Susan Niditch, annotation on Gen 21:15–21, in H.W. Attridge (ed.), *The HarperCollins Study Bible*, revised and updated ed. (San Francisco: HarperCollins, 2006), 32.

²⁴ S.P. Jeanson, *The Women of Genesis: From Sarah to Potiphar’s Wife* (Minneapolis: Fortress, 1990), 50.

²⁵ P. Tribble, “Ominous Beginnings for a Promise of Blessing,” in P. Tribble and L.M. Russell (eds.), *Hagar, Sarah, and Their Children: Jewish, Christian, and Muslim Perspectives* (Louisville, KY: Westminster John Knox, 2006), 49.

²⁶ P. Tribble, *Texts of Terror: Literary Feminist Readings of Biblical Narratives* (OBT 13; Philadelphia: Fortress, 1984), 25.

voice and weeps as part of a public display of mourning in 2 Sam 2:32, he is not really so grieved over the death of Abner, given that Abner—despite his having seemingly switched his fealty to the house of David—had previously served as the commander of Saul’s army and, for two years after Saul’s death, had been the staunchest opponent of David’s claims to the Israelite throne. Under the terms of this interpretation, David is happy enough to be rid of (and according to some, may even have sanctioned the killing of) a man of such fickle loyalties.²⁷ It follows that David’s lifting up his voice and weeping at Abner’s grave should be read not as a marker of the king’s distress but as a ritual enactment of a behavior expected (even required) on occasions of mourning.

In at least two other passages in the Bible, the idiom of lifting up the voice and crying likewise seems to be used not so much to describe emotionally driven outpourings of grief and despair but more to refer to an action performed as part of a ritual process—and specifically, in these passages, the ritual of soliciting a divine oracle. In Judg 21:2, in the aftermath of the civil war against Benjamin, during which the Benjaminites have been almost wiped out, the Israelites come again before Yahweh at Bethel, just as had the Israelite army in Judg 20:23 and 26–28. At Bethel, these Israelites lift up their voices and weep as they direct a question to God about what to do about the re-peopling of Benjamin, much as the Israelite army had wept at Bethel and inquired of God regarding Benjamin in 20:23, 26–28. In Judg 2:4, the Israelites also lift up their voices and weep in conjunction with the delivery of a divine oracle, although here the oracle is delivered before the weeping commences. This change in the expected order of weeping followed by an oracle is not, however, unparalleled, as in the the Balaam Text from Deir ‘Alla, where the seer Balaam is said to fast and weep *after* receiving a dream oracle from the gods in the night.

Thus, whatever the idiosyncrasies concerning the ritual order in Judg 2:4, this text, along with Judg 21:2, does seem to indicate that the idiom of lifting up the voice and weeping can be used to describe ritual weeping that is performed in association with oracle solicitation. This at least raises the possibility that an ancient Israelite audience may have heard evocations of this ritualized use of weeping in Gen 21:9–21, when Hagar lifts up her voice and weeps while she sits a bowshot away from her dying son. To be clear, this is not to say that Gen 21:9–21 should be read as an explicitly ritual account: there

²⁷ J. Baden, *The Historical David: The Real Life of an Invented Hero* (New York: HarperOne, 2013), 136–37; B. Halpern, *David’s Secret Demons: Messiah, Murderer, Traitor, King* (Grand Rapids, MI: Eerdmans, 2001), 82–84; S.L. McKenzie, *King David: A Biography* (New York: Oxford University Press, 2000), 117–22; idem, “Ledavid (for David)! ‘Except in the Matter of Uriah the Hittite,’” in A. Graeme Auld and E. Eynikel (eds.), *For and Against David: Story and History in the Books of Samuel* (Leuven: Uitgeverij Peeters, 2010), 308.

is no specific language of *šā'al* or *biqqēš* or any other vocabulary that indicates Hagar seeks an oracle from God; there are not identifiably ritual acts such as a prayer or a vow that indicate the deity is being beseeched; the setting is not the sort of sanctified space used for ritual petitions in texts such as Judg 20:23, 26–28; 21:2; and 1 Sam 1:3–18. Nevertheless, because the idiom of lifting up the voice and weeping can be used to describe a ritual of oracle solicitation in biblical tradition, an ancient Israelite audience may well have heard some ritual undertones in the Gen 21:9–21 notice that Hagar engaged in these acts. Having heard those ritual undertones, moreover, an ancient Israelite audience may well have noted that Hagar's weeping concerns the well-being of a child, just as parents weep to solicit a divine oracle concerning a child in other texts from ancient Israelite tradition and the larger biblical world—an oracle regarding either a child that the parent hopes will be born (Kirta, Qatantu and Kurigalzu, Hannah) or an ailing child that the parent hopes will live (David). An ancient Israelite audience, knowing this tradition, may in turn have expected that Hagar would receive an oracle, which, of course, she does, as an angel of God is said to call to her from the heavens and promise her that her child will become the progenitor of a great nation (21:17–18). God also is said to open her eyes, so that she can see a nearby well, where she refills her waterskin and gives her child a drink (21:19). Or an ancient Israelite audience might well understand that at that moment, she and her son break their fast, as they had otherwise had nothing to drink since their waterskin ran dry in v. 15 and had presumably had nothing to eat, having seemingly run out of bread at roughly the same time.

In sum: we can imagine that an ancient Israelite audience, far more attuned than we to the ways rituals could be deployed in their culture, might have heard in Gen 21:9–21 allusions to the ways fasting and weeping could be used to facilitate oracle solicitation. We can further imagine that the allusions these ancient Israelites might have heard would be even more vividly realized given that in v. 18 an oracle was actually delivered and that this oracle concerned some of the same issues of child welfare about which parents were otherwise known to weep and fast in an effort to petition God. The ancients, in short, may have heard in the Hagar story not only an account of emotional distress but a tale that also evoked one of their culture's traditional ritual performances. I hope my efforts here might also help us moderns hear these ritual allusions more clearly, and not just in Gen 21:9–21 but elsewhere in the Bible (consider Jer 31:15) where a parent weeps over a child's well-being.

“IS DINAH RAPED?” ISN’T THE RIGHT QUESTION*: GENESIS 34 AND FEMINIST HISTORIOGRAPHY

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The story of Dinah in Gen 34 has been fertile ground for feminist scholars.¹ In this story, Dinah, daughter of Jacob and Leah, walks out among the women of the land. Shechem, son of Hamor, prince of the local Shechemites, sees her and has sex with her. Following their sexual union, Hamor urges his father to enter into negotiations with Jacob so that he can marry Dinah. With deceit, Dinah’s brothers agree to Hamor’s proposal that Shechem and Dinah marry and that they continue to intermarry with the Shechemites. The sons counter that they can only give their sister or sisters to a circumcised man. Hamor and Shechem agree and have all the male Shechemites circumcised. While they are recovering, Simeon and Levi massacre the town, לפי חרב, “by the sword,” activating the laws of holy war and

* This question was inspired by a conversation between Cynthia Ozick and Judith Plaskow in the early scholarly discussions of feminism in Jewish studies. They debate whether the question of (re)claiming Jewish feminism is found in creating a feminist theology. C. Ozick, “Notes toward Finding the Right Question,” in S. Heschel (ed.), *On Being a Jewish Feminist: A Reader* (New York: Schocken, 1983), 120–51; J. Plaskow, “The Right Question Is Theological,” in S. Heschel (ed.), *On Being a Jewish Feminist: A Reader* (New York: Schocken, 1983), 223–33.

¹ T. Frymer-Kensky, “The Dinah Affair,” in *Reading the Women of the Bible* (New York: Schocken, 2002), 179–98; A. Berlin, “Literary Approaches to Biblical Literature: General Observations and a Case Study of Genesis 34,” in F.E. Greenspahn (ed.), *Hebrew Bible: New Insights and Scholarship* (New York: New York University Press, 2008), 45–75; S. Scholz, “‘Back Then It Was Legal’: The Epistemological Imbalance in Readings of Biblical and Ancient Near Eastern Rape Legislation,” *Bible & Critical Theory* 1.4 (2005), 1–22; Y. Shemesh, “Rape Is Rape: The Story of Dinah and Shechem (Genesis 34),” *ZAW* 119.1 (2007), 2–21; E.J. van Wolde, “Does ‘Innâ Denote Rape? A Semantic Analysis of a Controversial Word,” *VT* 52.4 (2002), 528–44; L.M. Bechtel, “What If Dinah Is Not Raped? (Genesis 34),” *JSOT* 62 (1994), 19–36.

demonstrating that the prospect of intermarriage is completely offensive to them.

Dinah is barely present in this narrative. The story is not even about her. Dinah does not speak; she acts only once, in 34:1, after which she is referred to only as an object and never as a subject. After the brothers appear, she is only mentioned by name one time between verses 6 and 25. Even beyond Gen 34, she is something less than a character. She is included as the last child born to Leah and her handmaiden, Zilpah. Her birth is reported in Gen 30:21. She is not described as a full character like her brothers; she is born, but no other information is given beyond her name. The naming of her brothers includes explanations of the meanings of their names. From the beginning, she seems to be an afterthought. Immediately after Dinah's birth, the text transitions to Rachel's fertility. Beyond chapter 34, she is only mentioned again in the genealogy in 46:15.

I have to wonder though, can we even do a good and responsible gendered reading of this story with so little to work with? And if we cannot do a good gendered reading, is no reading better than an irresponsible one? For feminist theologians, the answer is easier; feminist theologians attempt to dig out the hidden power and agency of women in biblical texts in order to make the biblical narrative contemporaneously relevant.² It is essential to help women and/or "feminist interpreters" connect to the biblical texts, especially in cases of a story like Dinah's, in which the only woman is immeasurably disparaged. In contrast, feminist historiography seeks to use the historical-critical method to read the text, basing its analysis "in the historical context of ancient Israel rather than in the political, social, or religious concerns of modern feminist hermeneutics."³ And while, as feminists, our modern sexual values are so in conflict with those of the story, imposing those values on ancient Israel and their story is not methodologically responsible.

Ken Stone argues that "no word exists, in the Hebrew Bible, which corresponds exactly with our word, 'rape.'"⁴ We recognize

² Beginning with P. Tribble, "Eve and Adam: Genesis 2–3 Reread," *ANQ* 13 (1972), 251–58, and idem, "Depatriarchalizing in Biblical Interpretation," *JAAAR* 41.1 (1973), 30–48; idem, *God and the Rhetoric of Sexuality* (Philadelphia: Fortress Press, 1978). Also, A.E. Carr, "The New Vision of Feminist Theology," in C.M. LaCugna (ed.), *Freeing Theology: The Essentials of Theology in Feminist Perspective* (San Francisco: HarperSanFrancisco, 1993), 5–29. See also the works of Elisabeth Schussler Fiorenza, Carole Fontaine, Athalya Brenner, and many others.

³ S. Dolansky, "Rejecting 'Patriarchy': Reflections on Feminism, Biblical Scholarship, and Social Perspective," in M. Leuchter (ed.), *As It Is Written: Writing and Scribalism in Social Perspective* (Hebrew Bible in Social Perspective; London: Bloomsbury, forthcoming).

⁴ K. Stone, "'You Seduced Me, You Overpowered Me, and You Prevailed': Religious Experience and Homoerotic Sodomasochism in Jeremiah," in *Patriarchs, Prophets and Other Villains* (London: Equinox, 2007),

this as a problem because women in ancient Israel did not have legal or sexual autonomy—the power to give or refuse consent. Their sexual consent belonged to their fathers and brothers and later husbands.⁵ For Harold Washington, “the lack of a legal category or even a word for rape as such in the Hebrew Bible illustrates the fact that the cultural meaning of sexual violence against women is a complex social production that is inextricably tied up, in experience and in representation, with exchanges of power.”⁶ Modern concepts of rape rely on the FBI definition of rape as “penetration . . . without the consent of the victim.”⁷ If we define rape in this way, with no power of consent, a woman in ancient Israel can technically never be raped. Yet, declaring there is no rape in ancient Israel does not help us reconcile how we read examples of sexual violence, which, from a historical-critical perspective, surely was a phenomenon in ancient Israel.⁸ Also, by even addressing the question of Dinah, are we giving more attention to her character and story than the ancient Israelite writers intended?⁹ Gen 34 seems entirely unconcerned with

104. Also, S. Gravett, “Reading ‘Rape’ in the Hebrew Bible: A Consideration of Language,” *JOT* 28.3 (2004), 279; R.S. Kawashima, “Could a Woman Say ‘No’ in Biblical Israel? On the Genealogy of Legal Status in Biblical Law and Literature,” *AJS Review* 35.1 (2011), 2; C. Pressler, “Sexual Violence and Deuteronomic Law,” in A. Brenner (ed.), *A Feminist Companion to Exodus to Deuteronomy* (Feminist Companion to the Bible 6; Sheffield: Sheffield Academic Press, 2001), 102–12; H.C. Washington, “‘Lest He Die in the Battle and Another Man Take Her’: Violence and the Construction of Gender in the Laws of Deuteronomy 20–22,” in V. Matthews, B.M. Levinson, and T. Frymer-Kensky (eds.), *Gender and Law in the Hebrew Bible and the Ancient Near East* (London: T&T Clark, 2004), 185–213 (here 208–11); A. Brenner, *The Intercourse of Knowledge: On Gendering Desire and “Sexuality” in the Hebrew Bible* (Atlanta, GA: SBL Press, 2016), 137–38.

⁵ Even in the laws pertaining to “rape” in Deut 22:23–29, there is the appearance that a woman’s un/willingness is important (does she cry out?) to the consequences of the sex act (i.e., who is punished and how?); this concern is not about her consent but rather the wrong done to her husband/father because his exclusive claim on her sexuality is taken from him. The perpetrator of the crime (the man and/or wife/betrothed) and subsequent punishment depends upon who takes the power from him.

⁶ Washington, “Lest He Die in the Battle,” 208.

⁷ The FBI defines rape as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim”; Federal Bureau of Investigation, Criminal Justice Information Services Division, “Rape,” *Crime in the United States 2013*, 2013, https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape/rapemain_final.

⁸ In fact, Washington compellingly argues that the so-called Rape Laws in Deut 22, instead of offering protection to women, “are productive of violence; they render warfare and rape intelligible and acceptable, providing a means for people both to justify and endure violence” (Washington, “Lest He Die in the Battle,” 186–87).

⁹ Meir Sternberg suggests that the text instead of generating sympathy

issues of consent.¹⁰ But, at the same time, is “interrogating” the categories of women and gender not essential to fully understand the text?¹¹

When reading with the historical-critical method, linguistic evidence is often at the center of investigations. In this vein, many feminist readings of this text have focused on the precise definition of the word ענה in 34:2. Traditionally and frequently this verb has been translated as “rape,” but many scholars, myself included, insist that ענה does not mean “rape.”¹² The interpretations that perhaps Dinah was not “raped” span the spectrum from a teenage love affair between Dinah and Shechem, to a case of statutory rape, to a marriage by abduction.¹³ Is there even controversy here? Why is there a conversation about “not rape”? Should not this be anathema to our compassionate responses to sexual violence? All too often, the scholarly discussions about feminist perspectives are that they are incompatible with the historical-critical method. Historical scholars have a different set of limitations from feminist theological and literary scholars. But how can we leave it at, “That’s the way it was back then”?

Nevertheless, the linguistic perspective seems to demand the inquiry; there is ambiguity concerning the acts of Shechem in Gen 34:2. In this verse, Shechem is the subject of four verbs, three in rapid succession: “And Shechem son of Hamor, the Hivite, prince of the land, saw her and he took her, lay with her, and debased her [ויענה].” All are *naw* consecutive forms. It is necessary to recognize the correct meaning of ויענה. Ellen van Wolde writes convincingly on the semantic range of ענה concluding that “the widespread opinion that the verb ענה in the *piel* refers to ‘rape’ or ‘sexual abuse’ is not acceptable.” Instead, she argues that it implies a downward social

for Dinah, sympathizes with her brothers (M. Sternberg, “The Art of Persuasion,” in idem, *The Poetics of Biblical Narrative* [Bloomington: Indiana University Press, 1985], 441–81). In contrast, Danna Nolan Fewell and David M. Gunn, in a well-known critique of Sternberg, argue that the beginning of the story creates sympathy for Shechem (D.N. Fewell and D.M. Gunn, “Tipping the Balance: Sternberg’s Reader and the Rape of Dinah,” *JBL* 110 [1991], 193–211 [197]). But neither is concerned very much with sympathy for Dinah.

¹⁰ Dolansky, “Rejecting ‘Patriarchy.’”

¹¹ J.E. Lapsley, “Introduction: Gender and Method,” *HeBAI* 5.2 (2016), 75.

¹² Including NAB, NRSV, NJPS, NJB, and the Vulgate. I offer fuller evidence of the uses of *innâ* in A.L. Joseph, “Understanding Genesis 34:2: ‘Innâ,’” *VT* 66.4 (2016), 663–68; see also van Wolde, “Does ‘Innâ Denote Rape?’”; Frymer-Kensky, “Dinah Affair,” 179; H. Lipka, *Sexual Transgression in the Hebrew Bible* (Sheffield: Sheffield Phoenix Press, 2006), 87–90.

¹³ A. Diamant, *The Red Tent: A Novel* (New York: St. Martin’s, 1997); Kawashima, “Could a Woman Say ‘No?’” 18–19; J. Fleishman, “Why Did Simeon and Levi Rebuke Their Father in Genesis 34:31?” *JNSL* 26.2 (2000), 101–16.

movement and should be translated as “debase.”¹⁴ Similarly, Hilary Lipka argues, “The term ענה denotes an act that debases another person. ענה covers a wide semantic field, but in all contexts, the term denotes the maltreatment of someone in a way that degrades or disgraces him or her. In non-sexual contexts, it is used to denote debasement in the form of harsh, abusive, and/or exploitative treatment.”¹⁵ Similarly, Washington states, “In Deuteronomy 22 the word ענה designates the sexual violation, or ‘misuse of,’ a woman (vv. 24, 29), but this is different from a recognition of the crime as an act of sexual violence against a woman.”¹⁶

I agree that we should not translate it as rape, for the reasons above; still, of the thirteen instances of the verb in the *piel* that have a female object, only two are not in a context (immediately) involving sex. These are the stories involving Hagar and Sarai, in which Sarai abuses Hagar after she has conceived (Gen 16:6), and Laban and Jacob, in which Laban makes Jacob swear to not take any other wives besides his daughters so as not to “debase” them (תענה), in Gen 31:50, which would lessen their status and divide the inheritance of his grandsons.¹⁷ Sex is involved in these cases (taking surrogate or additional wives), but it is not the sex act itself that causes ענה. In contrast, the other eleven occurrences all concern sex explicitly, often unwanted sex, but not necessarily what we would legally define as rape. In these cases, the sex act is often a violation of some other kind of standard: social, cultural, legal, and economic.¹⁸ The issue hinges on the power and ability to consent. Lipka states that “ענה is always an act of sexual trespass, either against the woman or against her male guardians or, in some cases, a combination of the two,” but it is not concerned with sex by coercion.¹⁹ In seven of these eleven instances where ענה appears, the consenting party (father, brother, or husband) is not given the opportunity for consent. These include the Dinah story, the laws governing captives (Deut 22:11–14), and even the rape of Tamar by Amnon (2 Sam 13).²⁰

There is also ambiguity in Gen 34:2 in the expression of the second verb, לקח. The translation choice may be influenced by the

¹⁴ Van Wolde, “Does ‘Innâ Denote Rape?’” 543.

¹⁵ Lipka, *Sexual Transgression*, 87.

¹⁶ Washington, “Lest He Die in the Battle,” 208.

¹⁷ Interestingly, in his seminal concordance, Abraham Even-Shoshan does not even include these instances in the grouping of ענה with אשה as object (A. Even-Shoshan, *A New Concordance of the Hebrew Bible* [Jerusalem: Kiryat-Sefer, 1996], 902.)

¹⁸ For more, see Joseph, “Understanding Genesis 34:2”; also, Lipka, *Sexual Transgression*, 88–89.

¹⁹ Lipka, *Sexual Transgression*, 89.

²⁰ Pamela Tamarkin Reis makes an interesting but unconvincing argument in which she suggests that Tamar is not raped by her brother Amnon and instead coyly encourages him in a miscalculated plan to marry the crown prince, in P.T. Reis, “Cupidity and Stupidity: Woman’s Agency and the ‘Rape’ of Tamar,” *JANES* 25 (1997), 43–60.

subsequent understanding of ענה and vice versa. In a violent reading of this narrative, לקח could mean “to abduct, take by force,” as translated by NRSV, NAB, NJB (“seized”), and the Vulgate. But this verb is also a standard way to express “to take as a wife” (similar to the use in v. 4), although it is usually articulated as לקח. לאשה²¹ The meaning of לקח as “to take a wife” may be appropriate in the context of this story.

So what do we make of the linguistic evidence? On the one hand, we cannot precisely translate ענה as rape. Perhaps this makes our feminist readings even more difficult. Dinah has no agency, no subjectivity, she is less than a character, yet we have this narrative in which she is sexually violated. But on the other hand, by suggesting Dinah is not raped, are we further objectifying her, removing the only memorable and significant thing about her story? The historical-critical treatment of examples of sexual violence sometimes feel like attempts to rehabilitate the sexually violent aspects of the texts, which should be avoided. Feminists have long argued for a heightened attention to rape and its ramifications, including a sustained critique of the general treatment of victims of rape. A victim of rape often fears that her story will be minimized or denied and/or she will be blamed for inviting the violent assault.²² In denying Dinah’s “rape,” do we silence her and other victims? At the same time, can we equate Dinah’s situation with that of so many other women? “Though an offense to Dinah’s family, the fact that Shechem has committed *‘innâ* on Dinah does not—and cannot—carry with it the psychological and emotional implications for the woman that the contemporary notion of rape suggests.”²³

Dinah’s subrole in this narrative is in contrast to Tamar in 2 Sam 13. Scholars, among them Yair Zakovitch, have highlighted many similarities between the narratives.²⁴ Like Dinah, Tamar is subject to the sexual and gender values of ancient Israel. Her power of sexual consent is much the same—nonexistent—but Tamar protests and refuses consent, even if it is not hers to give, articulating that the power of consent lies with her father, David. She says no, but her brother Amnon ignores her protest. In the Dinah story, the sex act is “offstage.” We know nothing of her attempt to refuse or submit,

²¹ Fleishman, “Simeon and Levi,” 102. Fleishman also suggests an ANE practice of marriage by abduction, in which consent by the parents is not given before consummation. Also, H. Zlotnick, *Dinah’s Daughters: Gender and Judaism from the Hebrew Bible to Late Antiquity* (Philadelphia: University of Pennsylvania Press, 2002), 33–48.

²² A. Leveen, “A Tent of One’s Own: Feminist Biblical Scholarship, a Popular Novel, and the Fate of the Biblical Text,” in R.-E. Prell (ed.), *Women Remaking American Judaism* (Detroit: Wayne State University Press, 2007), 94.

²³ Dolansky, “Rejecting ‘Patriarchy.’”

²⁴ Y. Zakovitch, “Assimilation in Biblical Narratives,” in J.H. Tigay (ed.), *Empirical Models for Biblical Criticism* (Philadelphia: University of Pennsylvania Press, 1985), 175–96.

perhaps because it is irrelevant to the function of the story. The question “Is Dinah raped?” leaves us as feminist scholars in an uncomfortable situation—historically, we cannot call this rape, neither linguistically nor conceptually—but, we have taken away the only thing that happens to Dinah in the narrative, further objectifying her.

If “Is Dinah raped?” is not the right question for feminist historiography to ask, what is?²⁵ Maybe it requires us to look at the function of this chapter within the larger Jacob narrative. The previous chapter details the tense reunion between Jacob and Esau, while in the following chapter, God changes Jacob’s name to Israel and reaffirms the promise. Chapters 33 and 35 could continue seamlessly without the Dinah interlude. Genesis 33 ends with Jacob’s arrival in Shechem, and chapter 35 begins with God telling him to set out for Bethel. The Rabbinic principle of *סמיכות פרשיות*, “proximity of topics,” may be helpful here. An explanation for Gen 34’s placement could be the Shechem connection.²⁶ At the end of Gen 33, Jacob arrives in Shechem and here is a story about something that happened in Shechem. Or, perhaps, just as Gen 33 narrates the tense and questionably dangerous reunion between Jacob and Esau, Gen 34 represents another story with a potential threat to Jacob and family by foreigners that mostly turns out okay (for Jacob’s family). The story certainly seems not to be about gender. It does not tell us much about women in ancient Israel, except that they have no control over their sexuality, which we already knew.

Without getting into a long redactional conversation, along with many others, I read two levels of redaction in the story.²⁷ The earlier version is focused on the shame that is brought to the house of Jacob because their daughter has been taken from them without the opportunity to give consent to her marriage. This shame can be reduced by marrying the victim to her perpetrator, as suggested by Shechem and Hamor, and similar to the laws in Deut 22:28–29 and Exod

²⁵ Dolansky instead suggests a social-scientific inquiry: Why is the text not concerned with consent? (Dolansky, “Rejecting ‘Patriarchy’”).

²⁶ On the “proximity of topics,” see Y. Zakovitch, “Juxtaposition in the Abraham Cycle,” in D.P. Wright, D.N. Freedman, and A. Hurvitz (eds.), *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom* (Winona Lake, IN: Eisenbrauns, 1995), 510; A.L. Joseph, *Portrait of the Kings: The Davidic Prototype in Deuteronomistic Poetics* (Minneapolis: Fortress Press, 2015), 46–47.

²⁷ A.L. Joseph, “Redaction as Reception: The Case of Genesis 34,” in K.S. Brown, A.L. Joseph, and B. Breed (eds.), *Reading Other Peoples’ Texts: Social Identity and the Reception of Authoritative Traditions* (London: Bloomsbury/T&T Clark, 2020). H. Gunkel, *Genesis*, trans. M.E. Biddle (Macon, GA: Mercer University Press, 1997), 358; A. Dillmann, *Die Genesis* (Leipzig: Verlag von S. Hirzel, 1882); idem, *Genesis: Critically and Exegetically Expounded*, trans. W.B. Stevenson (Edinburgh: T&T Clark, 1897), 295–96; A. Rofé, “Defilement of Virgins in Biblical Law and the Case of Dinah (Genesis 34),” *Biblica* 86.3 (2005), 369–75.

22:15. A later, postexilic redaction is focused on the issue of intermarriage, consistent with the values expressed in Ezra-Nehemiah, in the attempt to define the people's identity. The primary message and function of the final version is a didactic one to the reader—"Intermarriage, don't do it!" The prohibition against intermarriage in this text is quite clear, setting up exogamy as a capital offense. The narrative intends to disabuse the returnees of the notion that intermarriage may have been permitted. Those who intermarry will be dealt with harshly—perhaps even with a violent massacre when they are at their weakest. Genesis 34 does not seem to condemn the brothers' actions. Jacob does, both in 34:30, in an expression of concern for the safety of the clan but not for the disproportionate reaction to the wrong done Dinah, and in Gen 49:5–7, but the rebuke of Simeon and Levi is not directly connected to the Dinah story, nor do we need to assume any compositional connection between the two chapters.²⁸ The absence of the narrator's judgment in Gen 34 should be seen as a silent endorsement of their actions.

Is the better question, Why is the story of shame and honor and intermarriage told through this bad thing that happens to Dinah? Sexual violence against Dinah is only the pretense for the story, which is about intermarriage and ancient conflict with Shechemites. Language of defilement, belonging to a vocabulary of ritual purity, is applied to Dinah and what happens to her. The violent massacre at the conclusion of the story equates the defilement of Dinah to an act that requires capital punishment; Shechem should be killed for defiling their sister just as the adulterer is killed for defiling the wife of another man (Lev 18:20). The laws of war should be activated, heeding the warnings delivered in Josh 23:12: If you intermarry, "they shall be a snare and a trap for you, a scourge on your sides, and

²⁸ Furthermore, I view the singling out of Simeon and Levi among the brothers in Gen 34:25 as a later addition to the text, likely a literary response to their treatment in Jacob's blessing in Gen 49:5–7. That text is an example of archaic biblical poetry, pre-dating Gen 34 (N. Pat-El and A. Wilson-Wright, "Features of Archaic Biblical Poetry and the Linguistic Dating Debate," *Hebrew Studies* 54 [2013], 387–410, esp. 406, 409–10; A. Gianto, "Archaic Biblical Hebrew," in W.R. Garr and S.E. Fassberg [eds.], *A Handbook of Biblical Hebrew*, 2 vols. [Winona Lake, IN: Eisenbrauns, 2016], 1:19–29; 2:5). In the context of Jacob's blessing, the punishment of Simeon and Levi, has no specific explanation: "Simeon and Levi are brothers; weapons of violence are their swords . . . in their anger they killed men, and at their whim they hamstrung oxen. Cursed be their anger, for it is fierce, and their wrath, for it is cruel! I will divide them in Jacob, and scatter them in Israel." The violence is not explicitly connected to the event at Shechem in Gen 34. Emphasizing the role of Simeon and Levi in Gen 34, two of Dinah's full brothers, in the massacre of Shechem, gives context to the unexplained curse in Gen 49. The influence does not need to be read in both directions; the curse of Simeon and Levi is not an explicit negative judgment of their actions in Gen 34. To be clear, the treatment of Simeon and Levi in archaic Gen 49 influences Gen 34, but not the reverse.

thorns in your eyes.” The story in Gen 34 is one of a proposed and violently rejected marriage alliance. Hamor suggests (and his men agree to) connubium, that they intermarry, become as one people, share their land, property, and livestock. In doing so, he agrees to erase any differences between the two peoples, even physical ones (i.e., circumcision). The offense is his suggestion of intermarriage, the *hithpael* of חָתַן , rather than Shechem’s unauthorized sex with Dinah. The brothers reject the alliance and see the threat to their uniqueness as a people as a declaration of war or as foreigners trying to turn them toward idol worship. As such, the brothers engage the rules of holy war in their vengeance.²⁹

A historical question here relating to gender may be one about whether the prohibitions against intermarriage only apply to cases of Israelite men and foreign women, or if they apply to Israelite women as well. In a theoretical context, the prohibition is egalitarian, imposed on both Israelite men and women. In Ezra 9, after the description of the return from exile and the rebuilding and rededication of the temple, the people are reminded not to intermarry with the local peoples—the people who defiled the land with their transgression. The prohibition stated in Ezra 9:12 includes not giving their daughters to the peoples of the land, as well as not taking foreign daughters for Israelite sons—likewise, Deut 7:3, Neh 10:31 and 13:25. Yet, the most prominent stories that illustrate the prohibition are focused on the mixing of Israelite men and foreign women. In Ezra, the offense is so great it is a warning not only about future behaviors, but also that the men who took foreign wives while in exile must put them off. Similarly, the apostasy of Solomon in 1 Kgs 11 is directly related to his marrying foreign women and their ability to sway him from complete loyalty to Yahweh. Also, in Num 25:1–5, the episode at Peor, the men begin having sex with Moabite women; Moses calls on the judges of Israel to kill anyone who has yoked themselves to Baal Peor (v. 5). These examples make clear that the concern is primarily about Israelite men and foreign women; the charge is their seductive ability to sway good Israelites away from Yahweh.

The threat of foreign women is a construct against which male Israelite identity is defined. They must stay away from foreign women, who do not guard their sexuality and will lead the men astray. Foreign women are seen as dangerous, and Israelite women who act like foreigners should also be regarded as dangerous. In the Hebrew Bible, a woman is only considered good if her sexuality is controlled. This leads to the regulation of women’s behavior to reduce the threat of women’s sexuality. It has been argued, in other contexts, that the threat of physical harm is one way that men control women.³⁰

²⁹ Deut 20:14–18; 21:10–14; cf. Num 31.

³⁰ J.C. Exum, “Feminist Criticism: Whose Interests Are Being Served?”

While the concern with the intermarriage of Israelite women to foreign men appears as primarily theoretical and legalistic, the Dinah story demonstrates that it could be a serious concern and poses a dangerous threat to Israelite identity. The rhetoric against intermarriage is necessary because earlier biblical traditions allow for it. In the patriarchal narratives, Abraham, Judah, and Joseph all marry foreign women with no censure. Similarly, Moses's marriage to a foreigner is only criticized by his brother and sister and embedded within a jealousy-infused greater charge, for which they are rebuked. Genesis 34 is a cautionary tale; it should not be tolerated that the daughters of Israel, and specifically this daughter of Israel, marry foreign men. In order to prevent it, drastic and perhaps violent measures must be taken.

"Is Dinah raped?" is not the right question because our modern definition of rape does not exist in ancient Israel, and the contextual understandings of ענה do not support it, but furiously arguing that this narrative is not rape further demeans Dinah, while the focus of the narrative is not on her. Still, we are left with the question of what to do with this conversation and the story. I understand the feminist tendency to look to female characters in the Hebrew Bible, the desire to either valorize or victimize them, especially since the text itself often does one or the other. The traditional and even modern readings of this narrative do Dinah no favors. Second Temple interpretations glorify Simeon and Levi for their zealotry, further writing Dinah out of the story. The rabbis accuse her of bringing it on herself, having left the camp of Israel (v. 1), a well-known trope of "she shouldn't have been walking alone" (Gen. Rab. 80:1). Susanne Scholz, in an interesting feminist cultural study of Gen 34, chronicles the nineteenth-century German, male, scholarly approaches that minimize or deny the rape, more concerned with the brothers' actions and/or Shechem's love for Dinah.³¹ Similarly, in her critique of the *Red Tent*, Adriane Leveen, argues that "Diamant turns the rape of Dinah into a love story. Thus the rapist of the biblical text becomes the hapless lover, himself a victim" creating a situation in which feminists who "have long argued for a heightened attention to rape and its ramification, including a sustained critique of the general treatment of victims of rape. A victim of rape often fears that her story will be minimized or denied and/or she will be blamed for inviting the violent assault."³²

The linguistic understandings of ענה and the historically contextualized perspectives on women's sexuality in ancient Israel (as discussed above) eliminate rape from the narrative. There is a limit

in G.A. Yee (ed.), *Judges and Method: New Approaches in Biblical Studies* (Minneapolis: Fortress Press, 1995), 65–89 (81). Also, S. Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon & Schuster, 1975).

³¹ S. Scholz, *Rape Plots: A Feminist Cultural Study of Genesis 34* (Studies in Biblical Literature; New York: Peter Lang, 2000).

³² Leveen, "A Tent of One's Own," 94.

to how feminist historiography can approach the text. We cannot conjure historical details where there are none. Dinah has no voice; we cannot invent one for her. We cannot definitively say what happened to Dinah or what might have constituted rape in ancient Israel. Instead, feminist historians can contextualize lacunae between cultural (and temporal) differences. We can ask other historical questions, such as: Why did the author use violence to establish Israelite identity? Why is the prohibition against intermarriage told through the sexual violation of Dinah? And, is the prohibition evenly applied to Israelite women and foreign men, as well as Israelite men and foreign women? Why is consent not a concern for these ancient writers?

These questions, as well as recognition of our historical-critical limits, are personally disturbing. Do we as feminists have a social responsibility to empower women's voices as regards sexual violence that even from the lens of historical-critical scholarship we cannot get around? The sexual violence in the Bible, as well as Greco-Roman literature, has contributed to the normalizing of rape and the development of rape culture.³³ In an age of #MeToo, are these biblical stories adding more examples of women who are literally and literarily unheard and ignored? How do we, not only as scholars but often as responsible teachers, present this material on college campuses where sexual assault and the failure to address it sufficiently is rampant?³⁴ What is the pedagogical impact if we remove rape from the narrative, does this sanction a pervasive rape culture? Is it socially responsible to conclude with these historically supported readings without regard for their contemporary impact? My answer: Yes, we can do feminist historiography, we can use the critical tools of the historical approach—linguistics, archaeology, contextual readings—but we have ethical obligations beyond the historical-critical method.³⁵

³³ M. Kahn, "Why Are We Reading a Handbook on Rape? Young Women Transform a Classic," *Pedagogy* 4.3 (2004), 438–59.

³⁴ R. Graybill, M. Minister, and B. Lawrence, "Sexual Violence in and around the Classroom," *Teaching Theology and Religion* 20.1 (2017), 70–88.

³⁵ I begin to address these questions in A. L. Joseph, "Should We Do Feminist Historiography?" *Feminist Studies in Religion*, Feb. 15, 2017, <http://www.fsrinc.org/blog/do-feminist-historiography/>.

THE SONG OF MIRIAM BETWEEN MEMORY AND HISTORY

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Tucked away in the tail section of Exod 15, the Song of Miriam (v. 21b) is almost hopelessly overshadowed by the Song of the Sea (vv. 1b–18), the poem that dominates the chapter and that serves as the rhetorical capstone to the canonical Exodus narrative (Exod 1–15). The length of these hymns mirror the dominance of the respective characters who sing them in the narrative tradition in which they are embedded. As Exod 14:31 makes clear, the great event at the Red Sea leads all of Israel not only to believe in YHWH but in “his servant Moses” (וַיֵּאֱמְרוּ בְּה' וּבַמֹּשֶׁה עַבְדּוֹ), and it is all of Israel who follows him in singing the Song of the Sea:

Then Moses and the children of Israel sang this song to YHWH, and said thusly: “I will sing (אֲשִׁירָה) to YHWH, for He is highly exalted; the horse and his rider he has thrown into the sea.” (Exod 15:1)

Almost immediately after the great hymn concludes, the narrative presents us with a brief interlude where Miriam emerges in the public eye to sing her song as well, but in a more protracted manner:

Then Miriam, the prophet[ess], the sister of Aaron, took a timbrel in her hand; and all the women went out after her with timbrels and dancing. And Miriam sang to them [וַתַּעַן לָהֶם]: “Sing to YHWH [שִׁירֶיךָ], for he is highly exalted; the horse and his rider he has thrown into the sea.” (Exod 15:20–21)

Exodus 15:20 informs us that Miriam led women in music and dance after the Red Sea event (“all the women went out after her . . .”). This may conform to a tradition of victory songs sung by Israelite women,¹ which might lend the impression that Miriam only sings to Israel’s women. Hannah Tervanotko has pointed to the limits of such a reading: the וַתַּעַן לָהֶם in v. 21a suggests Miriam’s audience is

¹ E.B. Poethig, *The Victory Song Tradition of the Women of Israel* (Ph.D. diss., Union Theological Seminary, 1985) 85–90; P. Tribble, “Bringing Miriam out of the Shadows,” *BR* 5.1 (1989), 34.

not solely a group of Israelite women.² Yet this is passed over quite lightly in the narrative, and the structure of the chapter (and of Exod 14–15) clearly subordinates Miriam to Moses. His words and deeds set the standards by which Miriam’s words and deeds in vv. 20–21 are evaluated as one reads through the Red Sea narrative, and the brevity of attention she receives limits the character of her contribution to the miraculous event. Moses is presented as the facilitator of YHWH’s act of salvation, while the sequence of the chapter renders Miriam’s words and deeds as a model of devotionism that rehearses—in a sort of ritualized manner—Moses’s great accomplishment.

What purpose is served by the brief interlude in Exod 15:20–21? The structure of Exod 14–15 suggests that Miriam is—as per Exod 14:31—one of the Israelites who came to believe “in YHWH and his servant Moses” as a sort of sacred binary pair. Miriam’s words and deeds are thus a sort of discourse on how to venerate Moses within the growing Exodus tradition. Yet even if Miriam is a literary exponent of sacral instruction regarding the veneration of YHWH and Moses, why did the redactors not have *her* sing the Song of the Sea with Israel? After all, the Song of the Sea is the parade example of a teaching concerning YHWH’s might (and implicitly, Moses’s sainthood). But it is Moses who leads Israel in singing the hymn (Exod 15:1a), not Miriam. As David Janzen notes, the juxtaposition of Exod 14:31 and Exod 15:1a establishes Moses as someone who is both praised alongside YHWH and who also praises YHWH as a devotee.³ Such a literary construct establishes Moses as a mediator or intercessor *par excellence*, which clearly benefitted the Aaronide priests who positioned themselves as the trustees of this same type of intercessory power when reading this narrative in plenary, ritual settings.⁴ But the fact that Moses is presented in such emphatic terms in a narrative that also includes Miriam—and with some ambiguities regarding the scope of her influence—suggests a precursor tradition where this may not always have been the case. As Phyllis Tribble noted several years ago, the curiously diminished presence of Miriam in Exod 15 points to an earlier and obscured set of circumstances where her religious role was likely far more significant to the story of Israel’s distant past.⁵

² H. Tervanotko, *Denying Her Voice: The Figure of Miriam in Ancient Jewish Literature* (Göttingen: Vandenhoeck & Ruprecht, 2016), 47.

³ D. Janzen, “Song of Moses, Song of Miriam: Who is Seconding Whom?,” *CBQ* 54 (1992), 213.

⁴ On the power dynamics of Aaronide ritual readings of the Pentateuch, see J.W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (New York: Cambridge University Press, 2007). For the Aaronide redaction of the Pentateuch as a deliberate hermeneutical strategy for claiming direct succession from Moses, see M. Leuchter, “Moses between the Pentateuch and the Book of the Twelve,” *HUCA* (forthcoming).

⁵ Tribble, “Bringing Miriam out of the Shadows,” 13.

For many researchers, the key to understanding the nature of these earlier circumstances rests in determining the relationship between the two hymns embedded in Exod 15, the history of their transmission, and the sociological implications of their contents. In an early study, Frank Moore Cross and David Noel Freedman suggested that the Song of the Sea was, itself, once a work credited to Miriam—its assignment to Moses was the mythopoeic product of tradition-building over many generations, and the brief passage in Exod 15:21b was simply its one-time full title.⁶ Other scholars have drawn attention to cultural hermeneutics in accounting for the Miriam episode. Alice Bach, for example, sees the episode in the context of an ancient feminist protest of sorts against traditions of warfare rooted in patriarchal structures.⁷ Sarah Shectman has drawn attention to some of the shortcomings of this reading, but both Bach's and Shectman's analyses highlight the issues that attend any consideration of the Song of Miriam in a narrative that is the product of male scribes (irrespective of when it was initially composed).⁸

On this front, we might also consider the views of scholars such as Rita Burns, David Janzen, and Thomas Dozeman, who consider the relationship between the two hymns to be antiphonal (that is, a stylized response to a poetic performance) though these scholars differ on the particulars of who is leading and who is responding.⁹ To be sure, the scribes behind Exod 15 have indeed created an antiphonal relationship between the Song of the Sea and the Song of Miriam as part of a sacred historiography with a particular eye to the role of the Exodus as the definitive moment for Israel's identity.¹⁰ For these scribes, Moses's paramount position as communal leader was unassailable, and Miriam's echoing of his words and role in YHWH's cosmic battle serves to reinforce this power dynamic. The poetic sources used by these scribes thus have been worked into textual sequence that leaves the impression that Miriam takes her antiphonal

⁶ F.M. Cross and D.N. Freedman, "The Song of Miriam," *JNES* 14 (1955), 237–50.

⁷ A. Bach, "De-Doxifying Miriam," in S.M. Olyan and R. Culley (eds.), *A Wise and Discerning Mind* (BJS 325; Providence: Brown University, 2000) 1–10.

⁸ S. Shectman, *Women in the Pentateuch: A Feminist and Source-Critical Analysis* (HBM 23; Sheffield: Sheffield Phoenix Press, 2009) 46–47. If historiographic sources in Kings, Jeremiah, Ezra-Nehemiah are any indication, the scribes in Jerusalem were almost certainly exclusively men working under the auspices of a royal or imperial administration also dominated by men. This scribal/administrative universe would invariably weigh heavily upon the textualization of traditions that were conceived beyond it initially. See further the concluding observations below.

⁹ R.J. Burns, *Has The Lord Spoken Only Through Moses? A Study of the Biblical Portrait of Miriam* (SBLD; Atlanta: Scholars Press, 1987), 12–40; Janzen, "Who is Seconding Whom?," 214–19; T.B. Dozeman, *Commentary on Exodus* (ECC; Grand Rapids, MI: Eerdmans, 2009), 331–32.

¹⁰ Dozeman, *Exodus*, 332.

cues from Moses.¹¹ But did this sort of hierarchy always accompany the way in which these sources were perceived?

Any (very) tentative attempt to continue this line of inquiry demands a reconsideration of the origins of the Song of the Sea. I have elsewhere addressed this matter in some detail, and suggested that before it was worked into a discernible Exodus narrative, the great hymn originated (in substantial form) in the premonarchic era among an early group of priests tracing their descent to Moses (the oft-theorized and elusive “Mushite” priestly clan).¹² That Moses leads Israel in reciting the hymn in Exod 15:1a may constitute the later scribes’ awareness that the hymn’s origins lay with that particular priestly group. But despite the early origins of the Song of the Sea, we should not assume that it was the prototype upon which the Song of Miriam was based, or that the Song of Miriam is in any way derivative of it or temporally subsequent to it. Indeed, the structure of Exod 15 noted above suggests the very opposite, i.e., that the scribes have attempted to adjust or mute earlier ideas about the Song of Miriam that somehow challenged or competed with the antiquity and authority of the (Mushite) Song of the Sea.¹³

In a recent article, Anja Klein has argued that the direction of influence between the Song of Miriam and the Song of the Sea runs from the brief song to the larger hymn.¹⁴ In her view, the Song of the Sea is a Persian period composition that exegetically develops the Song of Miriam. While I parts ways with Klein on the matter of dating and a strictly scribal-textual setting for the hymn’s origin, I believe she is correct to note that the Song of the Sea seems to develop what we encounter in the Song of Miriam. As I hope to show further below, the Song of Miriam is indeed a source for the Song of the Sea, and likewise should be assigned to the premonarchic period on its own terms.¹⁵ Obviously, the further back we go, the less we can say about anything in Israelite history, and there are dangers in using

¹¹ With very few exceptions, there is a consensus among scholars that the Song of the Sea was a firmly entrenched liturgy well before the scribes who inherited it placed it within their version of the Exodus narrative (which itself pre-dates the redaction of the Pentateuch in the mid-fifth century BCE). See further J.S. Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis* (AYBRS; New Haven: Yale University Press, 2012), 28; Dozeman, *Exodus*, 309, 316–18.

¹² M. Leuchter, *The Levites and the Boundaries of Israelite Identity* (New York: Oxford University Press, 2017), 42–51, 80.

¹³ See further Tribble, “Bringing Miriam out of the Shadows,” though what I will discuss below differs in approach from Tribble’s analytical angle of vision.

¹⁴ A. Klein, “Hymn and History in Ex 15: Observations on the Relationship between Temple Theology and Exodus Narrative in the Song of the Sea,” *ZAW* 124 (2012), 516–27.

¹⁵ I support the view that the poem is premonarchic in origin (Leuchter, *Boundaries of Israelite Identity*, 80), though it remains very possible that its current form reflects monarchic-era adjustments and additions.

our sources to reconstruct ancient events in much detail. But as scholars who have worked in the area of cultural memory have observed, some lingering relics from antique eras do survive in our sources in one form or another, and are worth mining with caution.¹⁶

One such relic, as noted already, is the (strongly implicit) notice in Exod 15:20 that Miriam led both men and women in singing her song. But another relic is found in the very opening of each respective poem. The Song of the Sea begins with the singular אָשִׁירָה, “I will sing,” which focuses on individual identity as opposed to collective, group identity—an exceedingly rare concept in early Israelite liturgical thought.¹⁷ Indeed, the Song of the Sea works at various turns to redefine the concepts of kinship, ancestry, land tenure, and the relationship between these factors and the deity at the heart of the poem, all of which relate to the hymn’s role in cultivating Yahwism among an El-worshipping highland population.¹⁸ The use of אָשִׁירָה contributes to this by isolating the individual from earlier cultic allegiances as religion in premonarchic Israel began to shift alongside the rise of new priestly groups who espoused Yahwism. The singular אָשִׁירָה helps dissolve fixed group constructs, appealing to the reinvention of individual identity as a prelude to trends adopted more broadly by the group.¹⁹

By contrast, the opening imperative in the Song of Miriam is the plural שִׁירוּ (“sing!”) in v. 21b. The term is collective and the ensuing very brief chant possess a rhythmic character of a slogan that is suited to group performance.²⁰ The slogan itself in v. 21b suggests the defeat of an enemy in battle (סוּס וְרֶכֶב וְרָמָה בְּיָם), something strongly reinforced by the elaborations in the Song of the Sea that follow this same refrain. The term שִׁירוּ is fitting, then, for warfare is by definition a collective enterprise. Parallels may be drawn between Exod 15:21b and another ancient Yahwistic battle cry preserved in Num 10:35b (“Arise, YHWH, and let your enemies be scattered; and

¹⁶ See my overview of this approach in Leuchter, *Boundaries of Israelite Identity*, 17–23.

¹⁷ A sense of the rarity of individual rather than collective liturgical behavior is evident in the Samuel birth narrative, where Hannah’s private prayer is assumed to be the effects of drunkenness by Eli (1 Sam 1:14). The author of the Samuel narrative presupposes that his audience was able to conceive of personal prayer, but the setting of the narrative—a large sanctuary and, in all likelihood, a wine festival (S.A. Ackerman, *Warrior, Dancer, Seductress, Queen: Women in Judges and Biblical Israel* [New York: Doubleday, 1998], 257–59)—highlights a communal and collective environment for devotional activity.

¹⁸ Leuchter, *Boundaries of Israelite Identity*, 80.

¹⁹ *Ibid.*

²⁰ For an early monarchic parallel, see 1 Sam 18:7. See also H. Tadmor, “‘The Appointed Time Has Not Yet Arrived’: The Historical Background of Haggai 1:2,” in R. Chazan, W. W. Hallo, and L. H. Schiffman (eds.), *Ki Baruch Hu: Ancient Near Eastern, Biblical, and Judaic Studies in Honor of Baruch A. Levine* (Winona Lake, IN: Eisenbrauns, 1999), 401–8.

let them that hate you flee before you”).²¹ Numbers 10:35b invokes the deity during the course of a battle (or at its outset) while Exod 15:21b seems to address the successful outcome of that invocation. Both poems speak to a conceptual model where the warrior deity is invoked within a slogan that could be a battle cry or a celebration of victory.²² That variations on this type of slogan appear in other texts with arguably early roots suggests that the Song of Miriam reflects a more conventional type of expression or locution regarding YHWH as a warrior.²³

Bearing this in mind, I propose that the opening verse of the Song of the Sea has adapted a preexisting Yahwistic slogan that is *also* preserved in the Song of Miriam. This is not a matter of a poet composing a lengthy hymn with another, brief hymn specifically associated with Miriam in mind. It seems more likely that the slogan was known and shared across kinship networks that eventually became part of an emergent Israel in the central highlands, and its assignment to Miriam is significant. Like Moses, Miriam is buried in the Transjordan, and Num 12 preserves a tradition that her sacral authority was at one point envisioned to be on par with that of Moses at least in some corners (even if the chapter ultimately criticizes this view).²⁴ The origins of this early hymn or slogan, then, should be connected to the influx of Transjordanian kinship groups (who worshipped YHWH) into the highlands in the Iron I period—the same general historical and sociological setting that saw the rise of the Mushite priesthood in the central highlands who eventually produced the Song of the Sea.²⁵

In this premonarchic era and among these populations with Transjordanian roots, were there priestly groups devoted to the memory of Miriam as a sort of patron saint? Three factors suggest that there were. The first is the very fact that Miriam survives in the cultural foundation legends woven into the Pentateuch’s sources. She is made a sister of both Moses and Aaron in the late genealogy of Num 26:59 and the narrative of Num 12, and the earlier material

²¹ The association of the Ark with warfare in these verses is suggestive of their old, pre-Deuteronomistic origins; see C.L. Seow, *Myth, Drama and the Politics of David’s Dance* (HSM 44; Atlanta: Scholars Press, 1989), 104–18.

²² Tervanotko argues in favor of the Song of Miriam as a victory hymn (Tervanotko, *Denying her Voice*, 50).

²³ George B. Grey already observed long ago that close variants to Exod 15:21b are preserved in texts such as Psalms 68:2 and 132:8 (G.B. Grey, *A Critical and Exegetical Commentary on Numbers* [ICC; New York: Charles Scribner’s Sons, 1903], 96).

²⁴ On this point, see further Z. Farber, “The Making of Moses,” *HUCA* (forthcoming). I thank Dr. Farber for sharing the manuscript with me in advance of its publication.

²⁵ On the secondary assignment of an anonymous hymn to Miriam, see Tervanotko, *Denying Her Voice*, 51. On Transjordanian infiltration into the central highlands, see J.D. Schloen, “Caravans, Kenites and Casus Belli: Enmity and Alliance in the Song of Deborah,” *CBQ* 55 (1993), 18–38.

in Exod 15:20 identifies her as Aaron's sister.²⁶ Neither of these notices should be taken at face value, as they reflect the fairly late systematization of the priestly/sacral status as primarily lineage-based. But in terms of the conception of ancient sacral leadership, her survival at this high level within the tradition rather than at a tertiary level of textual memory (such as figures like Merari and Gershon) suggests that like Moses and Aaron, Miriam was regarded as a patron saint by a notable faction of followers in the premonarchic period, and probably by a priestly group of some sort.²⁷

Second, we should consider the observation made by Susan Ackerman that the narrative traditions about Miriam seem to provide a socially prominent location for her during a liminal, dis-aggregated period, and that she is demoted from such a position immediately following the Sinai event—that is, a period of aggregation, stabilization, and centralization.²⁸ If we were to seek out an historical analog to that narrative dynamic, we should look to the shift to monarchy, precisely the sort of social institution that would reshape earlier traditions to benefit a new, centralized, administrative order bent on stabilization and control. The Bible's historiographic sources present the monarchy as an instrument of male power, and the period that likely saw the textualization of many old, oral traditions (i.e., the late eighth–early sixth centuries BCE) is exactly the era where royal policies appear to purge religious traditions that empowered women in shared religious traditions.²⁹

On the level of state, then, religious leadership was in the hands of men; a religious functionary like the premonarchic Deborah would have had fewer outlets for official power across kinship groups in monarchic society. Through centuries of textual tradition transmitted within scribal circles beholden to this monarchic *status quo*, it is not surprising that Miriam emerges in the Pentateuch as holding a lower rank than Moses and Aaron and receiving less tex-

²⁶ I will leave aside from the discussion Moses's sister in Exodus 2, who is not identified as Miriam therein. See further Sheckman, *Women in the Pentateuch*, 108–10, and Tervanotko, *Denying her Voice*, 48–49.

²⁷ For a fuller discussion of this matter, see Leuchter, *Boundaries of Israelite Identity*, 64–67.

²⁸ S.A. Ackerman, "Why is Miriam Among the Prophets? (And Is Ziporah Among the Priests?)" *JBL* 121.1 (2002), 47–80.

²⁹ It is not accident that the strongest critics of the Deuteronomistic tradition are presented as women in Jer 44:15–19, a passage that references the Josianic purge of the late seventh century BCE; see Y. Hoffman, "History and Ideology in Jeremiah 44," *JANES* 28 (2001), 43–51. This type of tension is evident in Hezekiah's day as well. The socio-sacral role of women in hinterland religion is transmuted symbolically into the figure of Tamar who endures the abuses of the paterfamilias Judah, a stand-in for Hezekiah in relation to the social fallout from that king's urbanization policies and its dismantling of cultic traditions of the hinterland. See M. Leuchter, "Genesis 38 in Social and Historical Context," *JBL* 132.2 (2013), 209–27.

tual attention. Yet despite the monarchic machine that created decidedly androcentric traditions, the memory of Miriam could not be ignored; the persistence of memories regarding her religious authority speaks to an early group whose cultic tradition placed her at the center.

Third, and finally, we have an important passage in the book of Micah that helps us recover some of the contours of a much earlier era that saw devotion to Miriam. The verse in question appears within Mic 6:1–4:

Hear ye now what YHWH says:

Arise, contend before the mountains, and let the hills hear thy voice.

Hear, O ye mountains, YHWH's controversy,
and ye enduring rocks, the foundations of the earth;
for YHWH has a controversy with His people,
and He will plead with Israel.

O My people, what have I done unto thee?

And wherein have I wearied thee?

Testify against Me.

For I brought you up out of the land of Egypt,
and redeemed you out of the house of bondage,
and I sent before you *Moses, Aaron, and Miriam*.

There is no sense in v. 4 of any hierarchy that establishes dominance or subordination between Moses, Aaron, and Miriam. Rather, the unit looks back to an early era where all three shared equal saintly rank.³⁰ The language of this unit has led some to see it as a late Deuteronomistic redactional block.³¹ But other explanations are possible and even likely. Jan Joosten has recently identified Mic 6:1–4 as part of an oracle of northern provenance pre-dating 722 BCE secondarily added to the book of Micah.³² But Micah elsewhere shows knowledge of northern Ephraimite political events and traditions in oracles usually credited to him,³³ and may have fashioned an oracle

³⁰ So also Tervanotko, *Denying Her Voice*, 112.

³¹ Tervanotko, *Denying Her Voice*, 114; D.L. Smith-Christopher, *The Religion of the Landless: The Social Context of the Babylonian Exile* (Eugene, OR: Wipf & Stock, 2015), 172; B.M. Zapff, *Redaktionsgeschichtliche Studien zum Micahbuch im Kontext des Dodekapropheten* (BZAW; Berlin: de Gruyter, 1997), 12, 223; H.W. Wolff, *Dodekapropheten: Micha* (Neukirchen-Vluyn: Neukirchener Verlag, 1982), 144–145.

³² J. Joosten, “Yahweh’s Farewell to Northern Israel (Mic 6, 1–8),” *ZAW* 125 (2013), 448–62.

³³ Prominent examples include Mic 1:5–6; 2:7; 3:1, 9.

according to a northern lexical convention as an example of cultural code-switching.³⁴ In either case, the language may not be Deuteronomistic as much as reflecting an early example of the northern locution that would also come to characterize the Deuteronomistic tradition.

If either of these options are the case, then the mention of Miriam should be viewed as an authentic part of an oracle that attempts to invoke antiquity as a barometer for covenantal standards in the 8th century BCE. I am inclined to credit this material to Micah in some way since the remainder of the book makes such persistent appeals to high antiquity as a basis for contemporary action and belief.³⁵ Regardless whoever is responsible for this oracle, the writer expected his or her audience to know the lore highlighting Miriam's sainthood. Even if the traditions of a Miriam-centered priestly group did not survive in much detail in the Pentateuchal sources, they persisted on the oral level in the Israelite hinterland, and Mic 6:4 bears witness to this.

To conclude, we should turn back to our text, the Song of Miriam, in the context of Exod 15. Several scholars in recent years have noted that texts are not just rhetorical constructs but also sites of memory.³⁶ Exodus 15 manipulates the relics of such memories to create a perception that Miriam's authority is dependent upon that of Moses. It uses Moses's arbitration of YHWH's power at the Red Sea as a basis for ritual rehearsal, and Moses's words in the Song of the Sea as a basis for conceptual discourse regarding YHWH. Clearly, this ossifies a power hierarchy, one that takes the memory of a saintly woman and subordinates it to the memory of a saintly man. But the foregoing discussion suggests that this constructed hierarchy attempts to transform sources and memories that once functioned in a rather different, less systemic, and perhaps even more egalitarian manner across different early Israelite communities.

The packaging of these memories in a fixed textual form establishes an alternative to whatever purpose those same memories

³⁴ Other Judahite texts of the late monarchic era engage in this practice; see G.A. Rendsburg, "Some False Leads in the Identification of Late Biblical Hebrew Texts: The Cases of Genesis 24 and 1 Samuel 2:27–36," *JBL* 121.1 (2002), 31. Even if as a textual phenomenon this is a scribal matter, it presupposes that the audience of these texts (urban or rural) would have understood and appreciated this rhetorical strategy.

³⁵ See S.L. Cook, *The Social Roots of Biblical Yahwism* (Atlanta: SBL, 2004), 195–230.

³⁶ I.D. Wilson, *Kingship and Memory in Ancient Judah* (New York: Oxford University Press, 2017); R. Gilmour, *Representing the Past: A Literary Analysis of Narrative Historiography in the Book of Samuel* (VTSup; Leiden: Brill, 2011), 1–33; D. Pioske, "Retracing a Remembered Past: Methodological Remarks on Memory, History and the Hebrew Bible," *BibInt* 23 (2015), 291–315. See also the collection of essays in E. Ben Zvi and D. Edelman (eds.), *Remembering Biblical Figures in the Late Persian and Early Hellenistic Periods: Social Memory and Imagination* (New York: Oxford University Press, 2013).

served in extant forms of oral instruction. Jacqueline Vayntrub has observed that “the narrative histories themselves, when they embed speech performance, give us a built in audience for hearing claims. That is, characters are listening to speakers in the story tell them stories. Their reactions and the hermeneutics the audience participate in are internal cues for how we should be reading (or hearing) those texts.”³⁷ The deliberate literary structure of Exod 15 contains not only the inherited sources that once had a life of their own, but also serves as a sort of catechism regarding how those sources *should* function. This reveals that the audience had other notions, other memories, other perceptions regarding the figure of Miriam and the slogan placed in her mouth.

The implications of this are manifold, of course, but it also places the narrative in question within a larger spectrum of literary conception—what Eva Mroczek has termed the “Literary Imagination” informing ancient Jewish thought.³⁸ Mroczek’s study focused on the literature of the Second Temple period, but her approach may be profitably applied to monarchic-era orchestration of early (and likely premonarchic) traditions. The Song of Miriam within Exod 15 is one possibility among many for conceiving of Miriam’s role in the past and thus Miriam’s role in the present of the ancient audience. This, in time, came to be the yardstick by which any other traditions were measured, but we should not take this to mean that it was always intended or regarded as such. Rather, it may have been an intertext with the variant streams of thought regarding the sources whence it came. If this is so, then the sainthood of Miriam attested in Micah’s eighth-century BCE oracle continued to draw new adherents to complement, qualify, and even challenge the growing preeminence of Moses in the late monarchic period. The Song of Miriam stands at the meeting point between the enduring memory of Miriam and the development of a narrative history that attempted to define the parameters of Israel’s group identity. Its uneasy place within Exod 15 appropriately mirrors the difficulty that faced Israelite (and later Judahite) scribes in forging coherence and consistency from a bounty of traditions that inherently resisted such efforts.

³⁷ Personal email communication, November 2016.

³⁸ E. Mroczek, *The Literary Imagination in Jewish Antiquity* (New York: Oxford University Press, 2016).

FINDING LOT'S DAUGHTERS

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1. INTRODUCTION

It is an honor to be invited to contribute to this collection focusing on issues of gender and historiography in the Pentateuch and so to pay tribute to the work of scholars such as Carol Meyers, and more recently Shawna Dolansky and Sarah Shectman, and to participate in this continuing and important conversation. Because my own work tends to be in the area of the intersection between biblical law and narrative and associated source and redactional-critical issues, my particular approach to the topic builds on Shectman's identification of a tendency on the part of feminist biblical scholarship to avoid historical criticism.¹ It is the two-fold goal of this brief essay to offer, first, further evidence of the importance for feminist biblical scholarship of drawing on the full range of available interpretational approaches and, secondly, to recover a "lost" interpretation of the story of two of the Hebrew Bible's most enigmatic women, the daughters of Lot and, in so doing, to seek to "find" it and them again.

One of the factors that has been most influential in the history of interpretation of the Pentateuch has been a conviction, widely held, that there is a layer or layers of redactional material in Genesis, Exodus and Numbers that is best characterised as "Deuteronomistic" or "semi-Deuteronomistic."² This is an idea that pre-dates even the Graf-Wellhausen hypothesis, and it proliferated as that hypothesis gained authority.³ One of the consequences of this idea has been a tendency to interpret redactional (non-P) text in the Tetrateuch in line with the ideo-theological

¹ S. Shectman, *Women in the Pentateuch: A Feminist and Source-Critical Analysis* (HBM 23; Sheffield: Sheffield Phoenix, 2009).

² For a recent comprehensive study of this tradition see H. Ausloos, *The Deuteronomist's History: The Role of the Deuteronomist in Historical-Critical Research into Genesis-Numbers* (OTS 70; Leiden: Brill, 2015). See also M. Warner, *Re-Imagining Abraham: A Re-Assessment of the Influence of Deuteronomism in Genesis* (OTS 72; Leiden: Brill, 2018). The essays collected in L.S. Shearing and S.L. McKenzie (eds.), *Those Elusive Deuteronomists: The Phenomenon of Pan-Deuteronomism* (Sheffield: Sheffield Academic Press, 1999) trace the development of a trend, identified there as "pan-Deuteronomism," of recognizing the influence of Deuteronomism widely in non-D texts.

³ Ausloos, *Deuteronomist's History*, 44.

profile of D.⁴ This tendency has not always been conscious. While some scholars have addressed the issue of the interpretive impact of characterisation of text as more-or-less Deuteronomistic,⁵ others have not, with the result that assumptions about the meaning of passages have sometimes been allowed to flourish unchecked so that Deuteronomistic ideas about matters such as election, land and attitudes towards the nations have coloured, if not actually determined, interpretation of passages in larger literary works, such as Genesis, where they are not obviously at home. Some recent scholarship, meanwhile, has challenged the idea that the presence of D-like language, motifs or themes in text can reliably be understood to indicate that interpretation in line with the profile of D is warranted.⁶ Work in the field of inner-legal exegesis, for example, especially that exploring the redactional work of holiness legislators who are familiar with D, and use its language and motifs, but for the purpose of revising or even replacing D, suggests that the assumption that the presence in text of D-like language or themes means that that text should be interpreted in line with the profile of D may be at best unsafe and at worst positively misleading.⁷

It is against this background that I propose to revisit the story of Lot's daughters in Gen 19:30–38.

⁴ In *Re-Imagining Abraham*, 2–3, I argue that “the assignment to a passage of a particular source affiliation, J or P or D, for example, has an inevitable impact upon interpretation of the passage as the interpreter, whether consciously or otherwise, imports into her interpretive work what she knows of the ideological/theological profile of that source.”

⁵ For example, R. Rendtorff, *Das überlieferungsgeschichtliche Problem des Pentateuch* (Berlin: de Gruyter, 1976); English translation, *The Problem of the Process of Transmission in the Pentateuch*, trans. J.J. Scullion (JSOTSup 89; Sheffield: JSOT Press, 1990), 168, 194, 196–97; D.M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville, KY: Westminster John Knox, 1996).

⁶ See, for example, Ausloos, *Deuteronomist's History*; Shearing and McKenzie (eds.), *Those Elusive Deuteronomists*; H. von Weissenberg, J. Pakkala, and M. Marttila (eds.), *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period* (Berlin: de Gruyter, 2011); M. Leuchter, “The Medium and the Message, or, What is ‘Deuteronomistic’ about the Book of Jeremiah?,” *ZAW* (2014), 208–27.

⁷ See for example, C. Nihan, *From Priestly Torah to Pentateuch* (FAT 2/25; Tübingen: Mohr Siebeck, 2007); J. Stackert, *Rewriting the Torah* (FAT 52; Tübingen: Mohr Siebeck, 2007); E. Otto, “The Holiness Code in Diachrony and Synchrony” in S. Shectman and J. Baden (eds.), *The Strata of the Priestly Writings* (ATANT; Zürich: Theologischer Verlag Zürich, 2009), 135–56; B.M. Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in A. Lemaire (ed.), *Congress Volume Leiden 2004* (Leiden/Boston: Brill, 2006), 281–324.

2. READING GENESIS 19:30–38

Traditionally, Gen 19:30–38 has been attributed to the Yahwist,⁸ and while it has not been one of the passages most prominent in discussions about D-like editing, nevertheless I will argue, using a combination of historical-critical and literary-critical methods, that the generalised phenomenon of recognizing D-like editing in Genesis has had an impact upon the interpretation of the passage and, ultimately, upon perceptions of its two female characters. The rejection or avoidance of historical-critical method that is often a feature of feminist scholarship, and to which I've already alluded, leaves open the danger that interpretational violence to a text and to the women presented in it, may go unchecked. The tools of historical criticism are of value to us not only in the enterprise of identifying and building new interpretation, but also in the equally important task of exploring how these same tools may have contributed, intentionally or otherwise, to past assaults upon perceptions of biblical presentations of women.

In the passage Lot and his daughters have been saved from the destruction of Sodom and find themselves isolated in a cave, apparently in the belief that they are the only humans to have survived the cataclysm. Lot's daughters, who are not named, make their father intoxicated on consecutive evenings and become pregnant by him, with the stated purpose of preserving seed through him, in the absence (so they understand) of other prospective fathers. The sons of the two women are identified in the text with the nations of Moab and Ammon (Gen 19:37–38), so that the passage functions as a foundation story for those two nations.

The history of interpretation of the passage has been an interesting one, with two prominent trends discernible in Jewish and Christian exegesis. Some interpretation has focused on the motifs of drunkenness and incest and concluded that the story presents national origins that are marked by shame and disgrace, so that the presentation of the nations of Ammon and Moab here aligns with their presentation elsewhere in the Hebrew Bible, including in Deuteronomy.⁹ Other interpretations focus on the desperate plight of the two young women and on their response to it, highlighting either the lengths to which human beings will go when finding themselves *in extremis* or the righteousness of the women in pursuing action, presumably distasteful to them, in order to fulfil a religious duty to procreate.¹⁰ These latter

⁸ See, for example, G. von Rad, *Das Erste Buch Mose, Genesis* (Göttingen: Vandenhoeck & Ruprecht, 1956); English translation, *Genesis: A Commentary*, trans. J.H. Marks (London: SCM Press, 1961), 220; E.A. Speiser, *Genesis*, 2nd ed. (AB 1; New York: Doubleday, 1964), 142.

⁹ For example, Carr, *Fractures* 191, n. 27: "Lot functions consistently throughout as the negative contrast to Abraham, and the grouping of incest and drunkenness at the close of Genesis 19 makes it absolutely clear that his fathering children through incest with his own daughters is not being presented neutrally."

¹⁰ For example, C. Westermann, *Genesis 12–36*, trans. J.J. Scullion

interpretations are somewhat at odds with the presentation of the nations of Ammon and Moab elsewhere in the Hebrew Bible, and particularly in Deuteronomy.

Although in early commentary these two strands of interpretation received somewhat equal treatment,¹¹ more recently the first has become dominant, particularly in the popular imagination, so that it has become almost axiomatic that Gen 19:30–38 is the story of the shameful origins of Ammon and Moab, marked by the abuse of alcohol and perverted sexual practice. Indeed, the NRSV has the heading “The Shameful Origin of Moab and Ammon,” so pre-determining the meaning of the story and blinding readers in English to other interpretative possibilities. It is hard to determine the impact of this, but it is notable that even senior Genesis scholars are able, within a single article or book, to express both distaste for the behaviour of Lot’s daughters and admiration for the righteous actions of Tamar in Genesis 38 without any awareness of the potential for inconsistency in these approaches.¹²

My view is that it is no accident that there have been two trends in interpretation of the story. I suggest that the two approaches are built in to the story itself,¹³ so that the story becomes one in which two imperatives are balanced and the tensions between them foregrounded. It is a study in ethics, if you like. The question posed here is “in a situation of crisis, which imperative is stronger—the imperative to be fruitful or the imperative to avoid incestuous relations?” The dilemma is sharpened by its situation in the context of international politics. One’s response to the question will determine, or be pre-determined by, one’s attitude toward the nations involved, Moab and Ammon. There is one more element in this narrative ethical exercise, I’d suggest. The two imperatives brought into tension in the story are reflective of two competing world-views, one that

(CC: Minneapolis: Augsburg, 1984) 315: “the desperate act of two young women whose sole concern is to acquire posterity so that the family may live on.”

¹¹ J. Blenkinsopp, *Abraham: The Story of a Life* (Grand Rapids, MI: Eerdmans, 2015), 136, and see n. 36.

¹² For example, R. Hendel, *Remembering Abraham: Culture, Memory and History in the Hebrew Bible* (Oxford: Oxford University, 2005), 11, writes: “Lot’s incest with his daughters is a grievous sin, which stains the ancestry of the peoples of Moab and Ammon.” Having cast Lot in the role of unrighteous foil to the righteous Abraham, it seems not to occur to Hendel that the actions of Lot’s daughters might be equivalent to the seductions of the foreign women (Tamar, Rahab, Jael and Ruth) whom he has just praised (p. 6) for their virtuous seductions of Israelite men, so preserving the tribal patriline: “Because they are foreigners, their virtues are extraordinary, and their seduction of Jewish men is, in these cases, a moral good.” In the case of Tamar, of course, issues of incest are also close to the surface as Tamar’s seduction was of her father-in-law—see the discussion below.

¹³ J. Grossman, “‘Associative Meanings’ in the Character Evaluation of Lot’s Daughters,” *CBQ* (2014), 40–57, writes: “Surprisingly, both positions are supported by the text, and the author seems to have planted seeds of positive evaluation alongside the criticism.”

is essentially Priestly (represented by the imperative to be fruitful) and one that is essentially Deuteronomistic (represented by opposition to the fruit of incestuous relations and to the two nations in question).

The imperative to be fruitful and multiply is readily identifiable with the Priestly program, and is found in its most concentrated form in the early chapters of Genesis.¹⁴ Genesis 19:30–38 does not employ this language, but instead uses the language of preserving seed, represented in Hebrew by the association of the verb *חיה* (to live) with the noun *זרע* (seed). The same construction is found in the Noah narrative, in Gen 7:3.¹⁵

Turning to D, Deut 23:1–9 [Eng., 22:30–23:8] sets out the grounds upon which one may be excluded from the assembly of the LORD.¹⁶ These grounds are concerned primarily with sexual irregularity and ethnicity. Ammonites and Moabites are excluded for ten generations and two reasons are offered for this exclusion in Deut 23:3–6, although neither relates to incestuous origins.¹⁷ On first impression Deut 23 might appear determinative of the interpretation of Gen 19:30–38.¹⁸ Genesis 19:30–38 aligns neatly with Deut 23:3–6 if it is understood to tell the shameful story of the origins of two nations whose continuing poor behaviour cause them to be excluded by Israel. When one looks more closely, however, one becomes aware of a series of ironies that don't fit this picture well. I would like to highlight four.

¹⁴ Gen 1:22, 28; 8:17; 9:1, 7; 35:11; 47:27.

¹⁵ See also Deut 30:19 for a related phrase. And see n. 28 for further discussion of the relationship between the Noah story and the story of Lot's daughters.

¹⁶ See also Deut 32:32 and Neh 13:1–3.

¹⁷ Note that Deut 23:1 and possibly also 23:3 relate to incest. Deut 23:1 prohibits a man from having sexual relations with his father's wife. The meaning of Deut 23:3 is not clear—it provides that a *ממזר* will not be admitted to the assembly of the LORD for ten generations. This term may refer to a person born of an incestuous union or a prohibited mixed marriage, or simply a non-Judean. It is therefore unclear whether Deut 23:1 and 3 have any direct relevance to Gen 19:30–38.

¹⁸ For example, D. Lipton, *Longing for Egypt and Other Unexpected Tales* (HBM 15; Sheffield: Sheffield Phoenix, 2008), 138, assumes without discussion that it is appropriate to bring Deut 23:4–5 to bear upon the interpretation of matters closely related to Gen 19:30–38, namely considerations of the number of righteous people present in Sodom (Gen 18), and of the measure of Lot's hospitality (Gen 19):

Lot and his daughters do not count; their descendants are excluded from the congregation of Israel, even to the *tenth* generation, for failing to be hospitable in the wilderness and because they cursed Israel (Deut 23.4–5). And besides, Lot is not righteous; the Deuteronomic ruling casts a shadow over Lot's hospitality, as does the measure for measure dimension of his daughters' sexual exploitation (Gen 19.8 cf., 19.31, 32)." (italics in the original)

What is helpful about Lipton's discussion is that she explicitly refers to Deut 23 and her views about its impact upon the interpretation of Gen 18–19. In many cases an influence of D legislation is either unconscious or unacknowledged, so that it is not possible to assess the extent to which interpretation of a passage in Genesis has been influenced by the provisions of Deuteronomy.

The first of the two reasons given in Deut 23:4 for the exclusion of Ammon and Moab is that they didn't meet the Israelites with bread and water on their journey out of Egypt. It is highly ironic, then, that Gen 19:30–38 follows on immediately from a narrative in which Lot, the grandfather (and also father!) of the two nations, offers hospitality to passing strangers. Gen 19:1–11 tells of Lot's hospitality to two angels who come to observe Sodom. Although some scholars consider the hospitality offered by Lot to be inferior to that previously offered by Abraham (Gen 18:1–15), most take the view that Lot's hospitality was *at least* appropriate to the circumstances.¹⁹ The irony is underlined by the fact that the hospitality offered by Lot in 19:3 corresponds to the bread (לֶחֶם) and water that Deut 23:4 says was withheld from the Israelites on their journey out of Egypt by Ammon and Moab. Lot offers his guests a liquid feast (מִשְׁתֵּה) and unleavened bread (מִצוֹת).²⁰

A second irony is that Gen 19:30–38 is followed almost immediately by the second of two versions of the wife-sister story in which the ancestor passes off his wife as his sister in order to save his own skin. Although the basic story is told three times in Genesis (Gen 12:10–20; 20; 26), it is only in Gen 20 that Abraham states that Sarah is actually his sister. In the history of interpretation of Gen 20, readers have not responded to the suggestion of an incestuous relationship between Abraham and Sarah with anything like the degree of opprobrium directed toward Lot and his daughters, despite the fact that sexual relations between brother and (half-)sister are explicitly prohibited by Lev 18:9 and 20:17, while there is no explicit prohibition of relations between father and daughter.²¹ This is despite the fact that Abraham's

¹⁹ Lipton's views about Lot's hospitality in Gen 19 (above) are by no means unusual, and many scholars have discussed the quality or measure of Lot's hospitality, often comparing it unfavorably with the hospitality offered by Abraham in Gen 18:1–15. Others, such as T.M. Bolin, "The Role of Exchange in Ancient Mediterranean Religion and Its Implications for Reading Genesis 18–19," *JSOT* 29 (2004), 37–56, (cited by Lipton) place the hospitality of Lot upon a similar level as that of Abraham. See also, more recently, Y. Peleg, "Was Lot a Good Host? Was Lot Saved from Sodom as a Reward for his Hospitality?" and J.D. Safren, "Hospitality Compared: Abraham and Lot as Hosts," both in D. Lipton (ed.), *Universalism and Particularism at Sodom and Gomorrah: Essays in Memory of Ron Pirson* (Atlanta: SBL, 2012), 129–56 and 156–79. My own reading, subject to what I say below, is that Gen 19 is less interested in comparing Lot's hospitality with the hospitality of Abraham than it is in comparing it with the *inhospitality* of the Sodomites. Both are presented as extremes—on the one hand Lot's extraordinary preparedness to put the safety of his guests above that of his own daughters and, on the other, the extraordinary violence of the gathered men of Sodom.

²⁰ For the connection between unleavened bread and the Israelite's journey out of Egypt see, for example, Exod 12:39.

²¹ Lipton, *Longing for Egypt*, 137.

choice of language in Gen 20:12 arguably alludes to those provisions, and especially Lev 20:17.²² Nor has there been opprobrium directed toward Jacob who married sisters, contrary to Lev 18:18, or toward Moses, Aaron and Miriam who are the children of a marriage between an aunt and her nephew, in contravention of Lev 18:12 and 20:19.

A third irony is that one of the effects of Gen 19:30–38 is to highlight the inconvenient truth that Ammon and Moab are Abraham’s kin. Arguably, the whole point of the story is that these nations are not actually foreign—they are family.²³ This irony is strengthened when one considers Deut 23:8, which provides that the Israelites shouldn’t abhor the Edomites precisely because they are kin. The logic of Deut 23:8, when taken together with Gen 19:30–38, suggests that Ammonites and Moabites ought not to be abhorred either, because they too are kin.

The fourth irony, with which we will deal at greater length, arises when the story of Lot’s Daughters is read alongside an analogous narrative, the story of Judah and Tamar in Gen 38. Robert Alter refers to a process of narrative analogy by which one piece of text provides oblique commentary on another.²⁴ Yair Zakovitch’s proposal of the “reflection story” presents a similar idea—Zakovitch writes, “It is well known that the biblical narrators leave it to their readers to judge the characters in their writings according to their words and actions.”²⁵ He argues that covert allusion to other narratives with which their readers will be familiar is one of the tools by which narrators assist the assessment of biblical characters.

In the story of Judah and Tamar the imperative to reproduce is again brought into narrative conflict with the issue of incest. In Gen 38 the issue is not so much the lack of *any potential* father as the unavailability of the *proper* father to play his role. The story explores the tension that is latent in Deut 25:5–10 between Israel’s levirate and incest laws.²⁶ Judah’s two elder sons, having been given in marriage to Tamar, die without issue and Judah becomes afraid for the wellbeing of his youngest son Shelah. Judah refuses to give him in marriage to Tamar, thereby causing Shelah to fail to carry out his levirate responsibilities to his elder brother. Tamar takes the initiative, just as Lot’s daughters had done, and seduces Judah, despite the prohibition on sexual relations between a man and his daughter-in-law in Lev 18:15 and 20:12. Tamar takes it upon herself to ensure that her father-in-law does not know her actions, thus taking full responsibility

²² G. Hepner, *Legal Friction: Law, Narrative and Identity Politics in Biblical Israel* (New York: Peter Lang, 2010), 229–57; Warner, *Re-Imagining Abraham*, 79–80.

²³ Shectman, *Women*, 100.

²⁴ R. Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981), 21.

²⁵ Y. Zakovitch, “Through the Looking Glass: Reflections/Inversions of Genesis Stories in the Bible,” *BibInt* 1.2 (1993), 139–52, here 139.

²⁶ As C. Westermann, *Genesis 37–50*, trans J.J. Scullion (CC; London: Augsburg Fortress, 1987), 56–57, observes.

for them upon herself. In this Tamar's actions are very like those of Lot's daughters who make their father intoxicated so that he has no responsibility for their sexual coupling. In both stories the narrator is at pains to assure the reader that full responsibility lies with the women, and not with the man who does not know what is happening to him.²⁷ The difference in Tamar's story is that the narrator allows Judah, once he has become aware of the ruse, to state his view of Tamar's actions. In a speech that comes as a surprise to many modern readers Judah approves fully of what Tamar has done, describing her as more righteous than himself (Gen 38:26).²⁸

Judah's statement is the point of difference between the two narratives. In both stories, female characters take actions they perceive to be necessary in order to fulfil the particular imperative of fruitfulness binding them despite the associated legal problems and a supposed natural aversion. Because of Judah's statement, Tamar is understood by the reader to be righteous, while Lot's daughters, in the absence of any explicit approval on the part of the narrator or another character, are considered by

²⁷ There is an intriguing, if somewhat camouflaged, distinction to be drawn in this regard between the stories of Lot's daughters and Tamar, on the one hand, and that of Noah and Ham (Gen 9:18–28) on the other. These three stories are often, rightly, read together and indeed the parallels between the Noah and Lot stories, in particular, are compelling. See for example, B. Embry, "The Naked Narrative from Noah to Leviticus: Reassessing Voyeurism in the Account of Noah's Nakedness in Gen. 9:22–24," *JOT* 35 (2011), 417–33. Just as Gen 19:30–38 is often read as the "shameful" account of the origins of Ammon and Moab, Gen 9:18–28 is often read as the "shameful" account of the origins of the Canaanites as enslaved peoples. So, for example, J.-L. Ska, *Introduction to Reading the Pentateuch* (Winona Lake, IN: Eisenbrauns, 2006), 22, writes: "Gen. 19:18–29 explains why Canaan, the son of Ham, was cursed and lost all his privileges, while Shem, Abraham's ancestor, was blessed and therefore occupies a preeminent position in the history of salvation." The distinction, however, is that in the Ham story the very strong implication is that Ham is not given responsibility for his crime (whatever it might have been). The responsibility is impliedly assigned to Noah. Gen 9:18–28 (unlike Gen 19:30–38) contains the technical legal language found in the incest provisions of Lev 18 and 20, suggesting an intention to allude to those provisions. However, this language is used so as to clear Ham of any charge. Ham did nothing but *see* his father uncovered. The effect of the use of the verb גלה ("to uncover") in the reflexive *hithpa'el* in Gen 9:21 is to indicate that Noah uncovered himself (prior to Ham's arrival). Mere "seeing" without "uncovering" does not amount to incest in Lev 18 and 20. For a fuller treatment, see M. Warner, "What if They're Foreign? Inner-Legal Exegesis in the Ancestral Narratives," in M.G. Brett and J. Wöhrle (eds.), *The Politics of the Ancestors* (FAT 124; Tübingen: Mohr Siebeck, 2018), 67–92.

²⁸ Westermann, *Genesis 37–50*, 56: "The narrator approves of Tamar quite openly: he sets in relief her cleverness and firmness of purpose." Von Rad, *Genesis*, 356, identifies Judah's statement as the "climax of the narrative," before noticing that the narrative lacks any real conclusion, thus supporting an argument that the point of the story is the conflict between two legal/moral imperatives and its resolution.

the same reader to be unrighteous. When the two stories are read together, the reader cannot help but wonder what application the sentiment expressed by Judah might potentially have also to the actions of Lot's daughters.

The pairing of the stories does, further, lend support to a clue within the wider narrative context of Gen 19:30–38 that the narrator may be more sympathetic to the plight of Lot's daughters than is apparent on the face of that passage. In Gen 19:15 the angels urge Lot to take his wife and daughters to flee the city. The daughters are described there as “the ones found” (הַנִּמְצָאוֹת). This description serves no immediately obvious narrative purpose and is not reflected in the LXX or in most English translations. When the story is read in context, however, the description is significant. In the immediately preceding chapter, Gen 18, Abraham engages in extended advocacy before Yahweh on behalf of the people of Sodom, in which he pleads for Yahweh to consider pardoning the whole city if a certain number of righteous persons are “found” (נִמְצָא) in it.²⁹ In the event Yahweh agrees, but goes on to destroy Sodom, suggesting that not even ten righteous people could be found. The description of Lot's daughters as “the ones found” in those circumstances must constitute an implicit narratorial pointer to the righteousness of the girls, and this conclusion is supported when Gen 19:30–38 is read together with Gen 38, where the righteousness of the female character's actions, in an analogous situation, is stated explicitly.

3. CONCLUDING OBSERVATIONS

I've identified a tendency to interpret the story of Lot's Daughters in sympathy with the ideological/theological profile of D and argued that antipathy to the nations of Ammon and Moab, on show in Deuteronomy, has influenced readers of Genesis to read Gen 19:30–38 against its primary characters, Lot and his daughters, as the ancestors of these nations. By drawing attention to a number of ironies that arise when Gen 19:30–38 is interpreted in this way I have sought to challenge the conclusion that the story is *best* read *with* the grain of Deuteronomistic ideology. The ironies I've outlined tend to suggest, instead, that the story of Lot's Daughters may be one written *against* the grain of Deuteronomistic ideology. Rather than a story designed to further undermine the reputations of two of Israel's closest neighbours, Ammon and Moab, the story may be designed to subvert opposition to them. At least, I've argued, the story is one that does not accept Deuteronomistic ideology unquestioningly, but instead seeks to balance together multiple responses to a clash of imperatives and therefore to expand the range of possible attitudes to two of Israel's neighbour states.

²⁹ J.K. Bruckner, *Implied Law in the Abraham Narrative: A Literary and Theological Analysis* (JSOTSup 33; Sheffield: Sheffield Academic, 2001), 155, also notes this echo.

At one level, what this reading sets out to do is to “find” Lot’s Daughters, by attempting to rescue them from an interpretation which denigrates them, and to put in its place one which posits the two women as powerful, responsible agents who choose righteous action in a time of crisis. At the level of our endeavour of gendered historiography, however, it might be argued that the reading “loses” Lot’s daughters all over again. Arguably, by characterizing their story as a political/legal/ethical exercise I’ve reduced the two women, and perhaps Tamar also, to pawns in a game being played by men. What I mean by that is that what we learn about power structures through this reading doesn’t relate to the historical situation of men and women *per se*, so much as to the way male writers employed women, or at least women characters, in their writing.

Because this essay has focused its attention on a single, brief passage, it may be the wiser course not to attempt to extrapolate too broadly. Nevertheless I would like to hazard an observation. My reading of the Genesis narratives suggests to me that this passage is representative of a wider tendency, particularly evident in stories that foreground women characters, to assign women (and very often non-Israelite women) power that might otherwise be expected to reside in the hands of men. I would like very much to be able to argue that this tendency reflects an authorial agenda to promote or celebrate women. Unfortunately, my sense is that this is not the case. In the Genesis narratives the history of nations is played out as a domestic saga. The action therefore occurs in a realm in which women hold actual power and influence. Procreation and even family life are not possible without them. I’ve argued elsewhere that the Genesis narratives offered biblical authors a relatively safe place in which to negotiate religious, legal and ethical conundrums.³⁰ I see women characters, too, offering a space of relative safety. A woman acting in a domestic setting could not possibly be doing anything that might be considered incendiary in the more important sphere of world politics, could she?

I leave it to the reader to determine whether I have found Lot’s daughters, or lost them again in the attempt.

³⁰ Warner, “What if They’re Foreign?”