Embroidered Garments

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Embroidered Garments

Priests and Gender in Biblical Israel

edited by
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Preface

The papers in this volume were all presented at a conference held at King's College London on 4-6 August 2008, entitled 'Embroidered Garments: Sex and Gender in Biblical and Post-Biblical Texts with a Priestly Worldview or Concerns'. This was the second of a projected series of conferences at King's on the theme of questions of sex and gender in the Hebrew Bible; the first conference, entitled 'A Question of Sex?', took place in July-August 2006, and the papers from it were published as *A Question of Sex? Gender and Difference in the Hebrew Bible and Beyond* (Sheffield Phoenix Press, 2007).

Although the editing of the papers has fallen to me, the event itself was by no means a one-woman show. My colleague and co-organizer Dr Diana Lipton shouldered much of the burden of getting the show on the road, and it was a pleasure to be able to work with someone so energetically capable in so many areas. Thanks are due to her for (among other things) having the idea for the topic, suggesting and contacting speakers both before and after the conference, publicizing the event via websites, posters and mailing lists, taking it in turns with me to chair sessions, presenting a paper as part of the programme, and arranging a tailor-made tour of the British Museum for the conference group. The tour was a brilliant idea, and it proved to be one of the highlights of the conference, owing to the enthusiasm and generously shared knowledge of curators Dr Paul Collins (Middle East Department) and Dr Paul Roberts (Greek and Roman Antiquities). Indeed, as we made our way round the crowded museum on a wet August afternoon, we were joined by a number of other visitors who evidently thought that what we were getting was worth abandoning their own groups for. Thanks to both curators for the time and effort that they put in, and for showing us artifacts both familiar and unfamiliar in a brand new light.

Thanks, too, to all who attended the conference, presenters and participants alike, who by their presence contributed to making it the success that it undoubtedly was. In addition, thanks are due to Ms Ariane Dreysse, Departmental Administrator for the Department of Theology and Religious Studies at King's, for her management of the administrative tasks that are essential to any successful event. And thanks once

again to Sheffield Phoenix Press for agreeing to publish the papers, thereby making them available to a wider audience, including some who would have liked to attend the conference but for whatever reason could not. Take heart, would-be attenders: the third KCL conference on gender and the Hebrew Bible will soon be taking place!

Deborah W. Rooke
March 2009

Abbreviations

AB	Anchor Bible
ABD	David Noel Freedman (ed.), *The Anchor Bible Dictionary* (6 vols.; New York: Doubleday, 1992)
ABRL	Anchor Bible Reference Library
Agr.	Philo, *De agricultura*
AOAT	Alter Orient und Altes Testament
ASBR	Amsterdam Studies in the Bible and Religion
Bib	*Biblica*
BJS	Brown Judaic Studies
BKAT	Biblischer Kommentar: Altes Testament
BN	*Biblische Notizen*
BR	*Bible Review*
BTC	Bible in the Twenty-First Century
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
DJD	Discoveries in the Judaean Desert
DSD	*Dead Sea Discoveries*
DSS	Dead Sea Scrolls
EncBib	*Encyclopaedia Biblica* (9 vols.; Jerusalem: Bialik, 1950–1988) (in Hebrew)
ET	English translation
FCB	Feminist Companion to the Bible
FCB2	Feminist Companion to the Bible, second series
GCT	Gender, Culture, Theory
GPBS	Global Perspectives on Biblical Scholarship
HBS	Herders Biblische Studien
HCOT	Historical Commentary on the Old Testament
HKAT	Handkommentar zum Alten Testament
HSM	Harvard Semitic Monographs
HUCA	*Hebrew Union College Annual*
ICC	International Critical Commentary
JANES	*Journal of the Ancient Near Eastern Society*
JAOS	*Journal of the American Oriental Society*
JBL	*Journal of Biblical Literature*
JCS	*Journal of Cuneiform Studies*
JJS	*Journal of Jewish Studies*
JQR	*Jewish Quarterly Review*
JSJ	*Journal for the Study of Judaism*
JSOT	*Journal for the Study of the Old Testament*
JSOTSup	*Journal for the Study of the Old Testament*, Supplement Series
JSP	*Journal for the Study of the Pseudepigrapha*
JSS	*Journal of Semitic Studies*

LCL	Loeb Classical Library
LHBOTS	Library of Hebrew Bible/Old Testament Studies
LXX	Septuagint
MT	Masoretic Text
NCB	New Century Bible
NICOT	New International Commentary on the Old Testament
NJPS	New Jewish Publication Society translation of the Tanak
NRSV	New Revised Standard Version
OBT	Overtures to Biblical Theology
Op. Mund.	Philo, *De opificio mundi*
OTL	Old Testament Library
OTP	James H. Charlesworth (ed.), *The Old Testament Pseudepigrapha* (2 vols.; London: Darton, Longman and Todd, 1983–85)
Praep. ev.	Eusebius, *Praeparatio evangeliae*
Quaest. in Gen.	Philo, *Quaestiones in Genesin*
RA	*Revue d'assyriologie et d'archéologie orientale*
RB	*Revue biblique*
RevQ	*Revue de Qumran*
RGG^4	Hans Dieter Betz, *et al.* (eds.), *Religion in Geschichte und Gegenwart* (4th edn; Tübingen: Mohr Siebeck, 1998–2007)
RSV	Revised Standard Version
SBLDS	Society of Biblical Literature Dissertation Series
SBLSS	Society of Biblical Literature Semeia Studies
SJOT	*Scandinavian Journal of the Old Testament*
SNTSMS	Society for New Testament Studies Monograph Series
Spec. Leg.	Philo, *De specialibus legibus*
STDJ	Studies on the Texts of the Deserts of Judah
TDOT	G. Johannes Botterweck and Helmer Ringgren (eds.), *Theological Dictionary of the Old Testament* (trans. John T. Willis *et al.*; 15 vols.; Grand Rapids: Eerdmans, 1974–)
TRE	Gerhard Müller, Horst Robert Balz and Gerhard Krause (eds.), *Theologische Realenzyklopädie* (36 vols.; Berlin: W. de Gruyter, 1977-2004)
Vit. Cont.	Philo, *De vita contemplativa*
Vit. Mos.	Philo, *De vita Mosis*
VTSup	*Vetus Testamentum*, Supplements
WBC	Word Biblical Commentary
YNER	Yale Near Eastern Researches
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*

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Part I

Gendering Priestly Personnel

Gender in Prophecy, Magic and Priesthood: From Sumer to Ancient Israel

Athalya Brenner

Let us not waste our time asking, Have women in the Eastern Mediterranean ever functioned as priests? We know the answer. They actually did. Ever since Enḥeduana or Enḥeduanna, biological daughter of Sargon the Great or his social (functional) daughter, wrote her hymns that were copied by scribes well into the Babylonian period hundreds of years later, this has been well known. It is also known that her position, that of a female priest to a male god, was continued by other women for about five hundred years, occasionally stopped but then mostly re-established; and that she wrote poems and prayers to female gods as well, the most famous of which is her hymn to Innana.

Let us also note that *Enḥeduan(n)a* is not a personal name. It is a title. It means something like 'the En (i.e. priestess) of the Moon god'. And let us take this knowledge to the Hebrew Bible. Jezebel, Hebrew *'Îzebel*, may be a perversion of *'Iṯzbl*, in Phoenician 'man (or person) of ZBL', or 'ZBL exists', by analogy to her father's name, Ethba'al, and also the name Eshba'al (son of Saul in 1 Chron. 8.33, 9.39, Mephibosheth in the Samuel books).[1] So is 'Jezebel' too perhaps not a name but a functional title?

And what about Athaliah, a daughter of Ahab and perhaps also of Jezebel? Her 'name' would mean something like 'god (Yah) is strong/exalted' or 'strength is Yah' according to most commentators, a regular theophoric name. But what if this 'name', too, is not a name but a title, similar to that of her mother or stepmother Jezebel?

In that case the three women—probably historical figures, which is not to say that everything written about them is historical—have several things in common. All come from a similar geographical and cultural milieu. All have biological or adoptive royal descent. All are linked to cult and worship in their own right. All three had trouble from (male)

1. For the name and possible meanings, see further Leuwenstamm (1965) and Pippin (2000).

royals some time in their career. And all three function as priestesses, indeed heads of cultic activities, for a male god. Jezebel is reported as having 'prophets' of both Ba'al and Asherah in her personal household and retinue (1 Kgs 18.19). Athaliah manages to acquire kingship as well as admittance to affairs of Yhwh's temple in Jerusalem for six years before a plot unseats her, as she is present in the Temple itself, by a priestly putsch (2 Kgs 11.1-16//2 Chron. 22.10–23.15). Both biblical women, described as foreign, have to be killed so that the correct royal and cultic order can be restored. That both women are assessed as negative influences in Israel/Judah makes no difference to the general picture: biblical writers, indeed biblical societies, knew that (only in foreign lands?) women could officiate as heads of church, perhaps even that they could combine the roles of head of state and head of church; only, those writers objected to both. And the fact that Jezebel is accused by Jehu of 'whoredom' (*zᵉnûnîm*) as well as magic practices (2 Kgs 9.22) helps rather than detracts from my argument: accusations of cultic prostitution and illegal magic, especially against women, were popular with biblical writers. And indeed, this raises an important question. What cult and ritual roles are associated with gender in ancient Israel and the ancient Near East? Some preliminary definitions of cult roles in general, in addition to a short discussion of viewpoint, are necessary before this question can be explored.

It has become customary to distinguish prophecy from priestly/cultic activities on the one hand, and cultic activities from magic or divination[2] on the other. My assumption is that prophecy, magic and cult exist on a *continuum* of life and worship, and that any demarcation and delineation of activities is artificial—be it advocated by the biblical writers, whoever they were, or by readers in any age, ancient or (post-) modern. Readers of so-called Priestly texts of the Hebrew Bible soon discover that, in addition to the regulation of dress, behaviour, descent, other aspects of everyday life and sacrifice, they also contain elements of magic—such as the sending of the scapegoat to the wilderness (Lev. 16) or the 'spontaneous' induced miscarriage of the *sotah* by an earth/words/water trial (Num. 5). Practices of magic and divination are in general forbidden and the prohibitions are directed not only but especially at woman practitioners: 'You shall not let a witch live' (Exod. 22.17). But who are the

2. Without attempting a full-scale definition of 'magic' and 'divination', let me here state that at least for the purposes of this paper 'magic' is used in the sense of an action designed to influence the outcome of events or the divine, whereas 'divination' implies acquiring knowledge about upcoming events and the divine ahead of occurrence time. While the two concepts may overlap at their centre, at their extremities they would designate functionally different procedures.

most vocal of the objectors? Those who occupy the continuum line of cult, magic and prophecy. The so-called prophets occupy themselves, at times virulently, with magic practices (Ezekiel 13 is an expanded example); prophets display interest in the cult, be it legitimate or otherwise in their eyes; priests perform magic, and the higher their hierarchy, the more magic they perform while carrying out their duties and the more they object to others doing the same.[3] A case in point is the mysterious Urim, or the Urim and Thummim. These material objects are certainly and mostly associated with priests and Levites, particularly with chief priests (Exod. 28.8; Lev. 8.8; Num. 27.21; Deut. 33.8; Ezra 2.63//Neh. 7.65), but—at least in Saul's case—can be used without an ostensible reference to priests (1 Sam. 14.41; 28.6) and are interrogated for a divination concerning the immediate future, or so it seems.

Furthermore, consider the prooftext for magic prohibition in the Hebrew Bible, that is, Deuteronomy 18. This is the chapter's structure. Verses 1-8 prescribe edible rations everywhere for the Levite priests; vv. 9-13 forbid practices of divination and magic, with a wealth of terms that witnesses to extensive knowledge of such customs by the writer(s). And then, from v. 14 to the end of the chapter, an alternative is ostensibly given to the Israelites: a prophet, an intermediary who will hear god's words and transmit them, without recourse to mechanical divination processes. The test, as in mechanical divination, will be the test of truth and materialization;[4] all god-bending is forbidden, as also in Ezekiel. A careful reading of this chapter would clarify that, for the author, priestly activity is inferior to prophecy, and prophecy acts instead of all magic, comprehensively defined, not just instead of divination of future events.

But Deuteronomy 18 notwithstanding, the prophets themselves sometimes indulge in divination and signs, omens, a magic show Houdini-style, from using a stick that changes into a snake/dragon and back again (Exod. 4.3; 7.8-13, 15) to appearing to a medium (1 Sam. 28) to giving 'signs' such as reversing the hour by making the sun go down the steps (Isa. 38.8). Would you like to protest that prophetically or priestly-induced magic or divination is actually a divine miracle?[5] This would

3. Note the list of doomed notables in Isa. 3.2-3: 'warrior and soldier, judge and prophet, diviner and elder, captain of fifty and dignitary, counsellor and skilful magician and expert enchanter. And I will make boys their princes…'.

4. Much as in 1 Kgs 21; and Jer. 28.9: 'As for the prophet who prophesies peace, when the word of that prophet comes true, then it will be known that the LORD has truly sent the prophet'.

5. Among the few scholars who have explicitly acknowledged that prophecy is a form of divination are Nissinen (1980: 167-69), Overholt (1989: 140-47) and de Tarragon (1995).

also be the claim of non-Israelite diviners who may or may not support their proclamations by mechanical means; the many examples of oracles, dreams and other auditory and visionary declarations delivered to Mesopotamian kings, from Zimri-Lim of Mari to Neo-Babylonian kings, may or may not claim divine authority but mostly require some method of authentication.[6]

And this leads to two more relevant issues. One is the question of authenticity, as also stated in Deuteronomy 18: how is the true 'prophet', or 'diviner', judged to be such? According to modern scholarship, the true prophet—to distinguish from the more inferior diviner—is judged as such by the fact that his words do *not* always or often materialize. I would suggest that this is a biased view, justified neither by the Bible itself nor by ancient Near Eastern practice, but satisfactory for those who would choose to privilege biblical prophecy over that of its neighbours.

Second: in the ancient Near East, the lines between divination and prophecy, and indeed priestly activities, are fluid, shifty, hazy. The slippage seems to be more a question of specialization or emphasis than of exclusion or a precise role formation, at most a question of power hierarchy within the wider area of communication with the divine principle. Should one assume that in ancient Israel, at any time, this slippage was not equally apparent? Such an assumption can be questioned on the grounds of the very nature of the biblical texts themselves. An example in point is at first sight a distant one—that of birth control. We have knowledge of birth control in all cultures cognate to the Israelite/Judahite/Yehud/early Jewish cultures, apart from in the Bible itself (barring very few hints). Does this mean that birth control was unknown in those 'biblical' cultures? This is hardly plausible, given the physical conditions of survival—especially for potentially childbearing women—in the second and first millennia BCE. And yet, birth control is never explicitly mentioned in the Bible, probably because it contradicts the propaganda encapsulated in the 'Be fruitful and multiply' ideology, necessary for society's survival but detrimental to women's life expectancy (Brenner 1997: 52-81).[7]

Let me stress once again that the blend of functions is not confined to the earlier, non-classical 'prophets'. Moses is a prophet, leader, also priest

6. On the Mari texts, see Dossin (1948), Moran (1969), Noort (1977: 93-110), and Huffmon (1997). On prophecy in Mesopotamia, see Grayson and Lambert (1964), Malamat (1987, 1989), Fales and Lanfranchi (1997: 101-102), and Parpola (1997).

7. The socio-ideological bias here is 'Priestly', since the demand for multiplication first appears in a so-called P passage, and is indicative of other P propaganda for promoting a divine world-order, as understood by the P priests, authors and other functionaries.

(with or without Aaron), certainly a magician; Eli is a priest/military leader; Samuel is a 'seer' (= diviner), prophet, priest; Ezra is priest, scribe, community leader. But 'classical prophets' such as Jeremiah, Ezekiel, Haggai and Zechariah are also heavily involved in the cult, as are leaders such as David, Solomon, Uzziah, Hezekiah, Manasseh, Nehemiah and others. I am not claiming that there were no distinctions made among the activities on the religious continuum. My claim is that an orderly distinction between vocations is the paradoxical result of an unresolved power struggle within biblical literature—indeed, how can it be otherwise, in a library so big?—and the ideological focalizations of the sacred library's interpreters. How far this struggle represents an actual life-struggle, and if so when this struggle was taking place, is once again a different issue.

The journey so far, then. 'Prophecy', 'magic', divination', 'ritual', and 'priestly activities' all belong to the wider human experience area of communication with/from the divine, and designate intermediary activities. Recent Bible scholarship has shown that, much as in cognate cultures, there are enough traces to exclude a neat and inflexible difference between prophet, scribe, magician, diviner, priest—not to mention a king or queen's role as human/divine mediator, much as in other lands of the ancient Near East. True, methods may vary. True, the slippage is more customary with some activities, such as sign- and omen-making, than with others, such as officiating in sacrifice rituals. But prophets may be of priestly descent (Jeremiah, Ezekiel) while objecting to contemporaneous ritual, and magic/anthropomancy may be proscribed (Ezekiel) while practised by priests; and biblical prophets may add to their repertoire historical acumen as well as concern for social justice. In their absolute forms, magic/divination and making a sacrifice may be discrete, separate activities performed by specific socially designated agents; but the in-between areas are inhabited by individuals whose functions overlap, notwithstanding the neat and self-serving reports of biblical writers of certain ideologies—or their later commentators. If this assessment hurts anybody's feelings with regard to the uniqueness of biblical prophets, solace may perhaps be found in the prophets' reported concern for social issues, politico-historical savvy and involvement in affairs of state, all of which represent an innovation by comparison to the traditional ancient Near Eastern models.

In the following preliminary remarks on gender and especially women's participation in communication activities between the human and the divine, I shall use a blend of interpretative moves, in addition to this reassessment. Following Yairah Amit, I shall believe the self-defined omniscient biblical writers unless they are understood to promote explicit or implicit ideologies—which necessitates a hermeneutic of

suspicion, no strange bedfellow for feminist critics. Following Carol Meyers, I shall assume that women's confinement to the private or personal sphere is much exaggerated. Following Freud, one can assume that the repressed or suppressed has a nasty habit of returning and resurfacing. And following the Babylonian Talmud and Deconstruction, the principle of '*îpkā' mistabrā*' is to be applied to biblical writings; which would mean that, precisely because something is forbidden or somebody gets negative press, that something or somebody is alive and well in the culture that would like to outlaw or delete it as illegitimate—at the very least in its documentations and prescriptions.

I shall begin with the difficult question of whether women were ever officiating priests, that is, did they sacrifice in temples anywhere in ancient Israel and at any time? The double description—the plan and its implementation—of the Exodus Tabernacle (Exod. 25–31, 35–40) shows them as auxiliary workers involved in embroidery, weaving, interior decoration and other female occupations. Perhaps this was so in the Tabernacle (and in the golden calf episode of Exodus 32, where they are not mentioned, perhaps the women did not participate). Here the P writer may be seen as having a clear interest in downgrading women's participation in the cult. But look at Jeremiah 7 and more than that, at Jeremiah 44. Jeremiah, so it is reported, is accusing the inhabitants of Jerusalem and Judah of worshipping the Queen of Heaven. This is family worship: the sons collect wood, the fathers make a fire, the wives bake sacrificial bread and also prepare the libation, the *nesek* (7.18). In this collective activity, does it not seem that the women offer the (vegetal, vegetarian) sacrifice? And this is verified by the people's angry words to Jeremiah, later after the city's destruction:

> Then all the men who knew that *their wives offered* unto other gods, *and all the women that stood by*, a great assembly…answered Jeremiah, saying: 'As for the word that thou hast spoken unto us in the name of the Lord, we will not hearken unto thee. But we will certainly perform every word that is gone forth out of our mouth, to offer unto the queen of heaven, and to pour out drink-offerings unto her, as we have done, we and our fathers, our kings and our princes, in the cities of Judah, and in the streets of Jerusalem; for then had we plenty of food, and were well, and saw no evil. But since we let off to offer to the queen of heaven, and to pour out drink-offerings unto her, we have wanted all things, and have been consumed by the sword and by the famine. *And is it we that offer to the queen of heaven, and pour out drink-offerings unto her? Did we make her cakes in her image, and pour out drink-offerings unto her, without our husbands?*' Then Jeremiah said unto all the people, to the men, *and to the women*, even to all the people that had given him that answer, saying… (Jer. 44.15-20; emphasis added).

This is a well-known paragraph which is often coupled with the Kuntillet 'Ajrud 'Yhw and his Asherah' inscription to argue for, among

other things, a female deity as Yhwh's partner and requiring female sacrificial activity; such arguments are a counter-claim to those thinking that inasmuch as female priestly sacrifice is known in ancient Israel, it is confined to worship of other or female deities.[8] But I would like to argue for female officiation in the cult, even Yhwh's cult, from another angle altogether.

The Holiness (extra-Priestly) Code insists that a male Aaronide priest, and certainly the head priest, should be extraordinarily holy (*qādôš*). This includes restrictions relating to mourning and to aspects of external appearance that might imply the priests functioned similarly to those of other nations, and—most importantly—not marrying a wife who is a harlot, profaned or divorced. For the head priest nothing but a virgin wife will do (Lev. 21, esp. vv. 7, 13-14). This is usually read as a concern for circumstantial paternity, since priestly positions are hereditary, and because of v. 15: 'and he shall not profane his seed among his people'. Without getting into a detailed examination of this passage—and the text is far from clear in certain points—let me put forth an alternative suggestion. Anxiety about paternity is such an overriding concern of biblical patriarchy that additional precautions in the case of priests seem superfluous, beyond emphasizing that concern even further. Perhaps another reading is possible. As in the descent scheme of the patriarchs, where the chosen in each generation has to have the right mother, not only the right father, perhaps this is true of priests as well, notwithstanding paternity anxiety. Perhaps even, who knows, priests' wives officiated as well, and a *rebetzin* or *Frau Doctor* position was not good enough for them. Furthermore, let us look a little more closely at v. 9: 'And the daughter of any priest, if she begins to be a harlot, she profanes her father: she shall be burnt with fire'. Now this requires further explanation, since its formulation is far from clear, as is the answer to the question, how does the priest's daughter's case differ from that of other daughters in a similar situation of, presumably, independent sexual behaviour? And surely all irregular sexual behaviour entailed capital punishment by fire, as in Tamar's case (Gen. 38)? This harshness towards the priest's daughter is highly suspect, decidedly gratuitous—unless, unless, once upon a time, a priest's daughter belonged to the succession line, somehow, together with her brothers. Other explanations are of course possible, but why not also consider this one?

8. This claim in turn is at times linked to the question of whether there was ever a pre-patriarchal *Matriarchat* in the Eastern Mediterranean. Nobody can prove or disprove that there was. But one of the most common arguments in favour of its existence is the view that when a cultural milieu is inhabited by a dominant goddess figure, or strong female goddess figures, this is reflected in a more matriarchally biased and female-friendly societal state.

But to return to the Genesis matriarchs and patriarchs, we may remember how Savina Teubal, over two decades ago, advocated recognizing the position of priestess for Sarah the matriarch, on the dual basis of reading Genesis together with ancient Near Eastern practices (Teubal 1984). Indeed, certain aspects of the Sarah stories—her childlessness until an advanced age, her personal authority even within the marriage, her economic independence—point to her possible involvement in the cult. Or consider Jacob and his wives. A man-shepherd performs fertility tricks for his flock (Gen. 30). He is married to a she-lamb (Rachel) and a cow (Leah); the she-lamb 'steals' the household gods (Gen. 31). Any goddess/cult connection there, do you think? And yes, talking of visions or auditory experiences, women get those too, including the foreigner Hagar. The patriarchs, let us remember, do function as priests, prophets and mediators, also as magicians, at times. Is it really surprising that the matriarchs might have had similar roles, or powers?

Let us review some stories about women, and their place on the cult-ritual-magic-divination-priestly activity continuum. Such a rereading might yield interesting results. For instance: when Zipporah performs a circumcision, on her son or on Moses (Exod. 4.24-26), it may be read as a trace of preventative magic—or as a trace of women's religious role, properly practised with a stone knife, as by Joshua (5.2-8), for male adults rather than seven-day old babies. When Deborah is judge, oracle receiver and leader, then post-biblical tradition turns her into a maker of (candle, light) wicks for the temple (*Meg*. 14a; and cf. Rashi)—much better apparently than understanding her to be a 'fiery woman', or even 'wife' of the otherwise unknown Lappidoth (Judg. 4.4); and a warning is added about her temporary loss of prophetic powers because of her arrogance (*Pes*. 66b), presumably for being a female prophet conscious of her role? Or, when, Miriam is prophetess and leader who claims a status similar to Moses, with his free cultic access to the Tent of Meeting, she gets punished whereas her brother Aaron is not punished for the same action (Num. 12). Or, when Huldah is a prophet residing in the Jerusalem temple (2 Kgs 22; yes, yes, because of her husband's job, v. 14) and is asked about the scroll found in the same temple, later commentators find it difficult that she and not Jeremiah her contemporary is consulted (*Pes*. 9b; *Meg*. 14b), although Jewish sources abound in references to Huldah's gates in Jerusalem, Huldah's grave (in one breath with House of David graves), and Huldah's sons.[9] Or, when Noadiah challenges Nehemiah's authority over building Jerusalem's wall (Neh.

9. For instance, *m. Pes*. 1.3; *t. Neg*. 6.2, *B. Bat*. 1.7; *y. Naz*. 45.9.3. See also Rashi's hesitation concerning Huldah's status.

6.14) it seems she is important, hence singled out to be mentioned by name—and this is an interesting example, since Noadiah is also the name of a male Levite in Ezra 8.33. These are but traces, to be sure, but they bear witness to the participation of women in several levels of the blended prophetic/cultic/divination experience of ancient Israel.

And now back again to magic. As is well known, the attitude to magic (as to 'unauthorized' divination), 'black' as well as apotropaic/medicinal, is ambivalent at best. On the one hand, let me repeat, it is totally forbidden for both men and women, although women are singled out as vile practitioners; on the other hand, it is practised by priests, leaders, prophets and others. Magic, in all its manifestations, certainly belongs to the domain of the holy; a divine origin is more often than not claimed for it, especially if successful. Now, the vehement ban on magic, on pain of capital punishment, evidences a belief in its efficiency. Magic is not treated as prejudice: it is treated as effective but dangerous, while allowed in certain rituals and for certain functionaries. It is easy to stop here and condemn this double-standard attitude, especially when it concerns women. But there is another option: to see this as an admission that magicians (and diviners) were much in demand, especially female practitioners (see Saul's quest, 1 Sam. 28); and that this lucrative profession of knowing/affecting the future provided not only a formalized channel, but also a folk alternative to more official (utopian or realistic) religious structures. A 'folk' or popular alternative does not indicate lesser sacred or holy content; what it does indicate, however, is its illegitimacy for the other cultic entity, the organized one. It seems that the competition between the ideologically male priestly establishment and the popular alternative culture ended up, or so the biblical texts have it, with the victory of the former. But who knows if, who can say whether, the alternative culture was not the original one, and the Priestly male culture a usurper? We do not know; but this does not mean that, once upon a time, the situation was not completely the opposite. Before urbanization, before specialization, before temple centralization became dominant, role division was not that precise; and women may have been able to heal, to pray for themselves and others, to officiate in sacrifice, and seek communication with the divine. That according to the biblical writers, especially the Priestly ones, this stopped or should have stopped with the introduction of the proper service of Yhwh by the Aaronide dynasty is contradicted even by the Bible itself. Ezekiel sees 'women mourning "the Tammuz"' in his vision of the Jerusalem Temple court (8.14). Why not believe 'him', the way we believe 'Jeremiah' about the Queen of Heaven's worship? The only issue is, should we also believe these two priests/prophets that the women's practices were deviant, or foreign, or not legitimate in the eyes of non-

interested, non-Priestly parties? Should we believe them uncritically, in the light of recent research into the development of Israelite belief in Yhwh as an exclusive god to his people, in the light of Marxist analyses of ancient Israelite societies, in the light of archaeological finds, in the light of the re-assessment of the biblical library's history and dates of composition?

I could adduce more examples but perhaps two will suffice at this point. Focusing on ideological details may be instructive here. Were there cult prostitutes in ancient Israel or, for that matter, in the ancient Near East, *hieros gamos* notwithstanding? Recent research answers this question negatively. It is relatively easy to de-legitimize female priests by attributing loose sexual morals to them in their function and activities. Some discrepancies, even funny assertions, will be the result. Take Tamar, in Genesis 38: there are two portrayals of her there, of a *zônâ* and of a *qᵉdēšâ*. Usually, commentators assume that the second appellation is softer, cleaner, more polite. Let me stand this reading on its head. What if *qᵉdēšâ* is the original, simply designating—as it should, also in other occurrences—a female cult functionary, clean of sexual connotations? Would that not make more sense of her covering herself up so as to be non-recognizable? Nothing would convince me that a common harlot, even in antiquity, would cover rather than expose her charms. And then, of course, Judah's approach to her to have sex will be even more comical, her rising to the occasion more impressive.[10] If *qᵉdēšâ* here is the original designation, and *zônâ* secondary—it does not matter which word appears first in the story, as the Jewish sages tell us, since there is no significance for which appears earlier and later in the Torah[11]—then Tamar pretends to be a priestess, a hallowed one, which is fine; but as for Judah, he makes a mistake.

Or take one of the main functions of the priests, which is to perform scribal activities connected with administration and temple duties, but also with legalities and eventually with literature. This view of the priest as keeper and transmitter of culture is extremely pronounced in the case of Ezra, for instance. To counterbalance it somewhat, we do have evidence of women composing literature, from songs to prayer and hymns, in biblical texts. Whether they did so orally or in writing does matter, but is not crucial to the argument: just because not much women's documentation remains in writing does not mean that women, even if illiterate, did not govern, or participate in the cult, or compose

10. Shields (2003) raises the possibility that Tamar did not plan the 'temptation', but rose to the occasion created by Judah's cupidity, as per a trickster's practice.

11. Cf. Rashi to *b. Pes.* 6b and elsewhere; also *inter alia* an elaborate explanation in *Qoh. R.* 1.12.

poetry, or write letters giving instructions, or all of those—as shown by Enḥeduanna and Jezebel, to mention but two royal ladies with cultic connections.

My eclectic admixture of belief and suspicion, of ancient Near East and the construct known as Ancient Israel, of deconstruction and looking for traces, finally leads me to interim conclusions that are far from world-shattering. The Bible's testimony regarding religious functionaries is somewhat too neat and more than somewhat deficient. There seems to have been a wholesale disregard, perhaps even erasure, of nuances and varieties in favour of a streamlined picture. Theoretically no magic was allowed (across the board); a prophet is a prophet, a priest is a priest (P and H), a Levite priest is a Levite priest (D and Dtr), a temple official is a temple official with hierarchical ranks (Chron.), a king or military leader is not a priest, and women are excluded from all those influential functions. Fortunately, both ancient Near Eastern testimony and the not wholly successful disregard/erasure afford a different picture, as well as insight into possible reasons for creating such an orderly picture. There must have been class struggles, both within the Priestly families and outside them, on the wider 'religious communication' and interaction spectrum. Those struggles could be resolved only by attempting to create boundaries, by strict assignment of roles. The Priestly literature worked out a scheme for such roles that is even more rigorous than the Deuteronomistic system. The power struggles, according to the dominant ideology from the book of Exodus onwards, ended with the Priestly and Levite occupation of the more meaningful positions. Nevertheless, traces of the struggles remain much in evidence; and the priests themselves continued to jostle for social superiority, urban against rural, Jerusalemites against provincials, 'priests' against 'Levites', 'priests' against 'prophets' and 'magicians', 'right' against 'wrong', with high stakes, well into the Roman and Herodian periods. These were not primarily gender struggles but class/economic struggles. However, along the way, women's participation in the more influential religious positions was diminished in keeping with the general patriarchal tenor. Nonetheless, such participation did not altogether disappear. We are fortunate enough to have some traces of it; we should not assume that the paucity of such traces automatically indicates no participation. We can never be certain of the extent to which women carried out significant religious tasks. With the extension of the cultic spectrum to include more activities beyond the strictly sacrificial and diagnostic, a newer and wider picture may emerge.

It has been customary for scholars to write, with great conviction, that women are inherently religious, even more so than men. Those same scholars—let me not name anyone—would then go on to describe how

women performed in home worship, without drawing the correct conclusions, of course, about their actually officiating in such ceremonies and rituals, inside as well as outside the home! Concurrently, runs the claim further, those same women would submit to a completely passive position in organized public worship. Something is a little wrong with this picture. Hopefully, such generalizations are obsolete, even if we have to work by analogy, from gaps and erasures and cracks, and with uncertainties.

Postscript

I would like to return to two of the methodological considerations that were discussed above in view of things that were said in the conference after this paper was delivered.

Erasure?

For at least two decades now it has become dogma for feminist scholars to claim that biblical literature was written for and by males, transmitted and copied by them, and shaped according to their interests. I myself have adopted this position many a time, with the hint or trace of understanding that this excluded female traditions and realities, at times intentionally.

In view of a conversation with one of the participants in the conference, Ms Sandra Jacobs, I would like to make my position in this paper clear. I am no longer sure that elisions, deletions and consequently falsification of actualities were done intentionally. In recent years, I have come to realize that disregard for, and lack of appreciation of, female traditions or functions might have been the reasons for such elisions, as much as competition and fear. In that sense, as Ms Jacobs rightly pointed out, it would be more accurate to use the neutral term 'disregard' rather than 'erasure', which has an aura of deliberate suppression. Therefore, in this written version of the conference paper, I have used the dual term 'disregard/erasure' rather than 'erasure' on its own.

Paucity of Evidence

We usually speak of 'traces' when, from the viewpoint of quantity and size, certain data seems to be less in evidence than its opposite. We then hasten, more or less, to assume majority rule—or practice. Throughout this paper I have tried to argue that, within the interested gender ideology of biblical—especially priestly—literature, such considerations should be given a less than minimal weight; and, if I may add, such considerations may also hinder the understanding of other

aspects relating to biblical history—but that is material for another story altogether.

As it happened, on the second day of the conference (5 August 2008) we visited the British Museum where, among other things, we gratefully received a guided short tour in the Hellenistic/Roman department. The curator, Dr Paul Roberts, drew our attention to the relief reproduced here (Fig. 1).

Fig. 1. *Marble relief with female gladiators*
GR 1847.4-24.19 (Sculpture 1117). Width 78 cm, height 66 cm.
© Trustees of the British Museum

Dr Roberts drew our attention to the relief, at the time untitled and, according to him, not yet catalogued. He told us its story, and insisted, again and again, that as such it was unique but probably not a single and minority find. He kept saying, again and again: if this one was found, it should not be regarded as one of a kind but as testimony to a phenomenon.

Being curious, because of the obvious link to my claim, and guilty, because without Dr Roberts's guidance I would have surely overlooked the relief, I started an Internet search as soon as I could. By that time, the

description as well as photograph were available on the British Museum website as well as on others.[12]

As it turns out, this marble relief, found in Halicarnassus, was carved on the occasion of the *missio* (honourable release) of two women fighters, 'Amazon' and 'Achilia' (symbolic and professional names, no doubt), who had probably earned their freedom by giving a series of outstanding performances. They are shown with the same equipment as male gladiators, but without helmets. The relief was published by Kathleen Coleman of Harvard (Coleman 2000). A quick search further disclosed that women did fight in the arena, that according to Suetonius, the emperor Domitian (81–96 CE) made women fight by torchlight at night, that there is evidence that noble Roman ladies had to be deterred by law from becoming gladiators, that female gladiators were satirized by contemporaries, that the phenomenon lasted at least during the Flavians' and Nero's reign—a wealth of information. And further, there were also finds in London that pointed to female gladiators, as far from Halicarnassus as one would wish for.[13]

If you ask what do woman gladiators in the early Roman empire have to do with gender roles in ancient Israelite societies, here is my answer. It would have been easy to overlook the relief and to continue assuming that being a gladiator is a male occupation (and of a certain class), as per most history writing and in popular culture. This, as it seems after a hint from a knowledgeable curator and very little research, seems not to have been the case. Far be it from me to claim that, statistically, there were as many female gladiators as males—or were there? In any event, the phenomenon was not unknown, certainly not unknown to contemporaries, and not restricted to unwilling victims; on the contrary. But we, from where we are, are largely ignorant of this fact. Gladiators, for most of us, are by definition males.

And cult functionaries, for most of us as for the Bible's priestly writers, are by definition and quantity of literature also males?

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Breeches of the Covenant: Gender, Garments and the Priesthood

Deborah W. Rooke

Given that my first academic interest was the priesthood, indeed, the high priesthood, including the priestly garments, for my contribution to a conference called 'Embroidered Garments' on gender in priestly texts I simply could not resist returning to the subject of priests' clothing, in order to take a look at it from the gender-sensitive perspective that over the last few years has insinuated its way into my academic consciousness. And the question that presented itself for consideration is this: why, in priestly texts, do priests have to wear breeches? This might seem a facile question, but it is one that has bothered me for some time, especially in the context of other stipulations relating to male genitalia in the context of Temple worship. Why do the priests wear breeches, when they presumably have long robes that cover their bodies entirely, so that no-one will see either the breeches, or the private parts that the breeches are designed to cover? Various answers to the question have been suggested, although the answers can tend to reflect scholars' own rather prudish sense of morality instead of addressing the question in any depth. After all, one thing that priestly texts are not is prudish, and there is no apparent embarrassment about male genitalia in other contexts, such as when Abraham is given circumcision as the sign of the covenant (Genesis 17), or in the instructions about genital discharges (Leviticus 15). So in order to get beyond the prudery which assumes that the breeches are self-evidently a matter of modesty and therefore need no further explanation, I shall begin by considering the significance of the priests' garments as a whole, of which the breeches are part. I shall then focus more specifically on the breeches themselves, and consider how they might be operating within the context of priests' liturgical clothing, and what they might express about priesthood and masculinity. The main texts I have in mind are Exodus 28 (instructions for making the priests' clothing), Exodus 29 (description of how the clothes are made), Lev. 6.3 (ET 6.10) (instructions on what priests should

wear when cleaning the altar), Lev. 16.1-4 (what Aaron should wear on the Day of Atonement), and Ezek. 44.17-18 (what priests should wear in the Temple).

1. *The Language of Clothes*

Recent years have seen a growing interest in the study of clothing from anthropological and sociological perspectives which have viewed clothing as more than just a piecemeal phenomenon adopted out of the necessity to protect the body.[1] Rather, clothing has very particular significance as an indicator of both gender and status. The gendered nature of clothing is evident from the fact that the issue of cross-dressing is as thorny today as it apparently was in biblical times (see Deut. 22.5). Indeed, (visible) clothing becomes identified with gender differentiation in a way that makes it the visible equivalent of hidden genitalia: the clothing must reflect the kind of genitalia that are beneath it—that is, male or female—in a way that accords with the customs of the society in which it is worn. The issue of status is perhaps most visible in ceremonial or uniform clothing that sets its wearers apart in some way from those who do not wear the robes or the uniform. Royal robes, for example, indicate an exceptionally high social status, whereas prison uniforms indicate a loss of status in comparison to those who do not wear the uniform. Though much more could be said about this, suffice it to say that clothing is an extremely important indicator of both gender and social status, serving to differentiate male from female and to enforce as well as create social hierarchies.

When priestly clothing as described in Exodus and Leviticus is viewed in this light, it quickly becomes evident that the issues of gender and status are operative in several ways within the descriptions. The first issue is that of gender. According to Exodus 28, the priests all wear a garment termed a *kᵉtōnet* (Exod. 28.4, 39, 40), translated variously as 'robe', 'tunic' (NRSV), or 'coat' (RSV). This is a fundamental element of dress not just for the priests, but for the whole population, male and female; as evidenced by 2 Sam. 13.18 and Song 5.3, both men and women wore the *kᵉtōnet*, which commentators have described as a long shirt-like garment worn next to the skin (Sarna 1991: 184). The *kᵉtōnet* is therefore not in itself distinctive in gender terms. However, the particular design of tunic,[2] together with the other accoutrements that make

1. See, for example, Haye and Wilson (1999), Crane (2000), and Barthes (2006).

2. Although in Exod. 28.40, where the ordinary priests' outfits are detailed, there is no mention of the fabric from which the tunics should be made, the implication is that they should be made from the same stuff as the high priest's tunic which is

up the priestly garb, is distinctive to Aaron and his sons. Only they can wear the linen tunics together with the belt, breeches and bonnets that make up the priests' liturgical uniform. The ensemble is therefore male dress rather than female dress, and serves to mark out those who wear it as males. In this way it also adds to the construction of masculinity within the Israelite community as envisaged by priestly texts: males are the group from among which is drawn the priestly community, as is demonstrated by the allocation of this particular priestly clothing to the *sons* of Aaron rather than the daughters of Aaron (Exod. 28.40-41). The clothing makes ordinary individuals into priests, but the only individuals for whom this is true are males. The clothing is therefore gendered.

The same can be said of the priests' clothing in Ezekiel insofar as it is described. There, the only items of the priests' clothing that are named specifically are the headgear and the breeches (Ezek. 44.18), although the implication of the comments in Ezek. 44.17 and 19, that the priests should not wear anything that causes sweat and should leave in the holy place the garments in which they minister, is that they would wear more than just hats and breeches. The term used for the headgear is *p^{e}'ēr*, a word that also appears of women's headgear in Isa. 3.20, so once again this is not gender-specific. But the breeches only appear in the Hebrew Bible as garments worn by priests, and the priests are either *sons* of Aaron as in Exodus 28 or *sons* of Zadok as in Ezek. 44.15. Priests' clothing therefore contributes to the differentiation of gender between male and female.

However, it is not merely ideas about gender that are implicit in the clothing worn by the priests. Clothing is also regularly used to indicate social status, and in the case of the priests' clothing there are several aspects of their status that their garb serves to express. Perhaps most obviously, it marks them off from the rest of the people as being those who are allowed to enter the sacred precincts and approach the altar, thereby actualizing their status as holy. Indeed, it is notable that in Exod. 28.4 the instructions are given to make garments for Aaron and his sons *l^{e}kah^{a}nô-lî*, 'to serve me as priests'. The implication is that the garments are to be worn when carrying out the priestly service; although the garments will be worn when the priests are consecrated and ordained (Exodus 29), and the priests will retain the resulting holy status for the rest of their lives, they must wear the garments whenever they come into the divine presence in order to actualize the holiness that allows them to

described in 28.39 as to be woven in checkerwork of fine linen (ושבצת הכתנת שש). Exod. 39.27 describes the coats for both Aaron and his sons in the same terms, that is, 'woven of fine linen (ויעשׂו את־הכתנת שׁשׁ מעשׂה ארג)'. It seems clear from this that the tunics are different from non-priestly tunics.

approach the altar (cf. also Ezek. 44.17-18). Without the garments they have no more right than non-priests to enter the sacred precincts.

As well as marking off priests from non-priests in the sense of marking off cultic functionaries from the laity, priestly clothing also serves to distinguish between different classes of cultic functionary. Within the priesthood itself, the high priest is distinguished from the ordinary priests by means of his elaborate garb which contrasts with their more simple costumes. However, the priestly clothing also marks the distinction between priests and Levites. The priests' clothes have to be prepared for them before their ordination, and the ritual of actually putting the clothes on them is significant for creating priests out of ordinary men; but there is no equivalent investiture of the Levites. According to Numbers 8, Levites are consecrated by a ceremony of shaving, bathing and sacrifices, after which they are allowed to enter the environs of the tent of meeting; but they are given no special clothing, so it is clear that they do not have the same status as the priests. Also interesting is the observation that Aaron's and his sons' clothing is said by God to be to enable them 'to serve *me*' (Exod. 28.4), whereas the Levites are given to Aaron and sons to serve *them* (Num. 3.6, 9).[3] A little later the Levites are said to belong directly to God as a substitute for all the firstborn of the Israelites (Num. 8.15-16, 18), which arguably implies that Levites are more than just priests' servants; but in terms of whom they serve, they are to Aaron and his sons as Aaron and his sons are to God. This once again emphasizes their distance from the very heart of the sacred area, since they primarily serve humans, whereas the humans they serve serve God.

The same pattern of no special clothing for the Levites applies in Ezekiel 44. Although here the priests' garments are not described in anything like the detail that they are in Exodus 28, the fabric (linen, *not* wool) and two of the garments that must be worn (cap and breeches) are specified (Ezek. 44.17-18), whereas nothing at all is said about what the Levites should wear. Indeed, a significant amount of the early part of Ezekiel 44 is spent denigrating the Levites, saying what they cannot do in the Temple as well as what they can do (Ezek. 44.10-14). Ezekiel thus makes the same kind of qualitative distinction between Levites and full priests as appears in Exodus and Numbers, and this distinction

3. Note that the Hebrew verb used in each case for the activity of serving is different, further highlighting the difference in status between priests and Levites; the priests are said 'to serve me as priests', *l^{e}kah^{a}nô-lî* (Exod. 28.4), using the denominative verb *kihēn* from the word *kōhēn*, 'priest', whereas it is said of the Levites that they 'will serve' (*w^{e}šēr^{e}tû*) Aaron (Num. 3.6). The verb *šārat* (in the piel) can also be used of the priests ministering in the shrine, and indeed in Exodus 28 it is the priests who are said to 'serve' (28.35, of Aaron; 28.43 of Aaron and the other sons). Levites, however, are never said to *kihēn*.

is expressed physically in terms of their clothing. Only those who are entitled to wear special clothing are entitled to enter the inner parts of the shrine.

There is also a third aspect of status that is expressed by the priestly clothing, and that is the distinction between the sons of Aaron who are both physically whole and ritually pure, and those who are either physically damaged or ritually impure. Neither of the latter two categories of men is allowed to come into the divine presence (Lev. 21.17-23; 22.2-6), which means that neither of them is allowed to don the priestly clothing. The clothing therefore serves to designate those men among the priests who are completely whole and pure.

Priestly clothing therefore has several functions relating to gender and status. In terms of gender, it contributes to a construction of masculinity, inasmuch as only males are allowed to wear it and to approach the divine presence as a result; in terms of status, it serves to distinguish priestly males from non-priestly males, priest from high priest, priest from Levite, and functional priest from non-functional priest. The same is also true of the breeches that form part of this clothing. Although both priests and high priest wear the same type of breeches, which means that the breeches cannot separate the different grades of priesthood from each other, nevertheless the breeches as a distinctive part of the priestly costume divide male from female, priest from laity, priest from Levite, and functional priest from non-functional priest. However, there is more that can be said about what exactly the breeches are for and why, and so now that they have been contextualized as part of the general priestly garb which has the same generic functions as that garb, it is necessary to consider the breeches more carefully.

2. *Breeches of the Covenant: Decoding their Message*

a. *Who Is Being Addressed?*

The main question that presents itself when considering the breeches in particular is for whose benefit they are worn. They are described unequivocally as a vital part of the priests' outfits that are to be worn on pain of death (Exod. 28.43; Lev. 16.2-4); and yet, as mentioned at the outset, it seems most unlikely that they would have been seen, at least from the way that the priests' clothing is presented in Exodus and Leviticus. Some commentators have suggested that the tunics under which the breeches are worn must have been short enough to allow the genitals to be visible, which is why the breeches were required; but this seems unlikely, not least because of the way that the breeches are introduced into the account in Exodus 28. All of the other garments for the high priest and ordinary priests are listed first, and then the

requirement for the whole priesthood to wear breeches is given almost as an afterthought. The chapter reads as if the robes would be perfectly decent to the outward observer and indeed complete without the breeches. Again, in the description of ordination in Leviticus 8, Moses is said to dress first Aaron and then Aaron's sons in all their priestly garments, except for the breeches. If the breeches are conceived of as a visible and necessary part of the priestly uniform because of the shortness of the tunic—effectively functioning as overgarments rather than undergarments—it is remarkable that nothing is said about them being put on as part of the ceremonial act of clothing that results in priestly investiture. So it seems much more likely that they were unseen, bringing us back once again to the question of for whose benefit they are worn, or to put it another way, from whom were the priests' genitals to be hidden?

There are three possible answers to the question: the breeches are for the benefit of the priests themselves, for the benefit of onlookers, or for the benefit of God. The tendency is, as already noted, to regard them as being for the benefit of onlookers—that is, they are to prevent the onlookers seeing something inappropriate or offensive—on the basis of two passages in particular. The first is the so-called 'law of the altar' in Exod. 20.26, where the Israelites are forbidden to build an altar with steps 'lest your nakedness be exposed upon it'. Many commentators make a connection between this law and the requirement for the priests to wear breeches, assuming that the breeches were introduced to address the problem of accidental exposure for those who served at an official altar that had steps.[4] The other passage that is referred to in this context is 2 Samuel 6, where if the usual reading of the passage is correct, David wears a linen ephod (a priest's garment) to bring the Ark of the Covenant to Jerusalem, and the ephod covers less than his dignity when he dances in front of the Ark, causing his wife Michal to despise him for uncovering himself in front of his servants (2 Sam. 6.14, 16, 20).[5] Both Exodus 20 and 2 Samuel 6 are taken as evidence that accidental exposure of genitalia could occur during ritual acts because of the nature of either the ritual furniture (an altar with steps) or the ritual clothing (the short ephod). Thus, the requirement for priests to wear

4. Hyatt 1983: 286; Milgrom 1991: 385. Milgrom cites Ezek. 43.17 and Lev. 9.22 as evidence for an altar with steps. Durham (1987: 320, 389) comments on the possibility (probability) that the breeches were to prevent exposure of the officiating priest's nakedness, but it is unclear whether Durham is thinking of exposure to the congregation or before the deity.

5. So, for example, Houtman (2000: 100). Propp (2006: 185) cites 2 Sam. 6.16-22 to show that it was not nakedness per se but 'the peep show of skimpy garments alternately concealing and revealing that offended'.

breeches was a response to this state of affairs, aimed at preventing the priests' genitalia becoming visible to the assembled congregation. As well as using this material from within the Hebrew Bible, commentators also refer to the pictorial evidence of ritual nudity among priests elsewhere in the ancient Near East, and suggest that the biblical injunctions about keeping oneself covered when near the altar are intended to oppose such practices.[6]

However, when considered carefully, neither of these points offers a particularly good reason why the priests in the priestly scheme of things should have to wear breeches. Although it is true that short robes could lead to exposure of the nether regions on altar steps or during other energetic ritual activity, in P the priests do not have short robes, as already argued. They have full-length robes, which would have been unlikely to lend themselves to such involuntary revelations. The argument about ritual nudity is equally unconvincing, given that the images cited of priests serving in the nude are from mid-third-millennium BCE Sumer. Even allowing for the innate tendency for conservatism in religious practices,[7] if there is no more recent evidence for the practice of priestly nudity it is hard to imagine why mid-first-millennium BCE Israelites should be shaping their own religious practices in opposition to one which is most substantially evidenced two thousand years earlier.

A more recent, and superficially more plausible, suggestion is made by Claudia Bender, who points out that after the breeches are described in Exod. 28.42-43 and have been made in Exod. 39.28, they are only referred to in the context of ceremonies that require the officiating priest to change his clothes (Bender 2008: 111, 211). Thus, in Lev. 6.3 (ET 6.10) the breeches are mentioned as part of the outfit that the priest has to put on in order to clean the ashes off the altar, because having removed the ashes from the altar he then has to change his clothing before taking the ashes to their place of disposal (Lev. 6.4 [ET 6.11]). Breeches are also prescribed in Lev. 16.4 as part of the high priest's initial costume for the Day of Atonement, and an important feature of the atonement ritual is the high priest's change of clothing from simple robes to the magnificent ceremonial garments towards the end of the ceremony (Lev. 16.23-24). Bender argues that in neither of these cases would the breeches be changed; rather, they would remain in place and prevent the priest's nakedness from being displayed to all and sundry while he changed his outer garments (Bender 2008: 247-48, 251). Bender's

6. Cassuto (1967: 257, 387) and Sarna (1991: 117) both make this connection, although Propp (2006: 185) is less convinced about it.

7. Compare Cassuto (1967: 257).

observation about the breeches being mentioned in the context of a change of clothes is intriguing, but it does not provide as complete an explanation as it might. For one thing, it does not explain why the high priest needs to wear undergarments when his change of clothing takes place inside the tent of meeting where no-one can see him (Lev. 16.23-24). Bender assumes that nakedness in the holy place is life-threatening, which is why the high priest has to wear the breeches (Bender 2008: 251), but she does not argue for this point, nor is it the same as saying that the priests need to wear breeches in order to preserve their modesty in front of human spectators. Nor does she take into account the material in Ezekiel, whereby the priests all have to wear breeches whenever they go into the sacred area. On Bender's interpretation this could be justified on the grounds that when the priests leave the sanctuary they have to change out of the clothes in which they minister so as not to communicate holiness to the people (Ezek. 44.19), and so the breeches will once again preserve their modesty before the crowds. But it seems very strange that the undressing should be conceived of as taking place in front of the people. Additionally, the way that the breeches are described in Ezekiel implies that they are as much a part of the priestly regalia as are the caps and whatever other linen garments the priests wear when going into the holy place; like the other garments, therefore, the breeches will attract holiness by being worn in the sanctuary, and so will have to be removed and left behind when the priests leave the inner court. If this is the case, then the breeches cannot function to preserve priestly modesty in front of onlookers when a change of clothes is required.

Bender's approach is certainly thought-provoking in its attempts to present a plausible explanation for how the breeches function; however, it is arguably somewhat limited by its historicizing tendency. Bender appears to assume that the material in Exodus and Leviticus is a largely accurate representation of something that would actually have happened, and on this basis is therefore trying to reconstruct all the practical details of the process where these are unclear. But this does not really help to illuminate the ideology of the demand for breeches in Exod. 28.42-43 and Lev. 16.4, where the text implies that nakedness, or even relative nakedness, in the holy place is lethal for the priests. Indeed, it is precisely this demand on pain of death for breeches *when entering the holy place* that problematizes the idea that in priestly texts the breeches are there to prevent accidental exposure of the priest's genitalia to the onlookers. Certainly in Exod. 20.26 and 2 Sam. 6.14-20 such exposure does seem to be in view, as it were; Exod. 20.26 specifically states that the reason for having an altar with no steps is the possibility that the steps will cause the sacrificer's nakedness to be exposed, presumably to any fellow-

worshippers,[8] and 2 Sam. 6.20 reports Michal's biting criticism of David for his vulgar exhibitionism in shamelessly uncovering himself in front of his servant girls. But the demand for breeches in priestly texts cannot simply be read in the light of these earlier texts, because the priestly demand is about propriety in relation to the holy places, rather than propriety in relation to the onlookers.[9]

It seems, then, that, using the analogy of clothing as a language, what is being said by the priests' undergarments is not being addressed to other humans, whether or not other humans 'overhear' the communication from time to time. It is true that in terms of their status as a part of the complete priestly outfit the breeches have the same generic significance for the construction of gender and status that was highlighted earlier for the ensemble as a whole: those who wear them are high-status, physically perfect males. To that extent, therefore, their message, so to speak, is for onlookers. But given that the breeches are unseen, it is more logical to conclude that what they signify in themselves rather than as part of the ensemble is addressed either to God or to the priests who wear them rather than to other humans; and this of course leads to the question of precisely what they do signify.

b. *What Is Being Said?*

What, then, might be the nature of the message communicated by the breeches, or, to use the metaphor of clothing as a language, what are the breeches saying? Scholars have often assumed that the breeches

8. Although some scholars have suggested that the altar itself might be offended by the offerer's genitals peeking through his garments, this seems unlikely. McKay (1996: 196-98) suggests on the basis of Exod. 20.26 that the breeches requirement implies that the altar might be offended by the unclad priestly genitals; however, fascinating though this idea is, it does not seem to be defensible on the basis of the Exodus reference, which seems rather to have in view human voyeurs. Snaith (1967: 53), followed by Budd (1996: 109), argues that the wearing of breeches in Lev. 6.10 [E] is so that the priest's private parts should not be exposed before the altar, but neither commentator offers any explanation as to why such exposure should be problematic.

9. Bender's idea that the breeches were to protect the holy clothing from defilement caused by bodily functions (Bender 2008: 210-11) is also possible, but surely cannot be the only rationale for the undergarments. The terms in which Exod. 28.42-43 is framed—that the breeches should cover the 'naked flesh' (presumably a euphemism for the penis) and be worn on pain of death when the priests enter holy places—indicates an ideological concern for covering the sexual organ when the priests are in a specific location, rather than the need to protect the vestments from genital excretions. Moreover, if the priests' clothing needs to be protected in this way, the implication is that the priests are incontinent or subject to some kind of discharge, and if that were the case they would not be allowed to serve at the altar in the first place (cf. Lev. 22.4, 9).

are intended to keep sex and God well away from each other, and to ensure that there is no possibility of sexuality invading the sphere of the sacred;[10] if this interpretation is correct, then the breeches are a reminder to the priests that God is not interested in sex. But the idea that the breeches separate sexuality from the sacred is more of an observation than an explanation, and once again seems to reflect the preoccupations of later periods about what is 'decent' or 'appropriate', rather than getting to grips with what might lie behind the biblical text. In particular, it reflects scholarship's obsession with the idea that in ancient times Israel was surrounded by pagan fertility cults that were a constant threat to the purity of Yahwistic worship. But it seems unlikely that in the priestly schema, from which women are excluded as cultic actors, the risk of sexualized worship is what is driving the demand for the priests' double cover-up. Additionally, the 'anti-sexualized worship' interpretation tends to cast everything in terms of opposition to what other peoples do rather than exploring what the motivations from within the Israelite system might be. So why should there be such anxiety in these priestly texts about concealing male genitals from God, when that anxiety does not appear in other texts from the same priestly tradition that also relate to male genitals? According to Genesis 1, God created male and female, implying genitalia, and then blessed them and pronounced them good (Gen. 1.27-28, 31). Later on, in Genesis 17, God orders Abraham to circumcise every male as the sign of the covenant between God and Abraham's descendants, and the demand is quite explicit: 'My covenant shall be in your flesh as an everlasting covenant. The male with a foreskin who has not circumcised the flesh of his foreskin, that person will be cut off from his people; he has broken my covenant' (Gen. 17.13b-14). Indeed, given that the term 'flesh' can also be used as a euphemism for the penis, the text could be translated, 'My covenant shall be in your penis as an everlasting covenant. The male with a foreskin who has not circumcised the flesh of his foreskin, that person will be cut off from his people; he has broken my covenant'. God is therefore clearly not ignorant of or offended by male genitalia per se, since he chooses them as the site of the fundamental covenantal sign for Abraham and his descendants. What is it, then, about male genitalia that requires them to be so assiduously covered by those who are to come into the divine presence?

10. Compare the comments made by Noth (1962: 177) on Exod. 20.26: 'The prohibition of altar steps…rests on the idea that the sexual sphere is part of a dark, mysterious realm, a realm which played an elevated role in many cults in the ancient East. For this very reason, however, it was impossible for it to be associated with the sphere of the holy in Israel'. See also Hartley (1992: 96) and Davidson (2007: 329-30).

It seems to me that many of the attempts thus far to explain this coyness about the priests' genitalia are based on a mistaken premise, namely, that the issue is one of sex. This is exemplified in the comments of Martin Noth, who argues that the priests have to wear breeches 'in view of the danger to the priests which could emanate from the peculiar holiness of the altar to that part of the body which is surrounded by uncanny powers' (Noth 1962: 227). However, the issue for the priestly texts may well be one of gender rather than of sex. The work of two more recent scholars is relevant here. One is Howard Eilberg-Schwartz, who in his book *God's Phallus and Other Problems for Men and Monotheism* (Eilberg-Schwartz 1994) explores from a Freudian perspective ideas about some of the unconscious gender-related tensions that were generated by the belief systems evidenced in the Hebrew Bible and subsequent rabbinic writings. According to Eilberg-Schwartz, devotion to the male monotheistic deity of Israelite belief created a homoerotic dilemma for the staunchly heterosexual male worshippers of ancient Israel, a dilemma that was averted either by concealing the deity's body so that no sexual characteristics were ever visible on it, or by subtly feminizing the human males who worshipped him (Eilberg-Schwartz 1994). A somewhat similar line of thought, although from a different perspective, is pursued by Deborah Sawyer in *God, Gender and the Bible* (Sawyer 2002), where she examines how the concept of an omnipotent father God affects the construction of both masculinity and femininity in biblical narrative texts. Sawyer argues that in biblical narratives the actions of the omnipotent father God often serve to undermine human male autonomy and produce a non-assertive, dependent form of masculinity (Sawyer 2002: 45-64). She cites as an example the narrative of Abraham, in which the so-called patriarch appears to be caught in the middle between the domineering *deusfamilias* and his own assertive wife, and is able to father children only when they say he will rather than of his own volition (Sawyer 2002: 51-58). Although neither of these scholars discusses the priests' breeches, both identify a tendency within Israel's religion whereby the concept of an all-powerful masculine-gendered God undermines the masculinity of that God's male worshippers; and it seems to me that this is a light in which to read the requirement for priests to wear underwear. Covering the male genitals by means of breeches when in the presence of the deity can be construed as an act of feminization that allows male priests to be devotees of a male God without threatening the normative heterosexuality which underpinned the ancient Israelite world order. The priests are real men, whole men, fully functional, but in relation to the male deity they are required to take on a 'feminine' role of submissive obedience, and this is symbolized by them hiding their physical masculinity via the wearing of the

breeches. This is an issue not of sex, but of gender: what it means to be a man in the presence of God is very different from what it means to be a man in everyday society.[11]

These feminizing overtones can also be seen in the language of the requirement for breeches in Exod. 28.42. The priests are required to 'cover their naked flesh', לכסות בשׂר ערוה, using vocabulary that in other instances is used of God in the role of a husband covering the nakedness of metaphorical women—first Israel ('to cover her nakedness', לכסות את־ערותה, Hos. 2.11), and later Jerusalem ('and I covered your nakedness', ואכסה ערותך, Ezek. 16.8)—in order to express a claim over the women's sexuality in the form of marriage. When the command for the priests to 'cover their nakedness' is taken together with the fact that God gives instructions for how to make the breeches, and provides men skilled to make them out of the materials brought by the Israelites (cf. Exod. 39.27), it can be seen that God is effectively providing the priests with material to cover their nakedness. The breeches thus become a declaration to God of God's claim over the priests' sexuality, a claim which is a metaphor for the priests belonging to God as a wife belongs to her husband. This is consistent with the feminized role of submissive obedience that the breeches imply.[12]

The result of this divine claim over priestly sexuality is that God controls when the priests can and cannot reproduce, which means that the breeches are like an additional circumcision for the priests. Circumcision itself can be interpreted as God's claim over the ordinary Israelite male's fertility; certainly in Genesis 17, where the covenant of circumcision is given to Abraham, the associations of the rite with fertility are not hard to find. The command to the 99-year old Abram to circumcise himself and his household is accompanied by God's promise to 'multiply him greatly' (Gen. 17.2, 6), and by the change of his name to 'Abraham', a name that whatever its true etymology is taken to signify 'father of a multitude' (Gen. 17.5). Obeying the

11. The fact that priests are required to be sexually functional in order to serve at the altar underlines the idea that the requirement for breeches is a matter of gender construction rather than of physical sex. If sexuality has no place in the sphere of the sacred, then those with impaired (or no) sexual functionality would be obvious candidates for the priesthood. However, since priesthood is hereditary, priests need to be sexually functional to prevent the priesthood from dying out, which indicates that sexuality per se is an important aspect of the priestly construct.

12. Intriguingly, the passages from Hosea and Ezekiel in which metaphorical women are covered by God also express feminization of the entities represented by the metaphor (Israel and Jerusalem), although in these cases the feminization is for polemical and derogatory purposes rather than as an expression of appropriately submissive obedience.

command to circumcise will therefore result in God making this old man with a barren wife into a mighty progenitor; the circumcision thus becomes a clear sign of God's control over the functioning of the organ that is marked by the circumcision. Nor is this just the case for Abraham, but for his descendants; as noted earlier, Abraham is told that every male who is not circumcised will be cut off from his people (Gen. 17.14). Given that the phrase 'to be cut off' is often interpreted as a divine punishment consisting of early or sudden death and/or lack of progeny,[13] the meaning here is surely that the uncircumcised male will forfeit his fertility and thus the continuity of his family line. The physical sign that marks a man as an Israelite male is therefore an acknowledgment that God has control over the male generative power, to give or withhold it as he sees fit; failure to circumcise is a failure to acknowledge that control, and so results in infertility. Circumcision therefore is an unseen sign expressing God's control over fertility, and is the acknowledgment that God determines whether or not men procreate. The same is true for the breeches, only they mark an even greater degree of control over the male generative capacity. Because sexual intercourse is ritually defiling until the evening after it takes place (cf. Lev. 15.16), the priests cannot engage in it immediately before serving in the Temple, and if they do come near the holy things while in a state of ritual uncleanness—including from sexual intercourse—they will be 'cut off' (Lev. 22.2-3). Given, too, that the holy things are their means of sustenance, uncleanness means that they will be subject to a day's involuntary fast until the uncleanness is lifted. So there will be periods of enforced celibacy for the priests because of their duties in the Temple. Additionally, priests are restricted in their choice of marriage partners; according to Lev. 21.7 they are not allowed to marry divorcees, prostitutes or a woman who has been defiled (presumably a rape victim),[14] while Ezek. 44.22 restricts the choice to Israelite virgins or priests' widows. To be a priest, then, means that a man is not master of his own sexuality, but that it is subject to God, as a wife's sexuality is subject to that of her husband.

13. See Levine (1989: 241-42); Milgrom (1991: 457-60); Budd (1996: 122-23, 245); Lipka (2006: 56-58).

14. Zipor (1987) argues that in Lev. 21.7 the adjective 'defiled' should be taken with the previous term 'prostitute' so as to form a hendiadys – 'a woman defiled by prostitution'; otherwise, on the understanding that 'defiled' means 'deflowered', i.e. non-virgin, the effect of the verse is to prohibit ordinary priests from marrying any type of non-virgin women, a prohibition that is only made explicit for the high priest (Lev. 21.13) (Zipor 1987: 259-64). On this reading, ordinary priests are permitted to marry widows and women who have lost their virginity involuntarily or 'in a moment of indiscretion' (Zipor 1987: 264).

What, then, might the breeches be saying to the priests themselves? In order to suggest an answer to this question I would like to consider the example of some modern-day wearers of religious underwear, namely, members of the Church of Jesus Christ of Latter Day Saints, or the Mormons. Faithful Mormons undergo an initiation ceremony in the Mormon temple at which they make covenants, and thereafter they are required to wear what they refer to as their 'garment' for the rest of their lives. The present-day garment is either a one-piece or a two-piece outfit in a variety of styles, but its chief characteristic is that covers the body from the chest to the knee, has short sleeves, and is intended to be worn next to the skin, day and night. Although individual believers are responsible for deciding exactly what style of garment they will wear, and when it is appropriate to remove it—for going swimming, or during medical examinations, for example—the basic commitment to wearing it is fundamental to Mormon religious practice. The garment is not visible to other people; rather, it is covered by the outer clothes like any other kind of underwear, and its purpose is to remind the wearers of their commitment to the Mormon faith.[15] Although this is different from the priestly breeches in that every committed Mormon should wear the garment all the time and not just in the place of worship, the obvious point of similarity between the ancient and the modern forms of underwear is that they are both invisible to the outward observer and yet both are a required part of correct sacred clothing in their respective contexts. It therefore seems reasonable to suggest that there may be some correspondence in function between the two: just as the Mormon 'garment' is intended to remind the individual believer of personal commitments and duties in the context of the faith, perhaps the priestly breeches are a reminder to the priests who wear them of the need for proper obedience and respect when serving in the holy precincts.

This interpretation is supported by the structure of the demand for breeches in Exodus 28. As remarked earlier, the requirement for the breeches (28.42-43) comes as something of an afterthought, and the breeches are not mentioned in the list of garments at the beginning of the chapter that Moses must procure for Aaron and his sons, which suggests that they are not absolutely necessary. Neither are the breeches mentioned as one of the items that Moses has to put on the priests-to-be for their ordination ceremony, either in the instructions for ordination in Exodus 29 or in the account of the ordination in Leviticus 8, even though they are mentioned in Exodus 39 as an integral part of the list of clothing items manufactured for the priests. However, on a final-form reading

15. See Hamilton and Hawley (1999) for a discussion of how present-day LDS members understand the wearing of the garment.

of the text, the late appearance of the breeches can be understood in two ways. First, they are an item that is common to Aaron and his sons, so keeping them till the end of the list and then mentioning them only once is arguably the most straightforward way to treat them. Second, and more significantly, the mention of the breeches right at the end of the chapter, after all the more splendid and visible garments have been described, serves to emphasize the breeches and indicate their importance to the priests' well-being. It also has the effect of sobering the tone, almost like a warning note in case Aaron and his sons get too carried away with the privilege of being exalted to the priesthood: they may have been chosen to serve in the presence of Israel's God, but that is no reason for them to become proud or haughty. This is a dangerous and demanding job; God is all-powerful and will tolerate no intrusion into his realm by other sources of 'power', on pain of death. The phallus is of course the traditional—and at birth, the only—visible means of determining the biological sex which in turn determines so definitively the patterns of life, the advantages and the disadvantages which a given individual is likely to experience, even though in modern Western societies this most determinative of organs remains hidden from view. Quite apart from any magical or mystical power that might be thought to be inherent in the organ itself, therefore, the phallus is a symbol of social power and status: those who have a phallus are often accorded power and respect in a way that is not true of those who do not have a phallus. Of course, this is a gross oversimplification, and there are many other factors that affect an individual's destiny; having said that, though, the recipients of power and status are much more likely to be those who possess a phallus than those who lack one, and this was arguably the case among the ancient Israelites. This, then, is the symbol that has to be firmly covered in the presence of almighty God: the organ that stands for the power that human males experience in their social interactions, and indeed, the organ that qualifies them to be priests in the first place by virtue of them being *sons* of Aaron. The breeches seem to say that no power is allowed to be attributed to the priests' flesh; wearing the breeches is at once an affirmation and a denial of the priests' masculinity, of the very quality that resulted in them being chosen as priests. It affirms divine manipulation of even this most fundamental of qualities, by constructing the quality that is associated with lifegiving and generation and remembrance as being associated with death and oblivion, presumably because it is the reality of death and oblivion that requires the ability to generate new life. Indeed, as already noted, the association between physical generative acts and death is seen elsewhere, in Leviticus, where a man who has had intercourse and ejaculated semen is unclean until the evening (Lev. 15.16, 18), a status which prevents

him from approaching the consecrated things on pain of being cut off (Lev. 22.3) and therefore effectively bars him from priestly service for that period of time. The early death and childlessness that are associated with the punishment of being cut off are of course hugely ironical denials of the power of sexual activity to create life, associating it instead with death. Thus, to borrow an image from another cultural tradition, the breeches are the equivalent of the slave who, according to tradition, would ride in victory processions alongside the triumphant Roman emperor and whisper in his ear, 'Remember you are only human'.

In wearing the breeches, then, the priests are 'talking' primarily to God, expressing appropriate obedience, humility and devotion. They are also talking to themselves, using the breeches as a check on their masculine pride, a reminder to themselves of how dangerous it is to approach the altar and how they should never take the duties lightly, given that they are told to wear the breeches on pain of death.

c. *Covered from Head to Foot*

One final intriguing aspect to the issue of breeches is their potential connection with headgear. This comes through most clearly in Ezekiel, where caps and breeches are the only two garments that are named specifically for the priests to wear, although caps and turbans as well as breeches are part of the prescribed priestly clothing in Exodus 28, and in one of the passages in Leviticus that mentions wearing breeches a turban is also required (Lev. 16.4). The Ezekiel passage is most interesting, in that the two items it specifies are both functionally speaking peripheral to a set of clothes; underwear is not absolutely necessary if the outer clothes are sufficiently generous to cover the body, and although headgear clearly was worn in ancient Israel the head of itself does not seem to have been regarded as sufficiently indecent to require covering. Indeed, the fact that the priests are instructed to wear headgear (and breeches, for that matter) implies that they would not automatically have done so. Why are these two items, and nothing else, picked out for special mention in Ezekiel? It is very tempting to link the two items of clothing, on the grounds that according to Freudian analysis anxieties about the genitals are often displaced onto the head. For men, the Freudian association of beheading with castration is well known; and Eilberg-Schwartz points to the eroticization of the female head as a way of keeping women in submission and controlling their sexuality, which results in the need for women to cover their heads and keep silent in order to avoid exciting men's sexual desire.[16] Is the priestly head-cover-

16. Eilberg-Schwartz 1995a: 1-2. Of particular interest in the present context are the essays by D'Angelo (1995) and Eilberg-Schwartz (1995b), who discuss the

ing, therefore, another sign of the feminization of males in the presence of a masculine God—like the breeches, a sign of the temporary denial or suppression of male sexuality in order to facilitate the priests' woman-like intimacy with God?

3. *Conclusion*

Priestly clothing, and thus the breeches, are a sign of constructed gender and status. They are part of gender construction inasmuch as only males can wear them, and they are part of status construction inasmuch as only certain, high-status males can wear them. They are part of the construction of priesthood inasmuch as they indicate those who fulfil the criteria of priesthood by being 'complete' men. But they are also an indicator that the masculinity of priesthood in relation to God is very different from the masculinity of power and control that characterizes the patriarchal society in which the priests live. Whatever privileges a phallus might bestow upon them outside the shrine, within the shrine the phallus is redundant, as, faced with an all-powerful heavenly male, the priests' position is transformed into one of wifely submission.

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eroticization issue in relation to early Christianity and ancient Judaism respectively. However, as the other essays in Eilberg-Schwartz and Doniger (1995) demonstrate, the often negative, gendered and sexualized symbolization of the female head is by no means limited to the .Judaeo-Christian tradition of the first centuries CE.

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Part II

Evidence and Absence: Priestly Pictures of Men and Women

Gender Matters: Priestly Writing on Impurity

Tarja Philip

Matters concerning purity and impurity are discussed or mentioned in various biblical texts. The essence of impurity is not really explained in any of them, but all the layers of biblical writing on impurity assume that the impure is not allowed to be in contact with the holy.[1] Impurity may be physical and concern only the cult and ritual, or it may be also moral.[2] Consequently, the ways of disposing of impurity vary. Moreover, impurity is dynamic and contagious.[3]

The most systematic treatment of the topic appears in priestly writing: the Priestly document (P) has systematic legislation on impurities, and the Holiness code (H) and the book of Ezekiel also discuss these matters.[4] In this paper I shall focus on P's legislation about impure genital discharges (Lev. 12; 15), H's prohibition of menstrual sex (Lev. 18.19; 20.18), and related texts in the book of Ezekiel (Ezek. 7.19-20; 18.6; 22.10; 36.17). The aim of this diachronic reading is to demonstrate the structure and content of the impurity legislation and the changes it went through, and to show how these priestly texts reflect society, religion, and matters of sex and gender as presented and evaluated by their writers. Implicit or latent meanings that the legislation might carry are less central to this reading. My reading is closely focused on the text in its context, in order to try and listen to the message of the writers, and avoid reading the texts through my own values and judgments. Since matters related to gender are the main interest of the paper, many other aspects of the texts will be ignored.

1. See for example Exod. 19.10, 14-15; Deut. 23.10-15; Josh. 7.13; 1 Sam. 21.5-6.

2. See Ibn Ezra and Ramban on Lev. 18.24-30; Hoffmann (1905–1906: 303-304); Frymer-Kensky (1983); Klawans (2000: 22-36).

3. For a comprehensive discussion on various aspects of impurity see Wright (1987); Jenson (1992).

4. On the question of the relationship between P, H and the book of Ezekiel see Driver (1897: 139-43, 148-49); Fohrer (1974: 142); Hurvitz (1982).

Impurity Legislation in P

The impurity legislation of P in Leviticus 11–15 is presented as God's direct speech to Moses (Lev.12.1; 14.1) or to Moses and Aaron (Lev. 11.1; 13.1; 14.33; 15.1), who had to pass it to the people. This presentation implies a hierarchic arrangement. God's superiority as the highest authority is an axiom, as is the divine origin of the law. Moses, the leader of the people, and Aaron, the high priest, were the only ones who heard God's direct speech.[5] The people were commanded to obey God's law, and each impure person, regardless of gender, was personally in charge of his or her impurity and its disposal.

a. *Leviticus 15: Male and Female Genital Discharges*

Leviticus 15 deals with male and female impure genital discharges and the disposal of the impurity that they generate. The structure of this legislation has received a lot of attention in research.[6] It consists of two different types of parallelisms: parallel panels in conjunction with a palistrophic arrangement (Philip 2006: 45-47):

Parallel panels:

2b-18—Male discharges
19-30—Female discharges

Palistrophic arrangement:

vv. 1-2a: Introduction

vv. 2b-15: Long-term unhealthy male discharge
(Definition, consequences, offerings)

vv. 16-18: Short-term normal male discharge
(Definition, consequences, intercourse)

vv. 19-24: Short-term normal female discharge
(Definition, consequences, intercourse)

vv. 25-30: Long-term unhealthy female discharge
(Definition, consequences, offerings)

v. 31: Motive
vv. 32-33: Summary

5. The exclusive status of Aaron and his sons as God's chosen priests, 'keeping the Lord's charge' (Lev. 8.35), is defined in Lev. 8–10.

6. See Wenham (1979: 216-17); Whitekettle (1991); Milgrom (1991: 904); Hartley (1992: 206-208); Klee (1998: 67-69); Warning (1999: 106-107).

This kind of elaborate structure underlines the importance of the topic in the eyes of the Priestly writer.[7]

The most significant feature of this structure is its gender-balanced and symmetrical arrangement. The legislation is directed to איש איש, 'any man' (v. 2) and אשה, 'a woman' (v. 18). It presents four different types of genital discharges that cause impurity, two for each sex. Two male discharges, an unhealthy long-term discharge (vv. 2-15) and a normal short-term discharge, semen (vv. 16-17) are followed by a normal female discharge, menstruation (vv. 19-24) and unhealthy long-term bleeding from the womb (vv. 25-30). The section relating to each normal discharge ends with a discussion on intercourse, in each case in relation to the preceding discharge, semen or menstrual blood (vv. 18 and 24). Each passage discussing an unhealthy genital discharge ends by mentioning the offerings that the individual has to bring to the priest (vv. 14-15 and 29-30).

The structure of chapter 15 both underlines equality between the sexes and singles out each sex as distinctive from the other. The parallel panels hint at a hierarchical arrangement between the sexes by presenting male discharges first and female discharges as their counterparts. They also single out each sex's distinctiveness: each has its own discharges. The palistrophic arrangement emphasizes equality of both sexes in their capacity to have impure genital discharges and their responsibility to dispose of the resulting impurity.[8]

The contents of the legislation follow a similar pattern: some parts are gender-related, and some are not. For neither sex is the reason for the impurity of genital discharges given. Impurities are taken as part of human nature and life, and in themselves are not negative; they become negative only in relation to the holy. The disposal of each impurity is relatively simple and may include the lapse of a defined time period, laundering and washing, and offering animal sacrifices. Both sexes' normal discharge is closely connected to fertility, though this is not explicitly mentioned. Because of the contagious nature of impurities both sexes have to take certain precautions during their own or other people's impurity, but individuals from both sexes who are impure due to genital discharge are not separated from society, only from the holy. The length of each impurity is defined by the duration of the discharge, and not by gender. Menstruation lasts approximately seven days, which is also the duration of its impurity

7. For a similar conclusion in a different context, see Wenham (1987: 18).

8. Wenham (1979: 216-17) has pointed out the correlation between this equality and P's creation story, at which both sexes were created together, in the image of God (Gen. 1.27).

for a menstruating woman (v. 19) or for a man who has had sex with a menstruant (v. 24). Ejaculation of semen lasts only some seconds, and its impurity for both partners after intercourse lasts until the evening of the same day, which is the shortest possible time span, and both have to wash themselves (v. 18).[9] For both sexes the impurity of an unhealthy discharge is more severe than that of a healthy discharge. The second part of the disposal of male and female impurity due to unhealthy discharge is identical, regardless of gender and the distinctive discharge of each sex. Each person regardless of gender has to dispose of their impurity, and if the disposal includes bringing offerings to the priest, the person's gender is not an issue, either.

The most prominent gender-related difference between male and female impurities due to genital discharge is the discharge itself, and for this reason the legislation is arranged in relation to the impure person's sex. Male discharge is either semen or an unhealthy discharge which is not semen, but some other unidentified flux.[10] The female discharge is blood, and its impurity is taken as inherent. Although other types of human blood are not impure, this blood is different, probably because it sheds involuntarily and regularly and yet is not a sign of an injury or disease (Dean-Jones 1994: 232). It is generally assumed that the impurity of the two normal female impure discharges, menstruation and bleeding after birth, is a result of their close connection to fertility, which has the potential for life and death—an opinion supported by the impurity of semen for the same assumed reason.[11] However, this reason is not stated in the text.

The importance of blood in priestly theology cannot be exaggerated. Blood has a central function in the definition of murder (Gen. 9.5-6), permitted and prohibited diet (Gen. 9.4; Lev. 17.10-12, 14), and offerings (Lev. 1–6), just to mention some examples. However, most of the information in priestly writing about blood is irrelevant in relation to female impure discharges.[12] The priestly writers take the impurity of blood from the womb for granted and never explain it. For them, its impurity is inherent, as is the impurity of semen, and the reason is not important. The important thing is that impurity exists, and therefore God has made its existence known, and has given, through his legislation, tools for people to deal with it. The priests' outlook has been called 'realistic'; they see the legislation on impurity as a result of 'the will of

9. The unique nature of ejaculation becomes clear through the use of the verb יצא, 'come out', of semen, while all the other genital discharges זב, 'flow'.

10. For proposals of its identification see Milgrom (1991: 907).

11. See Wenham (1983).

12. For further details see Kedar-Kopfstein (1978).

commanding God', above nature.[13] Impurity is somehow opposed to God's holiness, so that the two have to be kept apart, and it is precisely for this purpose that God has given the laws defining each impurity and its disposal (Philip 2006: 68-72).

This kind of logic builds on biological definitions as facts: one is born either male or female, and consequently has male or female impure genital discharges. But, as we know, the 'facts' of biology are culturally determined.[14] The biological definition fits the priestly self-image, since according to P's definition of priesthood one can only be born a priest.[15] The election of one tribe, the Levites, and of one priestly family, the descendants of Aaron, is depicted as a divine decision (Exod. 28.1; Lev. 8–10). Only Aaron's sons qualified and were anointed as priests and therefore had access to the holy precincts and were allowed to handle the holy objects.[16] By their pedigree the priests were distinguished from all other Israelite men who were not born to priestly fathers, and they were even further distinguished from all Israelite women, who could never become priests, even if born to a priestly father. The reason for this anomaly is not given, and, as a matter of fact, it is not seen as anomalous.

Some scholars have assumed that the priest's daughter's exclusion from priesthood was connected to menstruation, which occurs once a month, and would deny the female priests entry to the holy on a regular basis, seven days each month.[17] But this assumption is not convincing. It is probable that in ancient times women actually menstruated much less, due to frequent pregnancies, breastfeeding, a low-fat diet, and overall health and environmental factors. Menstruation started approximately at the age of 14, menopause occurred at the age of 35–40, and during the intervening period women were frequently either pregnant or breastfeeding.[18] Moreover, as men, the priests also had genital discharges, and

13. D.R. Schwartz 1992: 231-32 n. 8, translating from Hebrew to English Y. Silman's insights. For details of Silman's article see Schwartz's note 3.

14. 'One is not born, but rather becomes, a woman. No biological, psychological, or economic fate determines the figure that the human female presents in society; it is civilization as a whole that produces this creature' (de Beauvoir 1953: 249).

15. See Philip (2006: 68-72).

16. The priests were the only ones allowed to touch holy objects, such as the altar (Exod. 29.37) or sacrifices (Lev. 6.11, 19 [ET 6.18, 26]). A layperson touching them paid with his life (Num. 1.51; 3.10, 38; 4.19). The Levites were like laymen (Num. 18.3), except the Kohathites, who carried the most sacred sancta when the camp was in transit, after the sancta had been covered by the priests (Num. 4.5-20). According to D the whole tribe of Levi was elected; therefore it calls the priests הכוהנים הלויים (Deut. 17.18; 18.1; 21.5; 31.9).

17. See, for example, Jenson (1992: 141, n. 6).

18. Buckley and Gottlieb 1988: 44-45; Milgrom 1991: 953; Lee and Sasser-Coen 1996: 31.

the impurity of semen can occur even on a daily basis. Mary Douglas has emphasized this point: 'The biblical system of impurity, apart from discriminating against outsiders' approach to the tabernacle, is an entirely egalitarian system in which everyone is equally polluted by the same physical functions and malfunctions' (Douglas 1993: 155-56).

The fact that only certain males had access to the holy precincts is rather an expression of male dominance in religion, in this case, a monotheistic religion whose one God is mainly depicted as male. Susan Starr Sered has pointed out a clear relationship between male monotheism and male dominance in religion.[19] Yet the masculine qualities of the monotheistic God of Israel are not sexual, but 'social male-gender characteristics', as Tikva Frymer-Kensky has noted (Frymer-Kensky 1992: 188). This aspect of God's essential otherness from human beings may be one of the implicit reasons for the Priestly legislation's strict separation of the holy from genital impurity.

The methods of disposal of male and female impurities are distinctive for each discharge. The basic rule is that the impurity of blood from the womb passes after the lapse of a defined time period, while the impurity of semen passes after the impure person waits until the evening, washes their body, and launders their clothes.[20] These rules are valid for both sexes. Thus, both a man and a woman who have had intercourse have to wash themselves in water and wait until the evening in order to get rid of the impurity of semen (Lev. 15.18). If a man has sex with a woman during her menstruation, he becomes impure for seven days, just like the menstruant, and after those seven days he is pure, exactly as is the menstruant (vv. 19, 24). A male having unhealthy genital discharge has to wait seven days after the discharge has stopped, and then launder his clothes, wash his body 'in fresh (literally, 'living') water', and on the eighth day bring the priest 'two turtledoves or two pigeons' as a purification offering and burnt offering (vv. 13-15).[21] During his impurity, any person who touches him, his bed, seat or spit, has to wash their body, launder their clothes, and wait until the evening (vv. 4-12). A woman having unhealthy bleeding also has to wait for seven days after the bleeding stops, and then she brings her offerings, identical to those of the male disposing of the impurity of unhealthy discharge. She does not need to wash herself and launder her clothes, unlike those persons who have become impure by touching her bed or seat while she is impure (vv. 25-30). Similarly, the menstruant only waits seven days and her

19. Sered (1994: 11, 169-70) states male dominance in religion as a rule.

20. For another opinion, namely that washing and laundering for female discharges have to be taken for granted, see Wright (1987: 191); Milgrom (1991: 934-35).

21. For the identification and meaning of the offerings see Milgrom (1991: 926).

impurity is over, while any person touching her bed or seat during her impurity has to wash, launder, and wait until the evening, and a person touching an object that is on her bed has to wait until the evening (vv. 19-23).

Two things may be safely concluded: A woman's or a man's impurity caused by blood from the womb that is directly on her or on him passes after a lapse of time. For both sexes there are impurities that require washing, laundering and a lapse of time, such as the impurity of semen. These conclusions indicate that the reason for the different way of disposing of impurity has to be the distinctiveness of the impurity of the blood from the womb, and not social status.

b. *Leviticus 12: Childbirth*

Unlike genital discharges, childbirth is a unique female experience, and its impurity is addressed in legislation of its own. Even though childbirth is the ultimate expression of fertility, the legislation only deals with its impurity. The impurity of a parturient is introduced in Leviticus 12 as an analogue to the impurity of menstruation: 'she shall be unclean seven days, she shall be unclean as at the time of her menstrual infirmity' (Lev. 12.2).[22] The structure and the content of the legislation are gender-related. The legislation begins by definition of the parturient's impurity after the birth of a male child (vv. 2b-4), in the main clause אִשָּׁה כִּי תַזְרִיעַ וְיָלְדָה זָכָר, 'When a woman at childbirth (literally, 'produces seed and') bears a male' (v. 2). This section includes a remark on the male child's circumcision on the eighth day after its birth, an exceptional remark in legislation otherwise dealing exclusively with the impurity of a parturient. A secondary case, the mother's impurity after the birth of a female child, then follows: וְאִם נְקֵבָה תֵלֵד, 'If she bears a female' (v. 5). This arrangement follows the biblical writers' convention of mentioning males first, and indirectly indicates that Israelite society preferred the birth of male children, a fact also known from other biblical texts. Therefore, the birth of a male child is the normative case.

The legislation defines a parturient's impurity according to two different criteria: the discharge itself and the child's sex. The discharge has two stages: in the first stage it is like menstruation (vv. 2, 5) and in the second it is called 'her blood purity/purification/her pure blood'

22. As is the impurity of unhealthy bleeding from the womb: 'When a woman has had a discharge of blood for many days, not at the time of impurity, or when she has a discharge beyond her period of impurity, she shall be unclean, as though at the time of her impurity, as long as her discharge lasts' (Lev. 15.25). Douglas (1999: 36-38) has pointed out the frequent use of analogies in the book of Leviticus.

(vv. 4, 5).[23] The first stage lasts for seven days after the birth of a son and fourteen days after the birth of a daughter; and the second stage 33 and 66 days respectively. The numbers show that the birth of a male child sets the normative rule, and the length of impurity after the birth of a female child is multiplied. The impurity of the first stage passes after the set time period, as does the impurity of menstruation. In the second stage the woman is still impure, and therefore she is not allowed to touch anything consecrated or to enter to the sanctuary area (v. 4).[24] Here there is a specific note of the principle behind the whole system: preventing contact between the impure and the holy. After the set time-period the parturient herself brings offerings to the Tabernacle, which are identical for both sexes of child.

The legislation does not give any reason for the different lengths of maternal impurity after the birth of male and female children, it simply states them as a fact. Neither does it explain if the length of the period is an expression of prestige or inferiority. Even ancient sources, 4Q265 from Qumran and *The Book of Jubilees*, had difficulty explaining the difference, indicating that already for them the reason was unknown (Baumgarten 1994). Biological, physiological, social and religious reasons have been proposed in interpretation and research.[25] Some scholars have argued that the reason for the difference must be connected to circumcision, mentioned in Lev. 12.3. According to their claim, since the son was circumcised at the age of eight days, the first stage of his mother's impurity had to pass on the seventh day. For female infants there was no parallel ritual, and therefore the first stage of the mother's impurity continued for one more week.[26] Mary Douglas has proposed circumcision's 'prophylactic powers for mother and child' as a probable reason for the disparity (Douglas 1999: 181). But these arguments do not have any support in the text. The ritual is mentioned without any reference to the mother; it rather seems to evoke the role of the father in the process of generation and to emphasize the importance of circumcision in the eyes of the Priestly writers.

23. Milgrom (1991: 742-43) uses the term 'blood purity', whereas Levine (1989: 92) and Meacham (1999b: 259-60) use the term 'blood of purification'. Levine, though, remarks, 'The meaning of this translation for Hebrew *demei toharah* is not clear. Perhaps a more literal rendering is preferable: "pure blood". The sense of the statement is that discharges of blood that occur *after* the initial period of impurity are unlike menstrual blood'.

24. קדשׁ in the case of a layperson means eating sacred food (Lev. 7.19-20), and מקדשׁ is also the title of the sacred place in Lev. 16.33; 19.30; 20.3; 21.12; 26.2 and Num. 19.20.

25. See Macht (1933: 253-54); Adler (1976: 63-71); Magonet (1996).

26. For example, Levine (1989: 73).

According to Genesis 17, another piece of Priestly writing, circumcision is an exclusively male ritual, through which each Israelite newborn male becomes a partner in the covenant with God, and thus it emphasizes the patrilineal legacy. In Genesis 17 circumcision is very closely connected to fertility (vv. 2, 4, 6, 16, 20); and the noun זרע, 'semen, seed', is mentioned seven times in the chapter in the positive sense of male offspring (vv. 7 [twice], 8, 9, 10, 12, 19). Only in Leviticus 12 is circumcision mentioned in the context of impurity, but not the impurity of semen, rather of the parturient's bleeding, thus contrasting in this context impure female blood and fertile male seed.

I have argued elsewhere that the different lengths of impurity are part of the ancient Near Eastern heritage as adapted in Israelite Priestly legislation (Philip 2006: 118-19). The most well-known parallels are from Hittite birth documents. For the Hittites the impurity of a parturient and the child is inherent and its reason is not explained. A sacrificial ceremony was held seven days after birth, and a period of three months of impurity for the parturient and her son, and four months for the parturient and her daughter, then followed.[27] Right after the birth the midwife gave the infant goods that represented its sex and recited an accompanying text. If a male was born, the midwife said, 'Look! Now I have brought the goods of a male child. But next year I will certainly bring the goods of a female child'. For a female, the opposite was said.[28] This ritual shows that difference between the sexes from birth was taken for granted. Each sex had its own symbols and ceremonies, and therefore it was natural that the length of impurity after the birth of each sex was different. The Hittites did not circumcise their sons, yet each sex had a distinctive length of impurity after the birth. This indirectly shows that the time difference after the birth of a son and a daughter in Israel has to be independent of circumcision. Among the Hittites, despite the different periods of impurity one sex was not preferred over another at birth, indicating that a shorter period of impurity is not necessarily a sign of prestige, nor a longer one a sign of inferiority.

The Israelite legislation seems to use those parts of the ancient Near Eastern legacy that suited its own values, such as the definition of certain discharges as inherently impure, the convention of a two-stage impurity, using the number seven, and different periods of impurity after the birth of a male and a female child. On the other hand, the differences between the Hittite documents and the Israelite legislation, such as the centrality of blood and circumcision, preference of sons,

27. Beckman 1983: 113, 136-37, 148-49, 157-58, 160-61.

28. The goods were probably the classic Hittite signs of masculinity (a bow and arrow) and femininity (a spindle) (Beckman 1983: 35; Hoffner 1966: 330-34).

and the impurity of the mother but not of the infant, reflect distinctive Israelite values.[29]

In modern research, especially in feminist research, menstruation is seen as a central aspect of body politics, symbolizing the female's reproductive and sexual potential (Lee and Sasser-Coen 1996: 32). In modern Western culture the body is often over-presented through the practices and values of sexuality. Leviticus 15 and 12 offer a different perspective. The legislation is not interested in the human body as such, nor in its ability to produce discharges. That these discharges are closely connected to human sexuality and reproduction was perfectly clear to the writers, but this is not a matter of interest in the legislation. Rather, the focus is on the impurity of these discharges because the impurity threatens the holy. The human body and its defiling discharges, male and female alike, are therefore treated on the axis of impure-holy.[30]

The Holiness Code

Another layer of priestly writing, the Holiness code, also deals with impurity. This layer's basic demand to the people of Israel is, 'You shall be holy, for I, the Lord your God, am holy' (Lev. 19.2). This demand gives in a nutshell one of the basic ideas of H: God's holiness is the centre of its ideology, and all the people of Israel have to resemble God. One becomes holy by following God's life-giving laws: 'You shall keep my laws and my rules, by the pursuit of which man shall live: I am the Lord' (Lev. 18.5) (Milgrom 2000: 1354). Holiness is no longer just an issue for priests in the holy precincts, but for every Israelite in the whole land. Impurity and holiness cannot dwell together, and therefore issues of impurity had to be re-interpreted. The Holiness code does not have legislation of its own on impurities, but several texts dealing with impurity carry linguistic and ideological signs of H writers and can be seen as H's supplements to and revisions of P legislation.[31]

One such text is Lev. 15.31: 'You shall put the Israelites on guard against their uncleanness, lest they die through their uncleanness by defiling my Tabernacle which is among them'.[32] This verse interrupts

29. Himmelfarb (2001: 25-26) points out that 4QD forbids the new mother to nurse her child as long as she is impure, in order not to communicate impurity to her baby by touching it, while 'Leviticus 12 betrays no anxiety about this contact' (2001: 26).

30. This arrangement is not based on direct oppositions. The opposite of impure is pure, and the opposite of holy is profane (or common).

31. On the relationship between P and H see, for example, Knohl (1992).

32. Milgrom (1991: 945) prefers the translation 'You shall set apart', from the root *nzr* followed by the preposition *min*, and cites the use of the same Hebrew construction in Lev. 22.2.

the sequence between v. 30 (the end of the legislation about the impurity of unhealthy female discharge) and v. 32 (the summary of all the legislation in ch. 15, which is parallel to the chapter's introduction), and it does not have a place in the general structure of the chapter. The vocabulary of v. 31 also differs from that of the rest of the chapter, using the phrase 'my Tabernacle among them' (cf. Lev. 26.11, H) instead of 'the Tent of Meeting' as in vv. 14 and 29. The H writer emphasizes God's presence in the Tabernacle among the people, a situation that requires extreme caution in relation to impurity. Therefore, an impure person polluting the Tabernacle has to die. Penalties and threats are part of H's rhetoric and ideology, but are absent from P.[33]

Similar logic operates in Num. 5.1-3: 'The Lord spoke to Moses, saying: Instruct the Israelites to remove from camp anyone with an eruption or a discharge and anyone defiled by a corpse. Remove male and female alike; put them outside the camp so that they do not defile the camp of those in whose midst I dwell'. Not just a person impure from skin disease is sent outside the camp, as P legislation demands (Lev. 13.46), but also a male or female with impure genital discharge, which P does not demand. The reason for this strict attitude towards impure persons is God's presence in the camp.[34]

A significant change in H as compared to P legislation is the prohibition of menstrual sex (Lev. 18.19; 20.18).[35] P legislation does not prohibit menstrual sex, it simply states that it defiles the man for seven days, and its impurity passes after those seven days (Lev. 15.24).[36] The reason for H's prohibition of menstrual sex is not given, but its context betrays H's unique outlook and its distinctive concept of impurity and its disposal.[37] Leviticus 18 and 20 deal with defiling sexual and ritual sins, such as incest, bestiality, menstrual sex and child sacrifices to Molech, which are

33. See Knohl (1992: 101). H also shows special concern for the priests' impurity rules (Lev. 21.1-15; 22.1-16).

34. Wright (1987: 171-73) proposes another solution to this contradiction between the two texts. In his opinion, the law in Lev. 15 reflects the conditions of settled life, while Num. 5 reflects the conditions of the wilderness camp, which is 'a hybrid cross of a regular community and a war camp. It is well known from non-priestly material that a war camp was under stricter conditions of purity than the normal community'.

35. These two chapters deal with the same topic, but there are several differences in their vocabularies, style, and approaches. For details see B. Schwartz (1999: 143-44); Milgrom (2000: 1765-68).

36. See also Kugler (1997). In ancient Greece, both the Hippocratics and Aristotle encouraged men to have intercourse with their wives during menstruation. See Dean-Jones (1994: 234).

37. For assumed rationales, see Milgrom (2000: 1371-75).

presented as Canaanite practices. The people of Israel must not follow these practices, otherwise they will lose the land, as the Canaanites did (18.24-28; 20.22). If the people practise the impure Canaanite customs, the impurity of their deeds will become irreversibly absorbed into the soil. This means that impurity cannot be disposed of, as opposed to P's approach. The land can only absorb a certain amount of impurity, and when it becomes full, God will 'call it to account for its iniquity' (18.25), and it vomits its inhabitants: 'So let not the land spew you out for defiling it, as it spewed out the nation that came before you' (18.28). This then is the priestly H writer's explanation for the loss of the land and the exile in the First Temple period, an alternative to the Deuteronomistic History's explanation.[38]

The prohibition of menstrual sex in Lev. 18.19 is addressed to men only, apparently assuming that men are the initiators in sexual relationships. The man is the subject and the woman is the object: 'Do not come near (i.e. have intercourse with) a woman during her period of uncleanness (literally, 'the menstrual impurity of her impurity') to uncover her nakedness'.[39] Having sex with a menstruant is forbidden because menstruation is impure. A man violating this prohibition sins, whereas by avoiding menstrual sex a man obeys God's command to become holy. H thus adds a moral layer to the ritual impurity of P legislation. Since this moral impurity cannot be removed but is absorbed by the land (18.24-29), it threatens the whole community and therefore calls for extreme caution. Another good reason to avoid menstrual sex is the personal penalty for it: *karet*, 'cutting off from their people' (18.29). The *karet* penalty is generally understood as untimely death or childlessness, or both, inflicted by God. Since menstrual sex is committed in private, the *karet* penalty is appropriate: God, the only one who sees the sin, also inflicts the penalty.[40]

Lev. 20.18 addresses a case of mutual co-operation between a man and a woman: 'If a man lies with a woman in her infirmity and uncovers her nakedness, he has laid bare her flow, and she has exposed her blood flow, both of them shall be cut off from among their people'.[41] In this case the woman is called אִשָּׁה דָוָה, 'a woman in her infirmity', a term

38. See Frymer-Kensky (1983).

39. For other occurrences of the verb קרב with a sexual meaning see Gen. 20.4; Lev. 20.16; Deut. 22.14; Isa. 8.3, and Ezek. 18.6. The Hebrew term 'nakedness', ערוה, is derived from the root ערה, 'be naked, bare', and it refers to the genitals (Exod. 28.42; Ezek. 23.29). The phrase גלה ערוה is euphemistic, and hints that this area should be covered. See B. Schwartz (1999: 168).

40. On *karet* see B. Schwartz (1999: 52-57).

41. 'The flow of her blood', מקור דמיה, depicts woman's womb as a flowing spring.

implying that the woman feels ill during her menstruation.[42] Menstrual sex is not just presented as the forbidden uncovering of someone's nakedness, but its exact nature is also explained: the man has laid bare 'her flow', literally 'her source of blood', and the woman 'has exposed' it. This verse very strongly condemns menstrual sex, and yet it indirectly proves that women and men did not find menstrual sex repulsive. Observance of this prohibition had to be 'brought home' by the threat of very severe penalties, *karet* and the loss of the land, and by a promise that faithful observance of the laws can prevent both (vv. 18, 22). The demand to the people of Israel to be holy is repeated in v. 26—'You shall be holy to me, for I the LORD am holy, and I have set you apart from other peoples to be mine'—emphasizing 'that Israel is God's possession and, therefore, *obliged* to follow his commandments' (Milgrom 2000: 1764). Singling out menstrual sex in these two texts as a defiling sin with irreversible results, next to incest, bestiality, and child sacrifices to Molech, is significant. Even though menstruation in itself is not bad, a negative nuance is now attached to it.

The Book of Ezekiel

The book of Ezekiel is part of the priestly writing, and impurity had importance for the prophet Ezekiel, himself a priest (Ezek. 1.3). Of the impurities discussed in Leviticus 12 and 15, the impurity of menstruation receives most attention in the book of Ezekiel, in two ways: the prohibition of menstrual sex is mentioned twice, in 18.6 and 22.10, and the noun *niddah* is used with two different meanings in the book.

a. *The Prohibition of Menstrual Sex*

In both Ezek. 18.6 and 22.10 menstrual sex is condemned and its prohibition is taken for granted. This prohibition is clearly connected to the same prohibition in the H sections of the book of Leviticus.

The similarity between Ezek. 18.6 and Lev. 18.19-20 is obvious: in both texts, sex with another man's wife and sex with a menstruant are introduced one after the other, and the root טמא, 'defile', is used in relation to forbidden sex, in Lev. 18.19-20: 'Do not come near a woman during her period of uncleanness to uncover her nakedness. Do not have carnal relations with your neighbour's wife and *defile* yourself (לטמאה) with

42. Milgrom 1991: 745-46. Greenberg (1995: 75) claims that דוה is the normative biblical Hebrew term for a menstruant. Milgrom (2000: 1754) reads דוה in this context as 'a woman with any genital flow' and not just the menstruant (cf. Lev. 12.2), and therefore in his opinion 'this rule is more comprehensive than its counterpart (18.19)'.

her', and in Ezek. 18.6: 'If he has not *defiled* (טמא) another man's wife or approached a menstruous woman'. Issues of language and style prove that Ezek. 18.6 is dependent on Lev. 18.19-20. For 'neighbour' Leviticus 18 uses the noun עמית, whereas Ezekiel 18 uses the noun רע, which belongs to late biblical Hebrew.[43] This, together with the reversed order of the two prohibitions in Ezekiel 18 in comparison to Leviticus 18, indicates that Ezekiel is quoting Leviticus.[44]

Ezek. 18.6 belongs to a literary piece discussing the question of retribution, and it emphasizes that every person has to take responsibility for his own acts, since fathers' rights do not count any more, but neither do fathers' sins. One of the signs of a righteous man is his avoidance of defiling sex—sex with another man's wife and sex with a menstruant—and other moral and cultic sins. A righteous man 'shall live' (v. 9), while the wicked one 'shall not live…he shall die; he has forfeited his life' (v. 13). This kind of definition of righteousness and its direct attachment to personal responsibility and retribution sent men home to observe the purity of their family lives, while women's bodies became the site of its observance. It was convenient to tie the observance of impurity laws to the female body. The periodical cycle of menstruation and the well-defined timespan of impurity connected to menstruation and to childbirth enabled the wife and husband to control at least this area of their life, and to know that they were doing the right thing.

In Ezekiel 22 men are accused of having committed תועבות, 'abhorrent deeds', such as idolatry, spilling innocent blood, disrespecting one's parents, not keeping the Shabbat and having menstrual sex, that have caused God to scatter the people in exile (v. 14). The range of defiling sins is very wide and includes ritual, moral and sexual sins. Ezek. 22.10 strongly condemns menstrual sex: 'In you they have uncovered their fathers' nakedness; in you they have ravished women during their impurity'. It is not altogether clear if the verb ענה in this verse (here translated 'ravished') means to 'rape', 'force', or 'humble',[45] but it is clear that men are the guilty ones. The sin in having menstrual sex is not against women, as claimed by some,[46] but against God, who has

43. See Hurvitz (1982: 74-78); Milgrom (2000: 1362).

44. For reverse order as a sign of quotation see Milgrom (2001: 2354): 'According to Seidel's law, inversion indicates a later quotation'.

45. Frymer-Kensky (1989: 93, 100) has convincingly argued that '[i]n sexual contexts, it [the root ענה] means illicit sex, sex with someone with whom one has no right to have sex…in non-sexual contexts it means to treat harshly, exploitatively, and/or abusively'. For the opinion that the root ענה means 'to rape', see, for example, Deem (1978); Magdalene (1995: 219-20).

46. See, for example, Klee (1998: 106).

forbidden menstrual sex, as he has forbidden all the other 'abhorrent deeds' mentioned in the chapter.

These passages in the book of Ezekiel reflect the exiles' need to adjust to a new life situation in a foreign land. The lack of the Temple in exile diminished the ritual aspect of impurity legislation, and consequently, moral aspects related to impurity laws received more attention.[47] These texts are addressed to men, while women are ignored, but one may assume that the question of proper religious behaviour in exile was troubling women exiles as well.[48] It seems that the centrality of the family and pure family life, along with acceptance of the prohibition of menstrual sex, increased the importance of keeping the impurity laws. We know that sometime between the periods of the two temples women began to take ritual baths in order to dispose of menstrual impurity, as opposed to the First Temple period practices. It seems possible that this change began in Jewish communities living 'by the rivers of Babylon' (Ps.137.1) and searching for new ways to express their religious piety.[49]

b. *The Use of the Noun* נדה

The use of the noun נדה in the book of Ezekiel is an indicator of a change of attitude towards the impurity of menstruation. Once prohibition of menstrual sex had singled out the impurity of menstruation as something distinct from other impurities, menstruation itself became more closely connected to the concept of impurity. The basic meaning of נדה is 'menstruation', but then it came to denote the menstrual impurity and the menstruant herself, and impurity in general.[50] The noun נדה

47. Meacham (1999a) claims that in exile the family took the place of the Temple.

48. Despite the disturbing portraits of women in Ezek. 16 and 23.

49. Lawrence (2006: 8, note 24) has reached a similar conclusion. The earliest known *miqva'ot* in Judah are from the Hasmonaean period, around the middle of the second century BCE; see in detail Lawrence (2006: 155-83). The description of Bathsheba in 2 Sam. 11.2, 4 cannot be taken as evidence of ritual bathing in the First Temple period, because the connection between vv. 2 and 4 is secondary. See Philip (2006: 25-28).

50. It has been proposed to derive the noun נדה either from נדד in qal, 'to depart, flee, wander', and hiphil, 'to cause to flee, to chase away', or נדה in piel, 'to chase away, to put aside' (*nadû* in Akkadian). Since both of the roots have the meaning 'to chase away, expel', Milgrom (1991: 745) argues that originally the word meant the discharging or eliminating of the menstrual blood, then it came to denote menstrual impurity and impurity in general, and finally the menstruant herself. Levine (1993: 463-64) also derives נדה from the root נדה, but argued that the noun נדה does not contain the meaning of impurity, since impurity is the *result* of נדה. Greenberg (1995) derives נדה from the root נדד, in the sense of something to be kept far away from out of revulsion. The noun and the adjective נדה occur in the Bible only in the priestly literature (Leviticus, Ezekiel) and in four late books, namely, Zechariah, Lamentations, Ezra and Chronicles.

is used in Ezek. 18.6 and 22.10 in the sense of 'menstruation', but in other passages it has more negative meanings. Ezek. 36.17 reads, 'O mortal, when the house of Israel dwelt on their own soil, they defiled it with their ways and their deeds; their ways were in my sight like the uncleanness of a menstruous woman (כטמאת הנדה)'. In this verse the ritual impurity of a menstruant is used as an image of impure 'ways and deeds' both religious (idolatry, v. 18) and moral (spilling innocent blood, v. 18), which God hates and has punished—by exile (v. 19).[51] This passage expresses a very negative attitude towards the impurity of menstruation and a menstruant; the woman and her flow represent the impurity of sinners and their sins, which seems to indicate that menstruation is a sin. In Ezek. 7.19-20 the noun נדה is used twice in the general meaning of impurity, instead of the regular noun for impurity, טמאה, in a negative context not directly related to menstruation: 'They shall throw their silver into the streets, and their gold shall be treated as something unclean (נדה). Their silver and gold shall not avail to save them in the day of the Lord's wrath … therefore I will make them an unclean thing (נדה) to them'.[52] This use of נדה as a synonym of negative impurity is common in late books of the Bible, for example in Ezra 9.11: 'The land that you are about to possess is a land unclean (נדה) through the uncleanness (נדת) of the peoples of the land, through their abhorrent practices with which they, in their impurity (טמאתם), have filled it from one end to the other'.[53] The negative concept of impurity is thus identified with menstruation.

Conclusion

This survey of priestly writing on impurity shows that within priestly writing there are different attitudes towards the impurity of menstruation, from a relatively neutral treatment of menstruation and other types of bleeding from the womb as female impure discharges parallel to male impure discharges, to the singling out of menstruation as a synonym for impurity. Each layer of priestly writing on impurity, read in its larger context and against its specific background, reflects a slightly different outlook. Matters of gender are built into

51. The noun נדה is translated as 'a menstrual woman' in the Greek, the Aramaic and the Syriac translations, and Greenberg (1983: 727) accepts this interpretation, which emphasizes the impurity of a menstruant. However, according to another interpretation, the focus is on the impurity of menstrual blood. See Zimmerli (1983: 241); Block (1998: 343).

52. For a close reading of the passage, see Philip (2006: 65-66).

53. See also Zech. 13.1; 2 Chron. 29.5.

the legislation and its interpretation, but they are more complex than might be assumed. P's legislation on ritual impurity is gender-balanced in its conception of impurity as part of human nature, unavoidable though relatively easy to dispose of, yet distinctive to each sex. Gender imbalance exists in certain points of the legislation, such as the longer period of impurity after the birth of a daughter than a son, but it is not proven that a longer period reflects value. In H menstrual sex is a sexual transgression, and a sin against God. Impurity is no longer just ritual, but also moral. Men and women alike can perpetrate this sin and are equally punished, and its ultimate result, accumulation of impurity, affects everyone. The fact that the site of the prohibition of menstrual sex is woman's body may be interpreted negatively as discrimination, or positively as empowering women, since menstruation gave them the opportunity to decline sexual relations by claiming menstrual impurity (Kraemer 1992: 103). The book of Ezekiel follows H's line of thought but practically ignores women and relates the defiling sin of menstrual sex only to men.[54] Some passages in the book of Ezekiel betray a negative approach to menstruation and menstruants and use נדה as a synonym of impurity. And just to put this development in focus, it is worthwhile noticing that menstruation's parallel male defiling discharge in P's legislation, זרע, 'semen', carries the positive meaning of 'seed, offspring' in the Bible.[55]

54. Historically, this tendency continued. After the destruction of the Second Temple, only the impurity of menstruation remained in force in the Jewish *halacha*. Sages and rabbis took the place of the priests, and consequently a change in the interpretation of impurity legislation followed. The realistic outlook of the priests was changed to the sages' nominalistic outlook, that is, 'a view of the commandments as guidelines, based on independently existing situations, which man, due to the grace of the wisdom-giving God, may introduce among his considerations by accepting the yoke of the commandments' (D.R. Schwartz 1992: 231-32 n. 8). The sages extended the legislation of *niddah* and separated it from men's impurities. Of all the Mishnah tractates dealing with impurity, only the tractate on menstrual impurity, tractate *Niddah*, is dealt with in the Jerusalem and Babylonian Talmuds. See Meacham (1999a, 1999b); Destro (1996); Klawans (2000: 104-108). This legislation is still valid, although in the form that it has received through a long chain of male interpretation. Today, a debate is going on among some orthodox feminist Jewish women in Israel: some of them find the legislation empowering for women and enjoy the experience of going to the *miqveh*, while others experience it as oppressive male restrictions that intrude into the most intimate parts of the female body, sexuality and fertility, as reported for example in a daily newspaper *Yediot Ahronot*, 20.5.2008.

55. For details, see Preuss (1980).

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Gender and Ambiguity in the Genesis Genealogies: Tracing Absence and Subversion through the Lens of Derrida's *Archive Fever*

Ingeborg Löwisch

Introduction

Although genealogies in Genesis closely interact with their narrative settings and contexts and thus provide sound reasons for synchronic readings of the texts,[1] the significant role that the Genesis genealogies have played in the history of source criticism makes it difficult to analyse them without preconceptions derived from diachronic approaches. Many of the Genesis genealogies, together with a general interest in lists and dates, have been attributed to P and what is believed to be the ideology of P.[2] By 'ideology of P' I very broadly refer to, among other things, the interest in the beginnings of humanity, the concern with a socio-political and symbolic order, the organization and legitimization of cult and cult personnel, and the engagement of lists and numbers for the constitution of memory. For the purpose of analysing the Genesis genealogies from both a gendered perspective and the angle of 'priestly worldviews and concerns',[3] I will engage the preconceptions relating to the ideology of P and focus on the lists of *toledot*, a cluster of genealogies that has likewise been linked to the heart of P (see below). The lists of *toledot* will be analysed with the aid of Jacques Derrida's conception of the archive (Derrida 1996, 2002). Two assumptions underlie this methodological choice. First, the lists of *toledot* are ambiguous, and this ambiguity is a key to understanding their gender and power relations.

1. 'Synchronic readings' of the genealogies focus on their interconnectedness with and functions within their narrative contexts. Such readings work from the existing text, a methodological choice that does not imply disputing the complex genesis of biblical texts. See Hieke (2003: 2).

2. Johnson 1996: 14-36; Zenger 1996: 436.

3. The conference from which contributions are collected in this volume was intended to discuss 'sex and gender in biblical and post-biblical texts…with a priestly worldview or concerns'.

Second, using Derrida's notion of the archive as a conceptual frame may help to expose and to engage both ambiguity and power/gender relations in the texts in question. The latter assumption is based on Derrida's understanding of the character of the archive as shaped by a complex ambiguous dynamic as well as on his analysis of the archive as a site of power negotiations in the first place. Both assumptions will have to be assessed in the conclusion.

The first verses of Genesis 5 may serve as an example to introduce the structure of the lists of *toledot*. According to the NRSV these verses read as follows:

> [1] This is the book of the generations of Adam. When God created man, he made him in the likeness of God. [2] Male and female he created them, and he blessed them and named them Man when they were created.
> [3] When Adam had lived a hundred and thirty years, he became the father of a son in his own likeness, after his image, and named him Seth. [4] The days of Adam after he became the father of Seth were eight hundred years; and he had other sons and daughters. [5] Thus all the days that Adam lived were nine hundred and thirty years; and he died.
> [6] When Seth had lived a hundred and five years, he became the father of Enosh. [7] Seth lived after the birth of Enosh eight hundred and seven years, and had other sons and daughters.
> [8] Thus all the days of Seth were nine hundred and twelve years; and he died.

This pattern is repeated for eight more generations with some deviations. It demonstrates some basic characteristics of the lists:

1. They have a uniform, repetitive, and rhythmic structure.
2. They are male-gendered and privilege a hierarchic succession from father to first-born son; the 'passing on of life' is thought of in terms of begetting rather than in terms of giving birth.[4]
3. Women mostly either appear as generic groups ('other daughters') or are absent altogether (for example, Eve). On the other hand, Genesis 5 explicitly refers to the creation of humankind as male and female; later on, women such as the matriarch Sarai/Sarah (Gen. 11.29) or the sister Timna will be listed (Gen. 36.22). Different messages concerning the position of women are thus communicated.
4. The lists take up issues from their narrative contexts. Genesis 5 lists Adam's third son Seth rather than his firstborn Cain (see Gen. 4.1-16, 25-26). Narratives reach into the lists and affect the way we approach them, and vice versa.

4. The verb ילד appears in the hiphil ('begetting'), rather than in the qal ('bearing').

5. The lists of *toledot* are ambiguous. They are uniformly constructed male texts, which facilitate exclusive and hierarchic patterns of memory formation. At the same time they include passages that go beyond given forms and content and thereby break these forms and content open. The texts thus have two different sides with which the reader has to deal.

The following essay is divided into three parts. First, it will introduce the source texts and discuss their inherent gender dynamics. Second, it will introduce Derrida's notion of the archive and relate it to the texts. Third, it will apply this conception of the archive to the texts, with the aim of interpreting ambiguity, gender, and power relations in the lists of *toledot*. The conclusion will assess how Derrida's notion of the archive contributes to understanding the biblical texts.

Source Texts: Text Basis and Processing of Gender Issues

a. *Text Basis: The Lists of* Toledot

Genealogies in Genesis and P[5] are connected on different levels. First, key genealogies in Genesis are usually attributed to the Priestly material (e.g. Gen. 5; 11; 35.22-26; 46.6-27) (Collins 2004: 81, 104). Second, P uses genealogies in order to structure the text, to integrate narratives into the unfolding history, and to address its own concerns (Collins 2004: 81, 139). Critical in this respect is the phrase אלה תולדת ('these are the *toledot*/genealogies/generations of'). The phrase introduces both genealogies and stories, and establishes a cluster of genealogies throughout Genesis that will serve as the textual basis for the following analysis. This cluster of genealogies, the lists of *toledot*, gives structure to the book of Genesis, whereas the headline 'these are the *toledot* of' serves as a central literary marker.[6] The lists of *toledot* belong to P in terms of constituting parts of P and/or in terms of being part of the material that P utilizes, forms, and draws upon for its own ends.

The lists of *toledot* have as their main focus the primeval genealogies: Gen. 2.4 (*toledot* of heaven and earth); 5.1-32 (*toledot* of Adam); 6.9 (*toledot* of Noah); 10.1-32 (*toledot* of Shem, Ham, and Japheth/the table of nations); 11.10-26 (*toledot* of Shem). Additionally, they encompass genealogies from the ancestral period: 11.27-32 (*toledot* of Terah); 25.12-16

5. For a recent comprehensive overview of the debate on the emergence of the Pentateuch see Collins (2004: 47-66). I especially follow his assessment that while J and E become less important, P and D correspond to well-defined blocks of texts and present clear and well-developed theologies (2004: 64).

6. Hieke 2003: 241-51; Wilson 1992: 932; Westermann 1974: 11, 18-19.

(*toledot* of Ishmael); 25.19-26 (*toledot* of Isaac); 36.1-43 (*toledot* of Esau);[7] 37.2 (*toledot* of Jacob).[8]

In addition to the *toledot* cluster in Genesis, there are three extra *toledot* outside the book: Exod. 6.16-27 (*toledot* of Levi); Num. 3.1-4 (*toledot* of Moses and Aaron); and Ruth 4.18-22 (*toledot* of Perez). These lists stand outside the genealogical framework of Genesis, yet display some similarity to it due to the familiar heading אלה תולדת and the way in which this heading functions as a central literary marker.[9]

b. *The Lists of* Toledot *as Male-Gendered Texts*

How do the lists of *toledot* process gender issues? The patrilineal lineages are male-gendered in the first place. They establish a tribal world of fathers, sons, and brothers that centres on the succession from father to first-born son and confirms males in the vital positions of head of house and eponymous ancestor. The genealogies' patrilineal succession reaches from the first man Adam to the patriarchs of the ancestral period. It is then taken beyond Genesis and extends to the royal Davidic lineage (Ruth 4.18-22) and the Aaronite priestly lineage (Exod. 6.16-27; Num. 3.1-4) (Hieke 2003: 214).

By means of providing a priestly lineage that reaches from the creation to the house of Aaron, the lists of *toledot* function as important agents in the formation of the Priestly tradition. The lists prepare and support claims for the Aaronite family as the main priestly family and the conception of priesthood as exclusively male. These concepts are based on a combination of constructing priesthood as patrilineal and hereditary and bestowing normative meaning on the ancestral past. They help to legitimize contemporary entitlements by establishing an unbroken genealogical line with the normative past.[10]

Interestingly, the lists of generations function to legitimize an exclusive Aaronite priesthood by consequently portraying the imagery of

7. For a summary of the source-critical discussion of Gen. 36 see Wilson (1992: 168 n. 78).

8. Additional genealogies outside the *toledot* cluster, e.g. Gen. 4.17-24 and Gen. 46.8-27, will not be discussed here.

9. Following Hieke, I understand the occurrences of the *toledot* formula in Exodus, Numbers, and Ruth as intentional quotations of the Genesis *toledot* system rather than as a coincidence caused by the common use of the formula in the ancient Near East. See Hieke (2003: 214-40).

10. Blenkinsopp 1995: 79. Such unbroken genealogical successions are basically literary creations although they may in fact contain historical names and relationships. It is, however, important to note that the genealogies' agency in the formation of the priestly tradition and ideology does not depend on whether or not they are historical.

an extended family. Priesthood, an office from the state and post-state era, is legitimated by reference to images from a tribal pre-state culture. In the genealogies, a powerful nostalgia is at work.[11] The nostalgic memory works towards the continuity between ancestral patriarchs and later priests. The Genesis *toledot* thus function as a model for the priestly succession: the patriarchs are constructed as powerful predecessors of contemporary office-holders. In turn, the latter become accredited successors of ancestral figures whose authority is beyond reproach.

c. *The Lists of* Toledot *as Female-Gendered Texts*

The patrilineal lists of *toledot* are likewise female-gendered. Women are both part of and interfere with the androcentric structure of the texts.

The predominant position attributed to women in the lists of *toledot* is the role of wife, and/or mother of sons. The Genesis texts listed above name eight women as wives and/or mothers;[12] this is anticipated by references to anonymous groups of daughters who are listed in the context of potentially becoming wives and mothers themselves.[13] These roles support the texts' androcentric focus and easily fit into a smooth-running patrilineal stream.

However, women also appear in instances that do not conform to the above categorization. For example, the texts draw attention to daughters and sisters who stand on their own, such as Iscah, the sister of Milcah (Gen. 11.29) and Timna, the sister of Lotan (Gen. 36.22). As to Timna, the NRSV reads, 'The sons of Lotan were Hori and Heman; and Lotan's sister was Timna'. Timna is one of the sisters and daughters who appear in the lists without any indication of her story or function. The mention of these women forms what I have called 'shaped gaps', that is, gaps that do not result from tacitly leaving out information but which articulately point out that something is missing. They remind the reader that there is more to remember than the texts actually do.[14] Other instances of female-gendered passages that may not fit in are references in the lists

11. I use the term 'nostalgia' in reference to Spitzer's definition of nostalgic memory as a retrospectively constructed mirage, which uses what is regarded as the positive of the 'world of yesterday' as a model for creative inspiration and possible emulation in the 'world of the here-and-now'. Spitzer emphasizes that by establishing a link between the 'self-in-present' and an image of the 'self-in-past', nostalgic memory may play a potent role in (re)constructing identity and establishing continuity (1999: 92).

12. Sarai/Sarah (11.29; 25.12); Milcah (11.29); Hagar (25.12); Adah (36.2, 4, 10, 12); Oholibamah (36.2, 5, 14, 18); Basemath (36.3, 10, 13, 17); Timna (36.12); Mehetabel (36.39).

13. See Gen. 5 and 11.

14. Löwisch 2009.

to narrative contexts in which women play central roles, for example, the listing of Hagar, slave-girl of Sarah (Gen. 25.12), which recalls the complex stories of the figures of Sarah and Hagar. Last but not least, the paradoxical notion of the barren matriarchs (e.g. Gen. 11.30) raises the question of whether genealogical succession was truly standard procedure.

Given the uniformly composed patterns of the genealogies and their clear-cut male gender focus, these 'shaped gaps', intertextual references, and paradoxical notions come unexpectedly and hinder the smooth-running patrilineal flow of the texts. On the side of the reader, they work against building coherence. Instead, they highlight contradiction, gaps, and complexity and thereby break the restrictive patterns of the texts. By doing so, passages that refer to women establish a subtext within the genealogies that potentially subverts their patriarchal agenda.

Beyond references to women that may either confirm or challenge predominant gender politics in the texts, however, the lists of *toledot* are characterized by the structural and literary absence of women. They are silent about women's participation in handing down blessing, knowledge, and identity.

Jacques Derrida's Archive Fever[15]

Analysing the lists of *toledot* from the angle of gender exposes their two-sidedness: they are compact patriarchal Priestly lists, and yet at the same time they are complex and to a certain degree subversive. I would like to introduce Derrida's notion of the archive as a means of comprehending more fully these two aspects of the lists.

a. *Basic Elements of the Archive*

What does Derrida mean by 'archive'? Generally speaking, the archive is a place outside the human brain, where texts are kept by the rulers with a view to reusing and reassessing them. The rulers—Derrida uses the terms 'guardians' or 'archons'—operate the archive, that is, they are in charge of its constitution, its control, and its interpretation (Derrida 1996: 2). The authority of the archons is subject to challenge and negotiation: the archive is a matter of claimed, negotiated, and exerted power. Derrida develops the notion of the archive in close analogy to the structure of the Greek *polis* and its patriarchs as holder of its authority and power. He consequently uses the term 'patriarchive' (Derrida 1996: 4 n. 1).

15. Derrida proposed his notion of the archive in a lecture given on June 5, 1994 in London during an international colloquium entitled 'Memory: The Question of the Archives'. The English translation of the lecture was published under the title 'Archive Fever: A Freudian Impression'. See Derrida (1996).

The character of the patriarchive includes particular interests and ideologies that demonstrate its affinity to the lists of *toledot*, as the following two examples will show. First, the patriarchive engages a twofold principle of the beginning (*archē*), that is, the historical beginning, 'the order of the commencement', and the nomological beginning, 'the order of the commandment' (Derrida 1996: 1). By doing so, it interlaces the concern for origins with the concern for a symbolic and socio-political order. The intertwined orders of the commencement and of the commandment are likewise critical for the Priestly ideology and find an expression in the corresponding lists of *toledot*. Second, the patriarchive aims at 'consignation', that is, it tries to gather, order, and coordinate texts in a 'single synchronic corpus' (Derrida 1996: 3). The principle of consignation finds a fascinating realization in the rhythmic uniform patterns of the lists of *toledot*, above all in Genesis 5 and 11.[16] The lists extract, gather, and order narratives and legal texts in a synchronic homogeneous corpus.[17]

b. *Deconstruction of the Patriarchive and 'Archive Fever'*

The lists of generations may aim at extracting and gathering narratives and legal texts into a synchronic homogeneous corpus. In fact, however, the genealogies do not form perfect homogeneous corpora but include breaks and discontinuity. What role do breaks and discontinuity have in Derrida's notion of the archive?

According to Derrida, the patriarchive *a priori* contains an archive-destroying impulse, which he identifies with Freud's death drive (Derrida 1996: 10). The death drive is compulsive and is thus characterized by the logic of repetition. It is this obsession with repetition that ties the death drive to the patriarchive. For the patriarchive, as for the death drive, the logic of repetition is central, as it is here in terms of reuse and reassessment, processes that are crucial to the archive (Derrida 1996: 11-12). Sharing the logic of repetition as a central characteristic is what binds patriarchive

16. Bark emphasizes the rhythmic structure of the primeval genealogies. Interestingly, she proposes to read the first creation story (Gen. 1.1–2.4a) as Genesis' first and paradigmatic list of *toledot* that provides and determines the rhythm of all following genealogies (2000: 260).

17. Another excellent illustration of the patriarchive which came to the fore in the course of the conference preceding this volume is the British Museum in London. The British Museum is a place where artefacts are kept by the archons who both rule and guard the archive. It seeks to exhibit and analyse the ontological as well as nomological beginnings of Western culture. The British Museum aspires toward consignation and the formation of a homogeneous whole. Finally, the matter of access to, control of, and participation in the archive, as well as the presentation and interpretation of its contents, exposes the power claims and negotiations at the heart of its constitution.

and death drive to one another and becomes the starting point for their complex interrelation. While the patriarchive requires an exterior place—outside the head—and works towards archiving, reproducing, and establishing order, the death drive operates in silence and works towards destroying, forgetting, and omitting the archive. As Derrida puts it, 'it [the death drive] devours it [the archive] even before producing it on the outside' (Derrida 1996: 10). The death drive introduces the possibility of absolute forgetfulness into the archive. It thereby poses an existential threat to the patriarchive. This threat inflicts a feverish desire for the archive, which Derrida calls 'archive fever' (Derrida 1996: 19).

The ambiguity of the archive, in which the possibility of and desire for the archive is *a priori* linked to muteness and destruction, seems to reflect the two faces of the lists of *toledot*: they provide a powerful means to archive and perform memory, and yet, at the same time, they pass down absence and silence. Moreover, the lists of *toledot* seem to be inspired by archive fever: the meticulous register of names and data, the careful composition of relationships and dependencies, and the commitment to a genre so different from the more exciting one of storytelling all testify to passionate archivization.[18]

c. *The Archive's Opening onto the Future*

I would like to take Derrida's conception of the archive one last step further, towards the archive's opening onto the future. The archive always requires location at an external place or, as Derrida puts it, on a 'substrate' (Derrida 1996: 2). The nature of the substrate is such that it may be affected: it may bear traces of impressions, of repression, and of suppression (Derrida 1996: 26-28). The repressed and suppressed are not decipherable but unknown. The weight of the unknown, however, still leaves a trace on the substrate (Derrida 1996: 29-30).

The weight of the unknown is a negative burden. Yet it is also a positive charge: the unknown 'inflects', that is, causes and incites, archive fever and guides the archive towards the future. 'It [the unknowable weight] involves the history of the concept [of the archive], it inflects archive desire or fever, their opening on the future, their dependency with respect to what will come, in short, all that ties knowledge and memory to the promise' (Derrida 1996: 30). The indecipherable weight of the repressed and suppressed directs attention to the archive's

18. As a reader, I can also testify to archive fever. During the course of the PhD project that forms the basis of this article, I have archived gendered fragments of the genealogies in the Hebrew Bible, and now desire an archive of female-gendered genealogies. I am in search of traces of the archive 'that has been devoured even before coming into existence'.

dependency on what will come, to the future, and by doing so, to the notions of promise (Derrida 1996: 30), of mourning (Derrida 2002: 54), and of justice (Derrida 1996: 76-77).

Pursuing Gender and Power Relations in the Lists of Toledot *in Discussion with Derrida's Notion of the Archive*

a. *The Lists of Generations as Patriarchive: Accommodation of Interests*

The concept of the archontic patriarchive connects to the central interests of the lists of *toledot*. It accommodates Priestly interests in origins, in constituting socio-political and symbolic order, in memory and the possibility of repetition, in legitimizing particular androcentric power claims and hierarchies, and in bestowing authority upon the archons who constitute, guard, control, and interpret the archive. Theorizing the lists of *toledot* as an archive offers a plausible reason why the genre of genealogy has such a prominent place and function in the book of Genesis.

According to Derrida, however, the archontic patriarchive is but one facet of the more complex notion of the archive. Other essential facets are the threat of radical forgetfulness, deconstruction, and the weight of the unknown. These latter facets are inseparable from the former ones, whether or not the creators of the archive intended them to exist in the archive.

b. *Deconstruction of the Archontic Order*

One of the central ideological building blocks of the genealogical archive in Genesis is the patrilineal succession from father to first-born son. Genesis 5, the first elaborate list of *toledot* in Genesis, is central in establishing the constitutive role of patrilineal succession. The list's repetitive rhythmic structure brings to the fore a chain that consists of named fathers and first-born sons and symbolically initiates the patrilineal order. However, as mentioned earlier, Gen. 5.3 introduces a deconstructive element into the list. The verse names Seth as first-born son of Adam and thereby exposes violence and disqualification within the patriarchive: neither the first-born Cain nor the second son Abel are possible successors of their father. Instead the third son Seth steps in and continues the line. Listing Seth erodes the categorical status of the eldest son and deconstructs the archontic order. The question 'who will continue the line?' becomes a matter of uncertainty, and this uncertainty may lead to a rearrangement in order.[19]

19. Such rearrangement in order may be suggested in the subsequent biblical narratives that feature the displacement of birthright as a motif in its own right, i.e. Gen. 27 (Esau and Jacob) and Gen. 48 (Manasseh and Ephraim).

While Genesis 5 leaves out Cain and Abel and tacitly replaces them with Seth, however, Gen. 4.25-26 recounts how Eve names her third son Seth with explicit reference to Cain and Abel and the violence that has been taking place at the heart of the patriarchive. By doing so, Gen. 4.25-26 brings Eve into the centre of a countertext that recalls figures who are repressed in the genealogical archive. Contrasting Gen. 4.25-26 with Genesis 5 highlights the impact of contextualization for the deconstruction of the genealogical patriarchive in Genesis. The literary context of the lists provides the reader with background information that facilitates the analysis of ideology and power relations in the genealogies.

Deconstruction of the priority of the succession from father to firstborn son also takes place in another list of *toledot*, namely in Num. 3.1-4, one of the extra *toledot* outside Genesis. Num. 3.1 claims to list the *toledot* of Moses and Aaron. As for Aaron, his four sons are indeed named. With regard to Moses, however, no sons are listed. Instead, the genealogy is followed by a repetitive, uniformly structured series of sequences in which YHWH speaks to Moses and teaches him Torah (Num. 3.5-10, 11-13, 14-16, etc.). The text seems to replace a succession of sons with a succession of teaching and handing down Torah. It thereby challenges the centrality of having sons and hints at an alternative vision of passing on the line.

c. *The Subtext of Female-Gendered Fragments: Mourning and Renewal*

The deconstruction of the archontic order in Genesis 5 takes place against the background of violence among male protégés of the patriarchive. In contrast, the subtext of female-gendered fragments testifies to the repression and suppression of women in the community, that is, of a group whose marginalization belongs to the archontic order in the first place. The marginalization, however, is not complete; the archive-destroying death drive has not been entirely effective in effacing its own tracks. A thin subtext criss-crosses the genealogies and provides traces of repression and suppression that point to memories, stories, and relationships across the archontic order. The subtext consists of a handful of half-verses and single names and may be described as a corpus of fragments. This corpus does not lead to any tangible knowledge. Instead, it clearly exposes the imprint of the unknown on the lists of *toledot*. The fragments of female-gendered genealogies in the lists of *toledot* make the presence of the unknown more tangible and concrete than a general notion could do.

The subtext of female-gendered fragments preserves the knowledge that the archive is not complete. The memory of women was there, but it is not included. The archive, thus, cannot be closed; it is still open and forms the centre of an 'open-ended process of remembering, forgetting,

and imagining' (Harris 2002: 75). As a reader, who aims at participating in the interpretation and control of the archive, I may engage in this process. Such engagement aims at doing justice to who and what is not remembered. Gaps, contradictions, and even silences may serve as starting points for openings and other readings. At the same time, such engagement knows that what has been silenced and is now absent from the archive is lost and can no longer be remembered. Engaging this tension in the horizon of the archive's opening on the future may turn the process of archiving into a work of mourning (Derrida 2002: 54). Archive fever and mourning go hand-in-hand, but so also do mourning and renewal.

d. *Resistance to Forgetting as Justice 'that exceeds but also requires the law'*

Derrida links commitment to remembering and resistance to forgetting with the notions of justice and of Jewishness. He situates justice in an act of memory that implies resistance to forgetting, and proposes defining 'justice' rather than 'remembering' as the antonym of 'forgetting' (Derrida 1996: 77). Moreover, Derrida links Jewishness to the obligation of memory and the obligation of the archive: 'the injunction of memory falls to Israel, and to Israel alone' (Derrida 1996: 75). In my view, this link between Jewishness and the obligation of memory and the archive is rather too general and may also be sentimental. But his argument redresses a certain balance in view of the lists of *toledot* that is interesting to the analysis at hand.

The lists of *toledot* are linked to the notion of justice as resistance to forgetting in a complex way. Justice in terms of resistance to forgetting cuts across and beyond the genealogical patriarchive inasmuch as it aims at remembering those who are silenced by the archontic order. On the other hand, justice in terms of resistance to forgetting is linked to and based on the genealogical patriarchive inasmuch as the latter is concerned with a socio-political and symbolic order of which the concern for and obligation of memory are an integral part. Justice as resistance to forgetting concurrently goes beyond and refers back to the archontic order. It is, as Derrida puts it, a 'justice, which exceeds but also requires the law' (Derrida 1996: 76 n. 14).

Concluding Remarks

I would like to conclude with some reflections on employing Derrida's notion of 'Archive Fever' for the analysis of the biblical lists of *toledot*. What has been gained from employing Derrida? What has been helpful, and what criticisms may be made?

Reading the lists of *toledot* alongside Derrida's notion of 'Archive Fever' allows crucial aspects of the genealogies to be identified and

related to each other. Important points in this respect are the dialectic between erecting the patriarchive and its deconstruction through the death drive; the emergence of archive fever in response to the threat of absolute forgetfulness; the impact of the weight of the unknown which initiates the genealogical archive's opening onto the future; and the understanding of justice as resistance to forgetting which exposes the necessity of concurrently aiming beyond the genealogical archive and referring back to some of its basic concerns. I think it is fair to say that Derrida's notion helps in analysing the complexity and ambiguity of the texts, and offers a better understanding of their relevance.

What about insights into the gender dynamics that are active in the lists? Here, I am less certain. On the plus side, using Derrida makes it possible to reach beyond a micro-reading of gendered fragments:[20] conceptualizing the lists of *toledot* as archive enabled a consideration of the fragments that refer to women as embedded into the analysis of the wider literary context. On the negative side, the approach draws the reader in more closely to an engagement with the leading male characters of the archive. Derrida—in reference to Freud—seems to allow for a deconstruction of the patriarchive that nevertheless clings to the texts' androcentric character. It is possible to take the analysis beyond this circular reasoning and to relate the lists' female-gendered subtext to the notions of promise, mourning, and justice. Still, additional conceptions of the archive may be needed in order to focus more directly on what is repressed by and absent from the genealogical framework and archive.[21]

Thinking about the lists of *toledot* in terms of 'Archive Fever' may also contribute to reassessing the impact of traditional diachronic approaches to the genealogies. According to Derrida, the archive opens onto the future and is dependent upon what will occur. Analysing the lists of *toledot* as an archive implies that intertexts, reworkings of the genealogies, and their reception history constitute part of the archive and alter its character. Correspondingly, the enduring interpretation of the lists of *toledot* in the context of the Priestly source/redaction and theology may be understood as part of the genealogical archive, and this should be factored into their interpretations. Intertexts, reworkings, and receptions of the lists of *toledot* have not only altered the genealogical archive in the past. The genealogical archive is still open to further refiguring.

20. For a critique of micro-readings within feminist scholarship, that is, of readings that focus on short passages that mention women but disregard the wider literary context, see Boer (2005).

21. See, for example, Ketelaar (2001) on tacit narratives in the archive and Stoler (2004) on colonial archives.

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Genealogy, Gynecology, and Gender: The Priestly Writer's Portrait of a Woman

Elizabeth W. Goldstein

Introduction

How best can the perspective on gender reflected in the P source[1] be characterized? Important advances toward answering this question have come from recent studies of gender in the legal chapters Leviticus 12 and 15.[2] These studies have shown that in the basic literary structure of Leviticus 15 and in the overall structure of Leviticus 12–15, there is a tendency on the part of the Priestly writer to view female impurity and male impurity as equally part of the same system. Because women come into contact with uterine blood (which creates a higher degree of impurity than, for example, semen) on a semi-regular basis, they are consistently subject to more stringent restrictions. Since these ideas, for the most part, have already been presented in other places, this essay will focus on P narratives, rather than legal materials, in an effort to further elucidate P's perspective on gender.[3] Without denying the essential importance of male lineage to P, I will argue that P narratives provide evidence that women too are important to P.

I will begin by examining the genealogies in Genesis 5 and 11. Although I agree that women are excluded from these genealogies, I question whether these materials are part of the P source. Turning next to authentically P narratives in Genesis, I will show that women have an important, though clearly secondary, place in these narratives. I will then look briefly at one narrative in Exodus and conclude by discussing the major role of gender in the P narratives of Numbers.

1. In this essay, the designation 'P' refers to the work of the Priestly writer alone, as distinct from the Holiness Code (H). I will use 'P' or 'Priestly' to indicate this specific source. To refer to the totality of priestly writing, both P and H, I will use the lower-case 'priestly'.

2. Meacham 1999: 23-37; Ellens 2003: 29-43; Ruane 2005: 119-67; Philip 2006: 47-72, 111-22.

3. A full analysis of these works can be found in my forthcoming dissertation, *Impurity and Gender in the Hebrew Bible* (University of California, San Diego).

The Date of P

Let me briefly address my understanding of the date of P. Based on the opinion of a significant number of scholars, I subscribe to an early date for both the narratives and the laws in P, yet I agree that final editing occurred in the exilic period.[4] P narratives make the most sense as alternatives to J and E material and therefore must have been written subsequent to them. If, as Friedman holds, J and E were completed before the destruction of the northern kingdom in 722 BCE and were subsequently combined after it, P narratives would appear after 722 (Friedman 1987: 190-206). In addition, I am convinced that linguistic evidence places P before the Babylonian exile.[5] Thus, the arguments set forth in this essay assume a date for P between 722 and 587/6 BCE.

Genealogies in the P Source

In this paper, I am not challenging the obvious fact that male lineage takes precedence over female lineage, nor am I trying to cast doubt on the overall patriarchal and hierocratic system that permeates priestly writing. More generally, studies have pointed to the secondary (though not necessarily unimportant) roles that women occupied in ancient Israel,[6] and one need only look to the passage in Num. 30.3-17 on women and vows in ancient Israel to see that from a priestly perspective women had essentially no rights to their own property.[7] However, a grave difference exists between institutionalized patriarchy and an established pattern of misogyny (understood literally as the hatred of women) and violence (against women), of which very little can be found in P. Rather than using the term 'misogyny' to describe P's attitude in comparison with other biblical sources, scholars speak of the denial of women in P. This claim surfaces most prominently in scholarly discussions about genealogies.

The late Nancy Jay, in her comprehensive anthropological work on patrilineality and sacrifice, says, 'Not all genealogies in Genesis are P, but all the long lists of "begats" are his' (Jay 1992: 96). Jay's view is primarily based on Genesis 5 and 11, genealogical lists that some, but not all, scholars have thought to be P. These lists will be examined in more detail below. Additionally, Jay omits discussion of other P narrative material, much of which pertains to lineage.

4. Hurvitz 1974: 24-56; Rendsburg 1980: 65-80; Friedman 1981: 61-64, 75; Zevit 1982: 481-511; Milgrom 1991: 3-12; Kohn 2002; Schwartz 2006.
5. See, for example, Hurvitz (1974); Milgrom (1991: 3-13); Schwartz (2006).
6. Meyers 1988; Bird 1992; van der Toorn 1994.
7. See my discussion on *Parshat Matot* (Goldstein 2007).

Nicole Ruane, in her 2005 dissertation, follows Jay in attributing Genesis 5 and 11 to P. She writes,

> [O]nly in P's genealogies are there no women whatsoever listed as progenitors. Through P's genealogical structure, in which men are literally said to birth men (the verb ילד is in use throughout), we can clearly see P's image of descent and reproduction: it is unending, it is immaculate and it does not highlight women. The genealogies portray men as having procreative power for themselves. Women are not members of the procreative line; while they of course give birth, in the Priestly recounting they are usually omitted (Ruane 2005: 18-19).

Since the arguments of both Jay and Ruane rest squarely on attributing the genealogies of Genesis 5 and 11 to P, it is necessary to examine the evidence for this attribution.

Ruane, Jay, and Robert Wilson, known for his important work on genealogies, assume that the תולדת headings, two of which precede the genealogical lists of Genesis 5 and 11, are characteristic of priestly writing (Wilson 1977: 158; Jay 1992: 96-98; Ruane 2005: 18-19). One can understand this attribution because of the similarity of language in Gen. 5.1-3 to the language of the creation of human beings in Gen. 1.26-27. Gen. 5.1-3 reads,

> זה ספר תולדת אדם ביום ברא אלהים אדם בדמות אלהים עשׂה אתו׃
> זכר ונקבה בראם ויברך אתם ויקרא את־שׁמם אדם ביום הבראם׃
> ויחי אדם שׁלשׁים ומאת שׁנה ויולד בדמותו כצלמו ויקרא את־שׁמו שׁת׃

> This is the book of human generations: In the day of God creating the human, in the image of God he created him. Male and female he created them and he called their name Human, in the day of their being created. And the human lived 130 years and procreated in his image, in his likeness, and he called his name Seth.

The similarity of this language to Gen. 1.27 (P) is evident (Wilson 1977: 159). However, similarity of language is not decisive evidence of authorship. I am more convinced by the arguments of Frank Cross and Richard Elliot Friedman that the genealogical lists of Gen. 5.1-32 and Gen. 11.10b-26 are excerpts from an older document, ספר תולדת אדם, the account of the generations of man (Gen. 5.1).[8] This 'account' was then utilized by a biblical editor in at least one editorial stage of the pre-Abraham narrative.[9] The list of names in Gen. 11.10 begins where

8. Friedman 2003: 35 (see notes to Gen. 2.4a, 5.1 and 6.9.); Cross 1973: 301.

9. For Cross, the editor is P, a late, postexilic editor who utilizes the phrase אלה תולדת, taken from this document, to frame the narrative sections of Genesis (Cross 1973: 301-305). Friedman also thinks that a postexilic editor utilized the formula in the same way, but he calls this editor R, the final biblical redactor (Friedman 2003: 35). Friedman's 'priestly source' is responsible for the composition of both narrative

the earlier list ended, in the family of Noah, indicating that the two texts are halves of the same source, separated by an editor for redactional purposes.

The proposal of Cross and Friedman is logical, but evidence is needed to demonstrate that the *Toledot* source and P are not one and the same. Friedman supplies the evidence: Gen. 5.32 (from the *Toledot* source) is a doublet of Gen. 6.10 (P), in that both verses give the names of Noah's three sons.[10] There would be no reason to have the same information in two different contexts within the same source; indeed, doublets have become one of several established ways of distinguishing separate sources. Also, Gen. 5.1-32 reads as a complete pericope with vv. 1-3 (Toledot/Redactor) as its heading. Taken together, these two observations suggest that Genesis 5 is not P, but rather a different source which has similar language to P. Perhaps the writer of P and the writer of the *Toledot* source influenced each other in one direction or the other. Friedman speculates that perhaps the redactor included Gen. 5.1-3 as a 'resumptive repetition', using similar language to an earlier reference in order to bridge literary gaps between sources.[11] It is likely that we will never know the true story behind the similarity of language, but I think there is strong evidence that Gen. 5.1-32, and thus Gen. 11.10-26, are not products of the Priestly writer.

The premise that P authored these genealogies plays a significant role in forming Jay's and Ruane's respective opinions about gender in P. Although they have both produced important works, I think that the attribution of these genealogies to P causes them, in part, to overstate their arguments that women are unimportant in P. In material that is more definitively linked to P, women can be found in pericopes about Israelite lineage. Named women appear in key places in the text, such as the first time the name of Abram appears in P at the conclusion of chapter 11 (Gen. 11.27b-31), and in the final record of those laid to rest at Machpelah (Gen. 49.29-33). P also includes the names of Esau's wives (Gen. 36.2-5). The Priestly writer goes out of his way to highlight gender, albeit to subsume it under more prominent male characters.

and legal materials, while Cross's 'P' is an author of legal material but primarily the Pentateuchal editor. Like Friedman, I believe it possible that narrative and legal writings can be, and likely were, composed by the same hand.

10. This particular piece of evidence is based on a private communication with R.E. Friedman. For more on Friedman's view on the utilization of doublets for identifying sources, see Friedman 2003: 27-31.

11. Private communication.

Narratives in the P Source

a. *Genesis*

In addition to the pericopes on lineage, there are more narrative texts to consider before concluding that P totally discounts women. The trend of highlighting gender noted above continues in the narrative of Abraham and Sarah. In Gen. 17.16, P's veneration for the matriarch Sarah emerges in sharp contrast to J's depiction of her. Following a highly androcentric narrative about the sign of the covenant between God and Abraham, the Priestly writer says of Sarah,

> וברכתי אתה וגם נתתי ממנה לך בן וברכתיה[12] והיתה לגוים מלכי עמים ממנה יהיו
>
> And I will bless her and I will also give you a son *from her*. And I will bless her and nations will be hers; Kings of nations will emerge *from her*.

Uncontrovertibly, the Priestly writer is paying homage to the matriarch.[13] In the P version of the story, it is Abraham who laughs at the news of Sarah's forthcoming pregnancy and casts doubt on divine prophecy (Gen. 17.17), unlike the J version, where Sarah is the skeptic (Gen. 18.12). Furthermore, in the J version of the story (Gen. 21) Sarah plays a central role in the cruel exile of the young mother Hagar and her son Ishmael. P presents an obedient and submissive matriarch while J presents a timid and disbelieving wife. If one were to read all of the P narratives in Genesis to the exclusion of other sources, the character of Sarah emerges as neither controversial nor complex. She possesses neither jealousy nor cruelty. P omits all character flaws from the portrayal of Sarah, and she stands out as the mother of nations[14] in almost mythic proportions with no faults.[15] A skeptic would claim that P's depiction

12. The Greek, Syriac and Vulgate have וברכתיו והיה, 'I will bless him and he will have nations…'

13. Jay (1992: 101) considers the evidence of Gen. 17.16 and 16.15 (the mentioning of Hagar) but concludes that these are the only passages that 'suggest descent conflict in P', meaning that these are the only passages that might demonstrate a challenge to P's presumably clear preference for patrilineal descent. See also Ruane (2005: 18), who says in a footnote, 'The role of female reproduction in the Priestly narrative of both of these passages and Genesis 1 needs to be further reconciled with the images in the genealogies and the laws'.

14. Cohen (2005: 12-13) notes that Sarah is not actually called the 'mother of nations' as Abraham is called 'father of nations' (Gen. 17.4-5); rather, the covenant is passed on through Abraham and his son. Nevertheless, 'maternal filiation is essential to the covenantal process' (Cohen 2005: 13), in that it is Sarah's son rather than Hagar's who is the bearer of the covenant. This means that, paradoxically, Sarah and by extension all Israelite women are included in the covenant people.

15. In P's depiction of Rebecca, there is no attempt to hide her faults. Rebecca's

is flat and uninteresting. Yet P shows Abraham's lack of belief, in contrast to the J account[16] in which Sarah doubts the divine plan. Though Abraham is not actually rebuked in the P version, one cannot but read this account in light of the J version when comparing character portrayals in the sources.

Utilizing the J source for comparison also illuminates another aspect of gender in P narratives: P narratives about women de-emphasize gynecology. Sarah exists as somewhat disembodied. The J text speaks of Sarah no longer having ארח כנשים, 'the way of women' (Gen. 18.11), but when Abraham is told that Sarah will give birth in P, he fails to mention whether Sarah still menstruates. Instead, Abraham questions whether a one-hundred-year-old woman can give birth (Gen. 17.17). P refrains from making any possible connection between Sarah and bodily impurity.[17]

b. *Exodus*

Only one P narrative in Exodus involves women: the Israelites' gift-giving during the construction of the Tabernacle (Exod. 35.22, 26). In the thirteenth century, Ramban (Rabbi Moses ben Nachman) juxtaposed the golden calf episode, in which Israelite men relinquished jewelry, presumably of their wives (Exodus 32),[18] with the episode in 35.22, in which men approach women to request precious metal for the Tabernacle.[19] Most scholars attribute the golden calf narrative to the pre-exilic northern source E.[20] If P was written as an alternative to the combined JE source, then P elevates both Israel's men and Israel's women, depicting them as goodhearted and generous. In 35.25-26, some women are singled out as חכמה, 'wise', when they bring pre-spun, lavish fabrics and when they seem to engage, spontaneously, in spinning goat hair.[21]

dismay over Jacob potentially marrying Hittites (Gen. 27.46) is a typical P concern pertaining to endogamy.

16. And, following Friedman (1987: 188), to which the Priestly writer has access.

17. The other place where menstruation appears in Genesis is in the story of Rachel, when she claims that she cannot get up in her father's presence because she has דרך נשים, 'the way of women' (Gen. 31.35; E). Neither of these pericopes have a parallel in the P narrative.

18. See Jer. 2.32 and Isa. 3.16, where the Hebrew Bible makes the connection between women and jewelry explicit.

19. Ramban on Exod. 35.22. Cf. Propp (2006: 661).

20. Driver 1891: 29-30; Friedman 1987: 70-79.

21. Verse 25 has מטוה, 'that which is already spun', while v. 26 has טוו, 'they spun' when their hearts were inspired with wisdom. The best explanation of the phrase חכם לב that is used in both these verses is 'possessing the wisdom to be engaged in an artistic process which will serve a holy purpose' (cf. Exod. 31.6; 35.10; 36.1-2, 8;

c. *Numbers*

In the story of the unfolding relationship between God and Israel, the depictions of women in Exodus noted above are not theologically significant but they are quite positive. However, their literary context should be considered. The erection of the Tabernacle, as the Bible presents it, is one of the pinnacles of Israelite experience. All Israel, men and women, are in harmony with Yhwh. As the biblical story progresses into the book of Numbers, however, numerous obstacles threaten the relationship between God and Israel. Does P's positive portrayal of women continue in the wake of a crumbling relationship between God and Israel? In order to answer this question, I shall examine three key sections in the book of Numbers: first, the *sotah*, or suspected adulteress (Num. 5.11-31); second, the incident at Baal Peor (Num. 25.6-19; 31); and third, women and vows (Num. 30.2-17) and the daughters of Zelophehad (Num. 27.1-11; 36).

1. *The* sotah *(Numbers 5.11-31).* To build on the Priestly portrait of women that has been established so far, it is necessary to ascertain whether the law of the suspected adulteress is simply an unfortunate feature in an ancient patriarchal society, so that the shame it brings on the woman is just the by-product of a ritual enacted to redeem a dire situation, or whether the ritual intentionally serves to bring shame on the woman in question, thereby promoting the denigration of women. The jealous husband brings his wife to the Tabernacle. The priest leads the woman לפני יהוה, 'before Yhwh' (Num. 5.16), indicating that Yhwh is being called to insert himself into the ritual. The priest uncovers the woman's head (Num. 5.18). The full meaning of this act is unknown, but it can be assumed that the woman is made to feel more vulnerable, if not made to feel shame.[22] As far as garb is concerned, however, the priest only removes the woman's head covering. Although parts of the woman's body are evoked in the language of the curse, with the exception of enforced drinking, there is no physical action applied to the woman during the course of the ceremony.

The priest adjures the woman with the following words:

> If no man has slept with you, and you have not turned aside to impurity in place of your husband, be clean of this water of judgment

Prov. 10.8). See also Propp's comment on Exod. 35.10 in which he contrasts נדב לב with חכם לב (Propp 2006: 660).

22. See *b. Ket.* 72a. The rabbis drew the law for married women to keep their hair covered from v. 18. The lack of modesty associated with uncovered hair and the concept of imposed shame are related, but it is necessary to be more tentative in claiming a direct connection between the two.

> (מי המרים המאררים, Num. 5.19).[23] But if you have turned aside [to another; to impurity] in place of your husband and if you have become impure, in that a man has put his emission inside you, instead of your husband [doing so]… Let God give you a curse and an oath among your people by Yhwh allowing your thigh to give way and your abdomen to swell. And these waters that curse shall go to your insides to cause your abdomen to swell and your thigh to give way (Num. 5.19-23).

Then the woman must say 'Amen, Amen'. The priest writes the curse on a scroll and then blots the writing with water. It is this water, combined with dust from the floor of the Tabernacle (vv. 17, 23) that the woman must drink.

This ritual could certainly be interpreted as priestly salve for a suspicious husband. Even if physical changes do result from the ritual, they will not manifest for some time.[24] The man's jealous ego is soothed and they go home, whether or not his wife committed adultery. From a feminist perspective on an ancient patriarchal society, this ordeal could be viewed as preventative. It indicates that a man cannot abuse his wife if he suspects her of adultery, and neither can he incite a mob to kill her through vigilante justice (Milgrom 1999: 480). At best, this ritual can be spoken of as an effort to protect the lives of women; but to soothe a man's soul at the price of a woman's shame certainly borders on misogyny.

The borderline misogyny found in Num. 5.11-31 suggests that we are not dealing solely with P, but also with H. It is not that H is necessarily guilty of misogyny, it is that misogyny, as it is usually found in the Hebrew Bible, is linked with apostasy or the threat of covenant betrayal, as it is in the Holiness Code (Lev. 17-27) and Ezekiel.

In the case of the suspected adulteress, we find the root טמא in the niphal five times (Num. 5.13, 14, 18, 20, 27). The feminine niphal form is only used here and in Ezekiel 23 (vv. 7, 13, 30), one of most famous (or infamous) chapters about the moral impurity[25] of apostasy and adul-

23. Instead of the conventional 'bitter waters', Sasson (1999: 484) translates the phrase as a merismus: ' "waters that bless" and "waters that curse", hence "waters of judgment".' See the complete essay for his linguistic analysis based on Ugaritic *mrr*.

24. As the rabbis thought (*Soṭ.* 3.2). Frymer-Kensky (1999: 471) argues that the curse of the waters was not immediate, and that the result was a prolapsed uterus. However, she stresses the fact that the fate of the woman is not in the hands of the priest or the husband, but rather it is in God's hands. Likewise, Milgrom (1999: 480) asserts that this unique ritual, beyond the realm of human judgment, is only utilized here in order to protect the woman from being attacked by a mob.

25. 'Moral impurity' and 'ritual impurity' are terms most recently utilized by Klawans (2000: 21-42) to distinguish between categories of biblical impurity.

tery.[26] This chapter also contains some of the most violently misogynistic language in the Hebrew Bible.[27]

Cases of moral impurity lead to more severe consequences such as *karet* and contamination of the land of Israel (Klawans 2000: 26-27). These consequences are threatened but they are not assumed to occur immediately. Cases of ritual impurity, P's primary concern, can easily be rectified by sacrifice and the subsequent restoration of purity is immediate. The fact that the ensuing punishment for the confirmed adulteress, like the *karet* of moral impurity, is not immediate, also likens the case of the suspected adulteress to the work of H. It is somewhat strange, then, to assign this passage solely to P when its content seems more aligned with the perspective of H.

The ordeal of the suspected adulteress has ancient roots that may predate the Bible (Levine 1993: 210). This pericope as a whole likely has roots in P, but the moral judgments rendered, in combination with the term נטמאה, suggest that we are also looking at the work of the H source. Because of the above evidence that Num. 5.11-31 is more likely the work of both P and H, this pericope, while highly useful in a study of the entirety of 'priestly' literature, is less so for the purposes of this study, the aim of which is to isolate 'Priestly' writing alone.

2. *The incident at Baal Peor (Numbers 25.6-19; 31).* The first five verses of this story (Num. 25.1-5) are attributed to the J source and they can stand as an independent unit. According to 25.1, Israelites are 'whoring after the daughters of Moab'. Harlotry is a common euphemism for straying from Yhwh that is used by more than one biblical author (Lev. 20.5-6; 21.9 [H], Ezek. 23.20, Hos. 4.17). Referring to men as sexually loose women significantly lowers their status in an ancient social hierarchy. How are they adopting this lowly status? They are 'bowing down, eating and drinking sacrifices' (25.2) which are dedicated to deities other than Yhwh. Yhwh becomes angry with the Israelites and orders Moses to kill the leaders of the people. In turn, Moses commands the chiefs to kill the participants in the apostasy. Now the Priestly version of the story begins. An Israelite man 'brings forth' (25.6; the term ויקרב used here is usually used to describe the beginning of a ritual function) a Midianite woman to a tent-like structure, הקבה (25.8), in front of the entire community while they are in mourning at the Tabernacle. Once the two are inside the קבה, Phineas drives a spear through the Israelite

26. Other instances of טמא in the niphal are Lev. 18.24 (H); Hos. 5.3; 6.10; Jer. 2.23; Ezek. 20.30-31, 43. All of these refer to moral impurity. With the exception of Hosea, these references were likely composed after P.

27. See Goldstein (2009).

man and the Midianite woman. קבה can be understood either as the Tabernacle (Friedman 2001: 513-14) or as some kind of non-Israelite tent probably used for worship (Levine 2000: 288). Though the possibility remains, it is not clear that the couple was involved in a sexual act at the time of their death. What is certain, however, is that the sin committed is a betrayal of Yhwh. In Numbers 31, the Priestly writer has Moses commanding the Israelites to exact vengeance on the Midianites with a special emphasis on the annihilation of women (Num. 31.15).

An important gender-related issue emerges from the P versions of this narrative: the treatment of foreigners, especially those who threaten the sanctity of the Israelite cult. In this case, the foreign enemy in Num. 25.6 and the foreign enemies in Numbers 31 are women. The Priestly writer lays the majority of the blame on women for Israel's apostasy. Should this episode profoundly change the way in which I have presented P's attitude toward women? Ultimately, I do not think so. Though it is certainly disturbing to modern sensibilities, it is necessary to acknowledge that the women who are slaughtered are foreigners. P is known to inhabit a world of established hierarchy in which Israelite priests are at the top, followed by Israelite men, Israelite women, foreign men, and foreign women. Although the Priestly writer maintains that all males and females were originally created בצלם אלהים (Gen. 1.27), only the Abraham and Sarah family line exists in covenantal relationship with Yhwh. In this case, the Midianite women are targeted specifically because they are *foreign* enemies. Although they categorically fall in the lowest tier of the hierarchy, their foreignness and their sin of leading Israelite men into apostasy are more troublesome to the Priestly writer than their femaleness. All of the Midianite men, including male children, are killed in addition to the women (31.7, 17).

3. Women's vows (Numbers 30.2-17) and the daughters of Zelophehad (Numbers 27.1-11; 36). Within the confines of strict patriarchal boundaries, the Priestly writer will protect and defend Israelite women. Both the Priestly law of women's oaths (Numbers 30) and the Priestly narrative in which Moses willingly hears the plea of Zelophehad's daughters (Num. 27.1-11; 36.1-12) serve to further privilege Israelite women, with the caveat that these privileges do not come at the expense of their fathers, husbands, or their tribes of origin.

On the face of it, women seem to be severely limited in their attempts to utter vows. A father and a husband can nullify a woman's vow; but only for a certain period of time, and at least according to P women were permitted to utter vows. In a similarly protective and paternal tone, P describes Moses hearing the complaint of Zelophehad's daughters and responding to their plight.

Conclusion

Given the previous work on the purity texts in P,[28] it is now possible to conclude that both P narratives and Priestly purity texts lack overtly misogynistic references. The Priestly portrait of women in the narratives is at worst condescending and at best paternalistic. The evidence presented in this essay suggests that P's portrayal of women in narrative is far from negative. P's attempt to rescue Sarah from J's criticism and the Priestly occupation of charting lineage demonstrate a protective stance toward Israelite women. The Priestly description of foreignness and covenant betrayal (Num. 25.6-19; 31) conveys misogyny but not directed toward Israelite women. As stated earlier, however, the accusations of apostasy/adultery and foreignness provide fertile ground for the misogyny that will emerge more prominently in later biblical writings. I concluded that the *sotah* ordeal (Num. 5.11-31) has H language and, therefore, cannot be fully considered the work of P. The misogyny in the *sotah* episode is unusual for P, and is perhaps influenced by H. For the most part, the Priestly writer conceives of women as fragile, holding a distinct place in a balanced and differentiated cosmos. They have a distinct and essentially female nature.[29] The existence of women is not denied in P; they are relevant human beings in a Priestly constructed world. While I would not suggest that P's depiction of women is completely egalitarian, I think we may have arrived at a more nuanced, and perhaps multivalent, consideration of women in P.

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28. See note 2 above.

29. I use the word 'essentially' intentionally as in the feminist theoretical debate of the late twentieth century between those who view 'woman' solely as a biological figure, separate and distinct from 'man', and those who view gender as a socially constructed category. For a brief discussion of these ideas and their role in the evolution of feminist theory, see Snitow (1990).

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Part III

Numbering the People: Women and the Priestly Nation

Outside the Lines: The Place of Women in Priestly Nationalism

Rachel Havrelock

Where women are expressly or tacitly addressed by the Priestly purity laws, it seems that the very definition of Israel as a nation is predicated on the effacement of the female. This paper therefore considers Priestly texts that represent the nation of Israel, paying particular attention to when women figure in the collective and when they are absent. The category of the female is a component part of the Priestly creation story and women also function in the establishment of the Tabernacle, a sacred event long recognized as a reflex of creation. Women are thus perceptible in the spheres of the natural and the ritual as defined by the Priestly writers. But in texts of a political nature the category of female is displaced and often imperceptible. Israel as nation comes into relief through the two censuses in the book of Numbers. The census that begins Numbers (Num. 1) concerns clan and tribal position in the desert camp around a center constituted by the Tabernacle; not a single woman is counted in the roster or emplaced in the camp. The second census (Num. 26) serves as a prelude to territorial allotment and an assurance that a new generation untainted by slavery is in place to conquer and settle the Land. Although this second census records a number of daughters, such inclusion functions primarily as a strategy for distancing the category of the foreign woman from the national collective.

Frank Gorman's identification of 'three types of Priestly rituals: rituals of founding, rituals of maintenance and rituals of restoration' (Gorman 1993: 47) facilitates the analysis of Priestly representations of the national collective. Leaving aside the category of restoration for the moment, let me make an observation that pertains to biblical texts as well as to a multitude of other contexts: women tend to be associated with maintenance, ritual or otherwise, but are not often recorded as having much if anything to do with founding. That is, women may maintain the family, the household, the ethnos and even to some degree the very spirit of the state, but they are not credited with the inauguration of any of the above institutions. Gorman's typology thus helps to identify

another characteristic of Priestly thought: the gender binary of male versus female is operative in certain ritual texts, but is replaced by the distinction of priests versus Israel in texts of a political nature. During rituals of founding or enactments of the nation, the use of 'priests versus Israel' as the operative binary displaces the very category of female. In the texts in which the priests operate as the normative, central category, they assume the position of male in the 'male versus female' binary. This in turn feminizes the collective representation of Israel, which figures in the marginal position of 'female'.

The present chronicle of female effacement begins with an examination of when the category 'female' does operate in Priestly texts. The creation myth that begins the Torah and undergirds P's social systems presents physical reality as a series of interlocking binaries. So sky and earth, light and darkness, water and land, sun and moon, fish and birds, animals and humans, male and female are brought into being to manifest and continue the act of creation. The subdivision of humanity into male and female is a necessary precondition for the blessing of human reproduction (Gen. 1.27-28). Gender thus has a place in that order that is deemed primary and natural. In this biological sphere the female is on an equal footing with the male: both are divinely generated, both are blessed, and both play a role in populating and overseeing the other creatures. Frank Gorman suggests that Gen. 1.1–2.4 should be read not only as a ritual text, but also 'as a divine ritual of founding' that brings 'the normative state into being' (Gorman 1993: 50-51). Most certainly the world is founded here along with a nascent hierarchy upon which other systems can be built and overlaid. The normative state of the natural, then, according to P contains the category of the female. The female is thus present at the founding of the world.

The acknowledgment that the female has a function in the cosmic order is reflected in women's participation in the construction of the Tabernacle. This makes sense particularly because, as scholars have noted, the Tabernacle construction echoes the Priestly text of creation.[1] Carol Meyers draws attention to 'the skilled labor of female artisans'—for example, weaving—as being 'integral to the construction of the Tabernacle' (Exod. 35.25-26) (Meyers 2007: 522). Meyers also highlights the donations of jewelry (Exod. 35.22) and freewill offerings (Exod. 35.29) that are made by both 'men and women' (Meyers 2007: 526).

Furthermore, Bezalel the artisan fashions 'the laver of copper and its stand of copper from the mirrors of the women who served at the entrance of the Tent of Meeting' (Exod. 38.8). This suggestive verse has long inspired provocative commentary. Is this a moment when pious

1. Gorman 1993: 56; Hurowitz 1985: 21-30; Levenson 1998: 80-86.

women renounce physical beauty and instead contribute to the aesthetic of the sacred? As many a male commentator has fantasized, are these women cultic prostitutes? These 'women who serve at the entrance of the Tent of Meeting' (הנשים הצבאות פתח אהל מועד) (Exod. 38.8) serve God rather than men. Their existence is affirmed by mention of 'women who serve at the entrance of the Tent of Meeting' (הנשים הצבאות פתח אהל מועד) in 1 Sam. 2.22. Mayer Gruber teases out the implications of Exod. 38.8 with the observation that the verse 'may actually speak of women functionaries in the cult whose activity was similar to that of the Levites of the Book of Numbers'; the support for this idea is 'in the use of the same verbal root **צבא** to describe the service of the Levites in Num. 4:23 and Num. 8:24' (Gruber 1987: 36) as is used in Exod. 38.8 of the women's service.

While agreeing with Gruber about the implication of female functionaries, I suggest viewing the idea in light of a broader trend in P. P exhibits a certain degree of comfort with women's participation in cultic matters,[2] yet erases their presence when the character of the nation is at stake. The use of the same root **צבא** to describe the women at the entrance to the Tent of Meeting, the military service of Israelite men, and the labor of the Levites[3] in fact helps highlight the process through which women are made to disappear from the representation of the nation.

Once the materials are amassed and the enduring record of the Tabernacle's building becomes the issue, women's gifts and labor go unmentioned. In contrast, the materials used to forge the Tabernacle are metonymically linked with the record of the male Israelites. Because each man numbered among Israel contributes a half-shekel to the construction, the Tabernacle bears witness to their inclusion and sustains their memory (Exod. 38.25-26). The Tabernacle record also speaks of 'the work of the Levites under the direction of Ithamar son of Aaron the priest', the artistic labor of 'Bezalel, son of Uri son of Hur, of the tribe

2. Gruber also observes how women are encouraged to present offerings after childbirth in Lev. 12.6, the possibility of a woman Nazirite in Num. 6.1, and Lev. 15.29, 'also P, which speaks of the sin offering and the burnt offering to be presented by a woman who had recovered from an abnormal vaginal discharge' (Gruber 1987: 36-37). Judith Romney Wegner admits that women were permitted to engage in these religious activities, but astutely observes that 'none of these cases describes the women as coming 'לפני ה'' (Wegner 2003: 455). She notes how 'coming before the presence of God' functions in P texts as a designation of a sacred interior from which women are categorically barred (Wegner 2003: 454).

3. Meyers observes that 'the term seems to indicate the work of a support staff (rather than of officiating priests) that performed menial labor to maintain the sanctuary' (Meyers 2007: 536).

of Judah', and the carving, design and embroidery of 'Oholiab son of Ahisamach of the tribe of Dan' (Exod. 38.21-23). The attributions seem to encompass three subdivisions within Israel: the Levitical caste, the tribe of Judah, which may function here as a synecdoche for the Kingdom of Judah, and the tribe of Dan, which in turn synecdochally indicates the Northern Kingdom. But female participation does not make it into official records.

In contrast, the category of person that comes into relief at the completed Tabernacle is that of priests. Once the Tabernacle appurtenances are set and anointed, the Tabernacle officiants step forward:

> You shall bring Aaron and his sons forward to the entrance of the Tent of Meeting and wash them with water. You will robe Aaron in the holy vestments, anoint him and consecrate him so that he can be my priest. Bring his sons forward, dress them in robes and anoint them as you anointed their father so that they can be my priests. Their anointing grants them the priesthood for all their generations forever (Exod. 40.12-15).

The priests emerge as a category of person after the construction of the sacred space is complete. The bringing forward of Aaron and his sons to the entrance of the Tent of Meeting expresses their exceptional position in spatial terms. The acts of washing, dressing, anointing and consecrating further distinguish them from the ranks of ordinary Israel. It would seem that the Tabernacle is a cosmos in miniature forged in the name of a distinct class, the priests, who like male and female humankind come into being in order to inhabit and populate it. The Tabernacle is the priests' world for which they are created and blessed to self-generate. Priestly sons are taken for granted without acknowledgement of their mothers. At no point during priestly consecration is the existence of a female counterpart mentioned. In contrast to reproduction through the female that involves the time limits placed on human life, priestly reproduction continues 'forever' and simulates a manner of eternity. As the priests become increasingly associated with the Tabernacle and its interiors, an exterior develops with which the priests are contrasted. As the exterior becomes the space associated with Israel, the creation of the Tabernacle appears as an act that changes the nature of humankind.

The sacred space of the Tabernacle constitutes the center of the nation in the opening of the book of Numbers. Because the tribes are arranged in fixed positions along the circumference of the Tabernacle, they appear as constituent parts of a larger unified whole. The national configuration is clarified as Moses conducts a census, which, according to divine command, is to encompass all of Israel. The heads of everyone in the entire community of Israel (ראש כל־עדת בני־ישראל) are to be counted and situated according to clan (משפחתם), ancestral house (בית אבתם) and individual (Num. 1.2). The individual is singled out according to the

male exclusive term זכר, which seems long ago to have shed its female analog נקבה deemed necessary at creation. This means that 'the entire community of Israel' that becomes manifest through the census contains no women. The males who matter in this census of Israel are further narrowed down to 'those twenty years and older who will go out as the army of Israel' (Num. 1.3). These men are enumerated according to their military service (לצבאתם), a word with the same root as הצבאת, the women religious functionaries mentioned in Exod. 38.8. Where female service received fleeting acknowledgment in a text describing the nature and function of various Tabernacle instruments (Exod. 38.8), such service is effaced in light of the military service performed by men. The men's service in battle matters to the nation in a way that women's service cannot.

After the nation as military is numbered, an addendum notes who is absent from the roster:

> The Levites according to their ancestral tribe were not numbered among them for God had spoken to Moses, saying: Do not on any account enroll the tribe of Levi or take a census of them in the midst of Israel (Num. 1.47-49).

The definitive contrast between the Levites and the Israelites prevents the Levites from being classed within the category of Israel. The existential dimension of the separation is enforced in Num. 8.14 when God instructs Moses to separate the Levites from Israel (והבדלת את־הלוים מתוך בני ישׂראל), employing the same verb used in Genesis 1 for divine differentiation of the categories of creation (הבדיל). A spatial distinction accompanies the class differentiation: in the same way that the sons of Aaron were brought inward to the entrance of the Tent of Meeting in order to set them apart from the masses, the language here emphasizes that the Levites should never be counted 'in the midst of (בתוך)' Israel. Again the existence of the Tabernacle is the cause of separation. 'You shall put the Levites in charge of the Tabernacle of the Pact, all its furnishings, and everything that pertains to it…and they shall camp around the Tabernacle' (Num. 1.50). The Levites serve as a buffer between the holiness emanating from the Tabernacle and the common Israelites (Num. 8.19), and attend to the packing and pitching of the sacred tent.

In the Tabernacle outskirts anyone not of the tribe of Levi is marked as a stranger (הזר, Num. 1.51). The normative category in this space is that of Levi, and one can see how identity and place are mutually defined. The Tabernacle gains its sacred potency by its position at the center of the concentric spheres of encamped people. In relation to the priests closer in toward the center, the Levites constitute a periphery. However, insofar as the Levites are more proximate to the priests and

serve as guards of the Tabernacle's sanctity (Num. 1.53), they constitute a core contrasted with the Israelite margin. In the Tabernacle schema the Israelites are those people literally on the margins. Once the marginal position is occupied it seems there is neither room nor need for any acknowledgment of the female. This is the case throughout the first census in the book of Numbers.

True to the structuralist observation that within a symbolic system one binary can always stand in for another, another substitution follows that of 'Levites-Israel' for 'male-female'. Once the interior position of the Levites and the marginalization of the Israelites are mapped onto the order of the desert camp, the dichotomy of priests versus Levites emerges. Again the push to the margins feminizes the non-normative half of the pair, so that as the priests become the group selected for sacred duties the Levites become associated with Tabernacle housekeeping. One can imagine the various binaries of male-female, Levite-Israelite, priest-Levite stacking up, with each set overlaying the other or displacing the previous set. The ramifications of the displacement scenario are that the marginal position in each set gets pushed out further by the substitution, so that as Israelite assumes the position of female, the female is at a greater remove from the center, and so on until the priest-Levite dichotomy makes the female utterly imperceptible. But before judging whether or not this is the case, the impact of the priest-Levite distinction should be investigated.

As Numbers 3 recalls, the priests are those anointed sons of Aaron for whom the priesthood is guaranteed. The Levites thus belong to a second-order priesthood, as is made evident by the priestly position closer in toward the Tabernacle as well as by the duties performed by the Levites. The Levites are bound to 'serve' the High Priest (3.5), to 'perform duties for him and for the whole community' and 'to do the work of the Tabernacle' (3.7). Like a bride given by her father to her husband, the Levites are given to the priests (3.9)[4] who can then oversee their actions and claim their labor (3.10; 4.27; 8.19). The Levites, who are not priests, are defined in contrast to the priests as the outsiders, the strange (הזר, Num. 3.10, 38).[5]

The Levites are shown explicitly taking the place of the Israelites through God's claim that the service of the Levites is a fitting commuta-

4. ונתתה את־הלוים לאהרן ולבניו נתונם נתונם המה לו

5. I qualify Claudia Camp's reading that 'betwixt and between, the Levites in Numbers 3 are on the line: neither fully *zar* nor fully priest, they constitute the line between' (Camp 2000: 202). This is correct in the sense that the Levites provide a buffer between the priests and Israel. But an in-between status results from the fact that we are dealing with a chain of binary distinctions: priests/Levites/Israelites/women.

tion for the first-born sons of Israel (Num. 3.12, 41, 45; 8.16). The first-born belong to God due to their being spared during the final plague on Egypt (Exod. 13.12-13; Num. 8.17); the dedication of the Levites is one of the ways in which Israel compensates God. This declared substitution affirms that the Levites hold the place of Israel in the priest-Levite dichotomy. The substitution is further reinforced when the Levites are subject to a census of their own (Num. 3.14-16, 39; 4.21-23, 29-30, 34-49) and when their labor is designated with the verb צבא (Num. 4.3, 23, 30; 8.24) familiar from the military service expected of the Israelite males as well as that performed by the female functionaries of Exod. 38.8. The shift in operative categories creates a hierarchy in which priests oversee Levites who in turn hold sway over Israelite men who then are placed in a supervisory role over women, at the same time that the priests are designated as those who can regulate Levites, Israelites and women (e.g. Num. 5.15). The priests are not shown providing service (צבא) in the manner of Levites (Num. 8.24), Israelites and women; instead, the verb that describes their function is a variation of their title כהן.

In the book of Numbers, the dichotomy between Levites and priests is reiterated following the challenge to priestly pre-eminence posed by Korah the Levite (Num. 16). Aaron is assured that the Levites will be subordinated insofar as 'they will serve you and your sons when they are with you before the Tent of the Pact' (Num. 18.2). The Levites in turn seem so dependent on the hierarchy that it constitutes their very identity. In Numbers 18 God instructs Aaron to 'bring your brothers from the tribe of Levi, the tribe of your father, close to you so that they can be attached to you' (18.2). The verb for attachment here, ויִלוו, is the 'verbal form of the noun "Levite" ' (Dolansky 2007: 905).[6] Its conjugal dimension is epitomized when Leah names her third son Levi in the hope that 'now my husband will be attached to me' (Gen. 29.34). Such attachment can only stretch so far since the Levites cannot access the altar or its appurtenances (Num. 18.3).

The priestly hierarchy is spatialized according to a system of access. In the same way that the Levites acquire their identity by maintaining the courtyard and exteriors of the sanctuary, so the priests become what they are by offering sacrifices on the altar (Num. 18.7). Moving down the hierarchy, Israelites cannot approach any space beyond the entrance of the Tent of Meeting on penalty of death (Num. 18.22), and thus comprise the wider class that can stand at a place designated 'before the presence of God' (לפני יהוה). The very notion of exclusive classes defined by spatial boundaries may well build upon a first and fundamental

6. Milgrom notes that when ויִלוו is followed by *'el* or *'al* (*'al* is used in Num. 18.2), 'the attachment implies subordination' (Milgrom 1990: 147).

exclusion of women. Judith Romney Wegner has shown how even the Priestly texts that address women or assume female participation in the cult distance women from the sacred space of Tabernacle. She notes that 'the priestly use of the phrase לפני יהוה for the Divine Presence contemplates the public domain of Israelite worship into which males alone may enter and from which females are routinely barred' (Wegner 2003: 454). The larger social purpose that this serves, according to Wegner, is to keep women in 'their assigned "place" … the private domain of the culture where they would pose no threat to men's cultural enterprises in the public domain' (Wegner 2003: 453). While not contesting this conclusion, I would qualify it by observing how the exclusion of Israelites and Levites reproduces and reinforces the exclusion of women so that by the time 'the entire community' of Israel is represented in the book of Numbers there is no place for women in the national collective.

The opening census of the book of Numbers is based on the effacement of women, but it is the encroachment of a woman that motivates the book's second census. At Shittim on the East Bank of the Jordan a figure from well outside the Priestly spatial schema is brought into the sphere of the Israelites at the entrance to the Tent of Meeting (Num. 25.6).[7] A Midianite woman named Cozbi daughter of Zur with a pedigree within the tribal structure of Midian is escorted to the Israelite zone at the entrance of the Tent of Meeting by Zimri son of Salu who similarly is the son of a clan leader from the tribe of Simeon. As Claudia Camp has shown, the mixing of nations at work in this pairing troubles the Priestly order at the same time that it brings it into relief (Camp 2000: 212-15). The trouble reverberates through all spheres and derives from the fact that what should be kept well outside is instead brought inside. To begin with, a woman has not been seen anywhere near the Tent of Meeting since the nation constituted itself by camping around it. Women, who do not count within the national configuration of Israel, have no place in the Tabernacle environs. To make matters worse, Cozbi is a stranger who must be sacrificed because her presence contaminates the very sanctity of the entrance.

Who can save Israel from its wanton self-destruction? Only a true priest with the correct lineage leading back to Eleazar and Aaron. Phinehas the Priest distills the mixture of bodies and nations and atones for the trespass (Num. 25.13) through an act of violence that ironically simulates the very penetration that he aims to prevent. With his spear

7. The fact that this is an Israelite sphere is emphasized by the fact that Zimri brings Cozbi the Midianite woman 'to his brothers' (ויקרב לאחיו) as well 'before the eyes of the whole community of Israel' (לעיני כל־עדת בני ישׂראל) as they lament 'at the entrance to the Tent of Meeting' (פתח אהל מועד).

Phinehas stabs them both through their intimate zones, implying that he catches them in the act of miscegenation. This stepping up where Israel and Levi have failed reaffirms the ascendancy and perpetuity of the priesthood. According to Camp, 'the lineage of true priests and the identity of an Israel separate from "foreigners" are established in a stroke' (Camp 2000: 215). God pledges to Phinehas, ironically, his 'covenant of peace' (בריתי שלום, Num. 25.12). Such a covenant reiterates the eternal nature of the priesthood insofar as Phinehas and his sons are assured of 'a covenant of priesthood forever' (ברית כהנת עולם, Num. 25.13). Because of Phinehas's swift and violent disposal of the foreign woman, priestly eternity persists.

With the threat of female presence in check, the nation can again be enumerated. God instructs Moses and Eleazar son of Aaron the priest to conduct a census of the new generation (Num. 26.1-2). The appearance and subsequent removal of the foreign woman from the presence of the Tabernacle exerts an influence on this census: the Levites appear to be more attached to Israel than to the priests, and the category of the Israelite woman is reintroduced. I suggest that the transgressive introduction of the foreign woman into the Tabernacle structure and thus into the Priestly schema causes the binaries to realign. The opening census of Numbers moved from the outer position of Israel inward until reaching the priests. The men of Israel then formed the rim of the circle of inclusion. As I have argued, this depiction of the national collective is predicated on the absence of women. The account of Cozbi, Zimri, and their fleeting brush with the eros of the sacred introduces the new—albeit essential—periphery of the foreign woman.[8] Working inward from a new perimeter, the Priestly writers cannot leap from foreign woman to Israelite men because the story of Cozbi and Zimri illustrates the danger of such contact. The foreign woman must be contrasted with an acceptable category of woman, and such a class of women in turn must buffer the Israelite men. Thus the second census names specific female characters and concedes to a scenario in which women might find themselves as owners of land. Their potential ownership of land causes them to resemble Israelite men while distancing them, along with their male counterparts, from the Levites.

The second census concerns territorial allotment rather than transitional encampment. The dichotomies from the first census are maintained, yet contribute to a different spatial configuration. Levites are still differentiated from Israelites, not by position but rather by the fact that the Levites possess no territory. The differentiation is enacted in the census by the fact that the Levites are not numbered among Israel.

8. See Camp (2000: 191-226).

The Levites stand apart from Israel insofar as they will not be assigned land that operates as a placeholder of tribal identity (Num. 26.62). Their exceptional status is thus evident in the national configurations of Tabernacle encampment and homeland.

The census of Numbers 26 is also concerned with the number of military men, yet the word emphasizing maleness, זכר, is absent. It seems that the absence of this word makes way for the introduction of the acceptable category of women: daughters. The hierarchy implicit in the binary is made clear by the fact that we do not encounter 'daughters of Israel' (בנות ישׂראל) as counterparts to the 'sons of Israel' (בני ישׂראל), but rather daughters of particular tribal founders. In the census, the five daughters of Zelophehad (Mahlah, Noah, Hoglah, Milcah and Tirzah) (Num. 26.33), Serach the daughter of Asher (Num. 26.46), and Yocheved daughter of Levi (26.59) are all named. Yocheved, daughter of Levi, not surprisingly is of particular interest since she is also mother to Aaron, Moses and Miriam (26.59). Between the foreign woman and the Israelite man, then, is couched the category of daughters, a reduced assemblage to be sure and one likely circumscribed because of the trouble that biblical literature attributes to sisters and wives.

Such daughters, should they mind their place and marry within their tribe, can legitimately own land in the absence of brothers (Num. 27.8). The daughters of Zelophehad secure this right when they present their claim 'before Moses, Eleazar the Priest, the chieftains and all of the community at the entrance of the Tent of Meeting' (Num. 27.2). Their acceptability within the Priestly schema is illustrated by their permitted approach to the very place encroached upon by Cozbi. Although Cozbi was also a daughter (Num. 25.15), she proved the wrong sort of daughter. Indeed, the initiative of the five daughters secures the right of inheritance for them and for any other daughter who has no brothers, and thus the category of a particular type of Israelite woman figures in the Priestly portrait of Promised Land holdings. Daughters then have the potential under certain circumstances to be numbered among the nation.[9]

9. For the various ways in which national spaces, including domestic ones, are foreclosed to daughters and instead become sites of violence in the book of Judges, see Bal (1988). Bal proposes that daughters present the threat of annihilation to their fathers insofar as they will inevitably be transferred to another man, thereby becoming his body and property. Because they are destined to leave the father, they are not proper vessels for paternal memory. A similar anxiety among the kinsmen of the five daughters becomes evident when they insist that the daughters never marry outside of the tribe. Their departure from the tribal home would enable another tribe to absorb their lands and thus lead to the erasure of their father's memory (Num. 36.3-4).

At the same time, however, there seems to be a strategy at work that distances the inheriting daughters of Zelophehad from the center, or at least renders their patrimony ambivalent. In the book of Numbers, Mahlah, Noah, Hoglah, Milcah and Tirzah are linked through their ancestors Gilead and Machir to the tribal territory of Manasseh east of the Jordan River (Num. 27.1; 36.1).[10] These legitimate daughters are thus, in a sense, rendered strange. Transjordanian women like the Moabites encountered at Peor (Num. 25.1-5) present the threat of the foreign.[11] We have seen how the encroachment of foreign women necessitates the introduction of daughters into the Priestly national schema. However, through their land claim these very daughters become associated with the foreign and are thus relegated to the margins. The territory east of the Jordan falls outside of the Priestly parameters of the sacred land (Num. 34.12).[12] Although the five daughters receive the land in the right way according to P, it is the wrong land. Seen in this context, then, the five women gain a place for themselves in the

10. Josh. 17 contains an alternative genealogy that positions the patrimony of the daughters of Zelophehad west of the Jordan. Called 'daughters of Manasseh', they claim their portion 'in the midst of his sons' (Josh. 17.6). This tradition does not marginalize them in the manner of the P texts, and is substantiated by both extra- and intra-biblical evidence. Hoglah and Noah appear as place names in the Samaria Ostraca (Kallai 1986: 56), and Tirzah, mentioned in other biblical passages as a place ostensibly in the Northern Kingdom (1 Kgs 14.17, Song 6.4), is identified by scholars as Tell 'el-Far'ah near Nablus. Little can be said concerning the location of Milcah and Mahlah, although Tamara Cohn Eskenazi sees the site of Abel-meholah on the western edge of the Jordan as related to the name Mahlah (Eskenazi 2008: 972). That the tradition in Joshua contradicts the Priestly association of the daughters with the founders of the Transjordanian half-tribe of Manasseh perfectly demonstrates my point that the Priestly writers employ particular strategies of marginalizing women in the national collective. David Jobling's observations further the point insofar as he agrees that Machir, ancestor of the daughters, was historically of West Bank origin. All the same, Priestly texts locate Machir along with Zelophehad's daughters east of the Jordan. By associating Machir with the East Bank, P problematizes the inheritance of his female descendants and successfully moves them outside the zone of legitimate territory. Yet the daughters can be redeemed by transforming into the wives of their tribesmen (Num. 36). Although the tribe of Manasseh is split between the two riverbanks, the hope is sustained that the daughters will cross westward and thereby shed the taint of the foreign. This move could well be what is recorded in Josh. 17. See Jobling (1986: 117-19, 131). The fact that the marriage of Zelophehad's daughters to their cousins is the last act of the book of Numbers (Num. 36.10-12) shows that female ownership of land does not have the power to destabilize the male nation. The daughters have become wives and wives are imperceptible in the national collective.

11. See Jobling (1996: 106).

12. See Havrelock (2007: 660-64).

census (Num. 26.33) and in the land (Num. 27.7, 36.2), only then to be pushed beyond its boundary. Even a text like Num. 27.1-11 in which five daughters secure inheritance rights contains a strategy for marginalizing women, insofar as the lands that they inherit are situated beyond the Jordan River which is the legitimate boundary of the Land in the Priestly definition.

In Priestly texts the nation is stratified into three major groups: priests, Levites and Israelites. This political account of Israel stands in some degree of tension with Priestly configurations of the natural and the cultic. Because the category of female is operative at creation and in the construction of the Tabernacle, there is an implicit place for women in Israel. Yet the first census in the book of Numbers deploys tactics of displacement so that Israelite men and Levites alternately occupy the position of the female, thus pushing the very category outside the defining lines of the nation. This is what I have called the effacement of the female: the presence of women can be inferred but cannot be perceived. Because the category of foreign women constitutes a margin beyond that of Israelite women, the introduction of Cozbi, a foreign woman, into the desert camp necessitates the reintroduction of Israelite women as a buffer between Israelite men and foreign women. This reintroduction takes the form of daughters named in the second census. The daughters are recorded so long as they are daughters but the minute they become wives, it is as if they lose their place within the nation. The fact that female characters appear in Priestly narratives shows that women exist in the Priestly sense of the world, yet their relative absence from the censuses reveals an idea of the nation that is discontinuous with the natural. It is through male self-generation that the priesthood aspires to be eternal, and through an organization set apart from the female that Israel aspires to be a landed nation.

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Feeding the Green-Eyed Monster: Bitter Waters, Flood Waters, and the Theology of Exile

Diana Lipton

Lamentations Rabbah, an early midrashic commentary on the book of Lamentations,[1] describes the matriarch Rachel's successful attempt to persuade God to end the Babylonian Exile. Where Abraham, Moses and Samuel tried and failed, Rachel supplemented logic and rhetoric with an appeal to her own experience to convince God that jealousy is an emotion that he can overcome, and that, in any case, his jealousy is unfounded. The midrash moves between the plot of Gen. 29.21-30, where Laban's bride-switch provokes jealousy between Rachel and Leah, and prophetic passages, drawn primarily from Jeremiah, in which divine jealousy approximating that which might be experienced by a man who suspects his wife of infidelity, is posited as a cause of the Babylonian Exile.

> At that moment [when Moses had accused God of remaining silent while mothers and sons are killed on one day by Israel's enemies], Rachel our mother burst out before the Holy One Blessed Be He and said, Master of the World, it has been revealed to you that Jacob your servant loved me very much, and for me he served my father for seven years. When the seven years were complete, the time came for my marriage to my husband, but my father decided to give my sister to my husband in my place. This was extremely difficult for me; the plan was known to me, and I told it to my husband. But I gave him a sign by which he could distinguish between me and my sister so that my father would not be able to exchange me. But afterwards *I regretted* what I had done, *controlled my emotions*, and *behaved compassionately* towards my sister so that she would *not be humiliated* (*נכמרו רחמי עליה ואמרתי אני אעשה עמה חסד בשביל אחותי שלא תצא לחרפה*). That night he exchanged my sister for me for my husband, but I taught my

1. See Strack and Stemberger (1992: 310) for an argument for an early Palestinian origin based partly on the predominance of references to Palestinian rabbis, none of whom are later than the fourth century CE. Alexander (2008: 52-53) dates the basic compilation to the early fifth century CE.

> sister all the signs that I had taught my husband so that he would think she was Rachel. More than that, I went and lay under the bed where he was lying with my sister. When he spoke with her, she was silent, and I replied to whatever he said so that he would not recognize my sister's voice. I performed this *great kindness* towards her, and *was not jealous* of her, and did not *expose her to shame* (ונמלתי חסד עמה ולא קנאתי בה ולא הוצאתיה לחרפה). And if I who am but flesh and blood, dust and ashes was not jealous of my rival, and did not expose her to shame and humiliation, then You, the living King who is all compassion, *why are you jealous of idol worship in which there is no reality, exiling my children and exposing them to death by the sword* (מפני מה קנאת לעבודת כוכבים שאין בה ממש והגלית בני ונהרגו בחרב), since Israel's enemies can do as they wish. Immediately, compassion flowed through the Holy One Blessed Be He and he said, because of you, Rachel, I shall return Israel to its place, as it is written (Jer. 31.15) 'Thus said the LORD, a voice is heard in Ramah…' (*Lam. R.* 3.21).[2]

Lamentations Rabbah appears at first glance to add two important dimensions to the prophetic explorations of the divine/human marriage to which it alludes. First, it questions jealousy as an appropriate basis for divorce or separation; God, like Rachel, should have worked to overcome his emotions. Second, it suggests that God's jealousy was unfounded; whereas Rachel had a flesh-and-blood rival in the shape of her sister Leah, God had mere idols, blocks of wood and stone that he himself dismissed elsewhere as 'no-gods'. Although neither of these objections to God's behaviour over the Exile is explicit in the Hebrew Bible, I suggest that an awareness of the fundamental components of the discourse, and their implications, is already present. I see this awareness not in the first instance in the prophetic engagement with Deuteronomic divorce law (e.g., Isa. 50.1, Jer. 3.1-13; cf. Deut. 24.1-4) that forms the basis of *Lamentations Rabbah*, but rather in a web of Pentateuchal and prophetic texts that espouse, or aspire to, some measure of universalism.[3] These texts, I suggest, focus on a conception of marriage derived from a 'priestly' worldview,[4] and their Pentateuchal, legal intertext with respect to dysfunctional marriage is not Deut. 24.1-4, but Num. 5.11-31.

2. For a discussion of this midrash and its theology, see Linafelt (2000: 104-16).

3. By 'universalism', I refer here to an interest in nations other than Israel in their own right, and not merely as enemies of Israel or as agents of God's will in relation to Israel. In the case of priestly texts, this seems to me to take the form of taxonomy, that is, a concern with Israel's place in a larger system, where that larger system is a focus in itself. In prophetic texts, it seems to manifest itself in a concern with the implications of monotheism and with how other nations might relate to the one God. I see little full-blown universalism in the Hebrew Bible.

4. I use 'priestly' with a small 'p' to designate texts not necessarily from the Priestly School, but rather those with an essentially priestly worldview, in contrast to

Marriage and Divorce in the Hebrew Bible

While this is not the place for a detailed discussion of divorce and marriage in the Hebrew Bible, some preliminary observations are required.[5] First, as is well known, the very terminology of marriage and divorce is anachronistic in the context of the Hebrew Bible. Legal, contractual and other relationships between ancient Israelite men and women were (even) more varied, complex and fluid than those of our own time. My decision to speak of marriage and divorce, then, is strictly utilitarian; there is no elegant, or even straightforward, alternative. Second, the Hebrew Bible is not homogeneous concerning 'marriage' and 'divorce'. To simplify for the sake of clarity, two basic paradigms are evident—the broadly Deuteronomic and the essentially priestly.[6] Neither school has an explicit mission statement on marriage and divorce, and both pay more attention to 'divorce' than to 'marriage'. Nevertheless, it is possible to sketch their perspectives as follows. Deuteronomic 'marriage' is a legal construct based on specific actions and events. It is highly conditional and has an identifiable beginning and possible end (divorce). Just as marriage is not discussed explicitly in its own right, neither is divorce. Divorce is raised in the context of remarriage: should a divorced woman 'marry', or perhaps even have sex with, another man following the delivery into her hands of a letter of separation written by or on behalf of her husband, she will render her first husband forever off-limits to herself (Deut. 24.1-4).[7] The lives of Deuteronomic children may reflect the behaviour and actions of their parents, but they have scope to affect their own destinies by acting or behaving differently. The basic priestly marriage paradigm, by contrast, is articulated most clearly in Genesis 1–3. This account, especially when read in the light of early Jewish interpretations that posit an original androgynous being subsequently divided into two sides,[8] implies that couples are created when a man discovers his original 'other half'. Not surprisingly, there is no room for divorce in this paradigm; the closest approximation in priestly texts to the divorce provisions in Deut. 24.1-4 is Num. 5.11-31 ('Bitter Waters'), but 'Bitter Waters' is not so much a legal response to a dysfunctional marriage as a

texts with a broadly Deuteronomic outlook. In brief, I characterize the Deuteronomic outlook as law-based, historical, national, particularist, conditional, and open to change; and the priestly worldview as a-historical, ethnic, eternal, and universalist.

5. For a detailed historical/sociological treatment of this subject, see Instone-Brewer (2002).

6. I discuss this contrast in greater detail in Lipton (2008: 239-44).

7. On this law, see Tigay (1996: 220-22).

8. I find this the most plausible reading of the biblical text. Levinas (2004: 161-77) analyses the rabbinic texts that read the Genesis creation accounts thus.

ritual and psychological response, and, crucially, it makes no provisions for the marriage's termination.[9] A priestly marriage can cease to function, but it cannot end. The status of priestly offspring is determined by their parentage, so that descendants of an incestuous union, for example, are permanently, or semi-permanently, tainted.[10] In the priestly worldview, nature, not nurture, is the order of the day.

Marriage as Metaphor

The Hebrew Bible's view of marriage and divorce has broader significance in two related areas. First, it overlaps with, and indeed shapes, biblical conceptions of national and/or ethnic identity;[11] and second, it is the source of one model of God's relationship with Israel. Both are relevant to this article, but I begin with the second. It is uncontroversial to claim that the marriage metaphor for God's relationship with Israel permeates the Hebrew Bible, and that this metaphorical marriage is related, especially in prophetic texts, to texts that describe marriages, or more often, marital problems, between men and women.[12] I make the more controversial claim that the texts that describe relations between men and women, even (respectively) legal and ritual texts such as Deut. 24.1-4 and Num. 5.11-31, show awareness of this metaphorical application, and may be responding to it. In other words, the intertextual engagement occurs in two directions. Readers who assume that the Pentateuchal texts in question reflect the sociological *realia* of ancient Israel may find this notion hard to accept. As I read them, however, legal/ritual texts on the one hand, and prophetic texts on the other, share the common endeavour of ordering the world as well as describing and explaining it. On this view, the Bible is at least as likely to respond legally and ritually to the metaphorical marriage between God and Israel as to actual marriages between men and women.

Marriage, Land and Identity

Both Deuteronomic and priestly conceptions of marriage and divorce correspond to their adherents' perceptions of the formation of national

9. See Milgrom (1990: 37-43).

10. The Moabites and Ammonites, for example, following their incestuous origins in Gen. 19.26-38.

11. For a treatment of this in a modern context, see Carter (2008).

12. Michael Fishbane has provided an excellent overview of the metaphorical marriage between God and Israel, its sources (Israelite and non-Israelite), its theological applications, and its use of the language and imagery of Pentateuchal legal material, especially that drawn from Num. 5.11-31 (Fishbane 1999).

and ethnic identity and its relationship to the land.[13] According to the Deuteronomic worldview, Israel is a national entity with a legal (Sinai) and a historical (Exodus from Egypt) basis. Israel's relationship to the land is at once necessary and conditional. Just as the people entered the land at an identifiable fixed point, so they can be expelled, but expulsion would threaten their very existence. Israelite identity is dependent, at least in part, upon being resident in the land or aspiring to return, but it is also dependent on historical events, usually subject to change consequent on other historical events. The exception that proves the rule is Amalek, whose Deuteronomic identity is fixed by a historical event—what Amalek did in the wilderness (Deut. 25.17-19)—but which can never change; Amalek is Israel's permanent enemy. Future generations of Deuteronomic peoples are certainly affected in this way and others by their ancestors, but it is the *behaviour* of their predecessors that is determinative, not the circumstances of their national origins. So just as Deuteronomic marriage is event-driven, legal, conditional and potentially finite, so Israel's relationship with the land, and the particular identity that this instils, is historical, legal, conditional and potentially finite. The priestly perception of Israel's relationship to the land, and the identity that is derived from it, likewise corresponds to the priestly conception of marriage. Israel's claim on the land is eternal and unconditional (Gen. 9.16; Lev. 25.42); exile is but a temporary dislocation. Yet identity is not entirely dependent on being in, or wanting to be in, the land—not, at least, for those 'universalist' priestly writers for whom the whole earth is God's. Just as priestly marriage has a biological basis (one divided creature being reunited), with no legal component, no foundational 'event', and no possible end (just potential dysfunction), so the priestly notion of Israel's claim on the land is not based on a historical event, and is not legal or conditional.

Divorce and Exile from the Land

The conceptual parallel between divorce and exile fits perfectly in a Deuteronomic worldview. Just as human anger could have disastrous consequences in the context of marriage Deuteronomically defined, so divine anger was potentially fatal in the context of the covenant between God and Israel. A single act—the delivery of the divorce document—executed by a husband in the heat of the moment could end a marriage. If this was followed by a wife's 'infidelity' (not quite the right term since

13. This relationship is by no means unique to biblical Israel. For a discussion of marriage and political organization in a very different social and historical setting, see Carter (2008).

she was by now divorced), there was no way back; she had rendered herself permanently off-limits for her former husband. When the Babylonian Exile is conceptualized as a divorce, Israel's worship of Babylonian gods (equivalent to sex with other men) was disastrous, forever precluding the renewal of God's contractual relationship.[14] However, the divorce/exile equation fits poorly in a priestly worldview, especially one that espouses anything approaching universalism. A priestly marriage, as we have seen, can cease to function, but it cannot end. Land, meanwhile, is not Israel's possession but God's, which, paradoxically, entails that, having never actually possessed the land, Israel cannot lose it. Moreover, since the whole earth is God's, exile cannot constitute a sending away/divorce, as it does in Deuteronomic thought. So I suggest that in place of the Deuteronomic concept of divorce, 'Bitter Waters' functions within the priestly worldview as a vehicle for reflection on the divine/human, husband/wife metaphor, the key difference being that it does not involve an expulsion or a termination, but focuses on feelings and changes of state. Partly for this reason, and partly because, in its most intense form, the priestly worldview requires a universalist backdrop, the divine/human scenario that is equivalent to the husband/wife scenario presented in 'Bitter Waters' is not played out directly in terms of exile. Instead, it is expressed via the Flood, a punishment that pertains to the whole earth (and is thus compatible with universalism), entails no sending away, involves no enemy or human agent of divine anger, and into which restoration, in the form of the survival of a remnant, is built from the outset.

Bitter Waters, Flood Waters

My suggestion here is that the author/redactor of 'Bitter Waters' used the structure, imagery and theology of Gen. 6.1–9.17 ('Flood') to make the husband/wife paradigm —his most plausible starting-point—relevant to the divine/human relationship.[15] Elsewhere I have tried to show structural and textual links between 'Flood' and Ezra's expulsion or (as I think) ritual divorce of foreign women (Ezra 9–10).[16] There I speculated

14. I offered this reading in Lipton (2007b: 1185).

15. See Milgrom (1999: 475-82) for a discussion of the composition history of this text. Milgrom follows M. Fishbane and H.C. Brichto, against most other modern critics, in seeing 'Bitter Waters' as a unified work, although he argues for two additions, vv. 21 and 31, which he regards as keys that 'unlock the redaction and meaning of the text' (Milgrom 1999: 475). My reading here is based on the text in its final form, though I see that to read it source-critically to some extent would nuance, and might even strengthen, my exegesis.

16. See Lipton (2008: 214-44).

that the redaction was bi-directional, and that just as Ezra owes structure and imagery to Genesis, so Genesis was edited in the light of Ezra. For example, the link with Ezra provides two possible explanations for the two systems of dating for the stages of the Flood specified in Genesis 8, one of which includes dates identical to those given for the different stages of Ezra's expulsion of foreign wives.[17] This could indicate either that the author of Ezra recognized in 'Flood' a feature that was extraneous or inconsistent (two systems of dating where one would have sufficed) and used one of them to highlight the connection; or, alternatively, that the Genesis 'Flood' redactor incorporated dates from Ezra to highlight the connection from the other end. In the case of a possible intertextual relationship between 'Flood' and 'Bitter Waters', it seems unlikely that the connections are two-directional. Rather, 'Bitter Waters' is more plausibly the later of the two texts, combining elements of known ancient Near Eastern rituals with language and imagery from 'Flood', and perhaps also from prophetic sources, to create a priestly alternative to the Deuteronomic divorce law. If I am correct, the form of Numbers 5 available to us already incorporates a theological dimension involving God, people and the land. I shall now work through key elements of 'Bitter Waters', showing how they relate to and are illuminated by reference to 'Flood'.

a. *The Source of the Problem*

Often termed 'the law of the suspected adulteress', but much better identified (as it labels itself, v. 29) as 'the law of the jealous husband', Num. 5.11-31 describes the treatment of a woman whose husband suspects her of a crime that she may or may not have committed. The root problem addressed in 'Bitter Waters' is thus not infidelity, but jealousy. Whether or not the jealousy is founded is irrelevant, and both scenarios—guilty or innocent wife, 'who has…or has not defiled herself' (Num. 5.14)—are played out. There is a sense in which this lack of interest in the woman's guilt typifies the priestly worldview in general. Few accounts of priestly mechanisms for dealing with sin entail an investigation of the crime committed and its possible perpetrator. Instead, emphasis is placed on the removal of the consequences of the crime (divine punishment manifested in failed harvests, infertile marriages and so forth). Thus, the failure of 'Bitter Waters' to specify at the outset whether or not the woman is guilty may reflect not a different narrative priority (the husband rather than the wife), but the priestly worldview's theological prioritizing of effects over causes.

Turning now to 'Flood' in particular, several parallels between 'Flood' and 'Bitter Waters' help to make sense of 'Bitter Waters' over and above

17. For a chart setting out the different stages, see Skinner (1910: 167-68).

the appeal to priestly perspectives in general. First, the Genesis redactor diverts attention from the underlying cause of the Flood by offering between two and six explanations for it: inappropriate sex between divine and human beings (Gen. 6.1-4); human wickedness (Gen. 6.5a); man's evil inclinations (Gen. 6.5b); the corruption of the earth (Gen. 6.11); human corruption (Gen. 6.12); and violence or lawlessness (Gen. 6.11, 13). The abundance of possible causes—any one or any combination of these six could constitute an explanation—creates the sense that there is no explanation.[18] Second, even if it was possible to reconcile these two to six causes, the ultimate cause of the Flood is arguably none of the above, but rather God's response to them. Here too, the narrative in its final form generates uncertainty by offering more than one account. To some combination of inappropriate sex, man's wickedness, and man's evil inclinations, God responds with regret (Gen. 6.6a) and sadness (Gen. 6. 6b), promising to blot out all living creatures (Gen. 6.7). To some combination of corruption (of earth or people) and violence, God reports to Noah his decision to destroy all flesh *and* the earth (Gen. 6.13). The highly anthropomorphic tenor of both accounts (see also the reference to God's future intentions in Gen. 8.21) further underlines that it is less what humans did that caused the Flood than how God felt about what they did. In their different ways, then, both 'Bitter Waters' and 'Flood' focus on the feelings of the injured party, rather than on the precise details of the crime committed.

There remains one important point to make about God's feelings. From our contemporary perspective, the emotions of jealousy and anger are quite different from each other. As Fishbane points out precisely in relation to 'Bitter Waters', however, they were not always seen thus. Biblical jealousy, he suggests, corresponds closely to the definition of *A New English Dictionary* (1901), whose 'inclusive sense of this term was one of attentive, zealous concern for (personal) prerogative or possessions… By extension this may involve or include fury, anger, and passion' (Fishbane 1999: 493). Anger, then, the predominant emotion that led God to flood the earth, is not so far removed from jealousy, the emotion that led a man to subject his wife to a humiliating public ordeal involving water.

b. *Agency and Intervention*

A side-effect of the priestly prioritizing of effects over causes is that it allows for third-party intervention. A worldview (such as the Deuteronomic one) that emphasizes responsibility, and thus culpability, is unlikely to produce a system in which a priest or a substitute compensates

18. Greenstein (1982: 114-25) makes this point about how Joseph came to Egypt.

for a crime in place of the guilty party; but this is precisely what happens in Num. 5.11-31. The priest features in 'Bitter Waters' when the jealous husband brings his wife, initially to make an offering (Num. 5.15), and subsequently for the bitter waters ritual (Num. 5.16-22, 26). Both husband and wife are henceforth marginalized in 'Bitter Waters'; the priest plays the pivotal ritual roles, and effectively manages the couple's relationship. The suspected adulteress remains almost entirely passive (Num. 5.30), neither insisting on her innocence, confessing, offering evidence, or promising to change her behaviour. While this may be indicative of no more than the authors' attitude towards women, it dovetails both with general priestly cultic practice as described elsewhere (e.g. Lev. 4–6),[19] and, more significantly, with the dynamics of priestly covenants, which are not typically conditional on present or future good behaviour (Gen. 9.12-17; 17.15-19).

As noted above, the interplay of people and land begins immediately in 'Flood'; people commit crimes, but the punishment is played out on the land. This is reflected in 'Bitter Waters' by the focus on the woman's body—emphasized by her passivity, and by the graphically described physical effects—as the arena in which both punishment and cure are executed.[20] In another episode in Numbers in which a woman commits a crime and is physically afflicted (Miriam in Numbers 12), a physical movement results in a changed status (Miriam is sent outside the camp to recover from 'leprosy', Num. 12.14, and indeed, Numbers 5 opens with an instruction to remove from the camp anyone with discharge, v. 2). 'Bitter Waters', by contrast, is performed on a single stage. All the action takes place in the Tabernacle (Num. 5.17), and afterwards the woman remains 'in the midst of her people' (Num. 5.27), regardless of the outcome of the test.

c. *Waters, Still…*

The equation of bitter waters and flood waters is supported by Frymer-Kensky's suggestion (partly following Lambert) that the verb translated 'to swell' in Num. 5.22 (ובאו המים המאררים האלה במעיך לצבות בטן ולנפל ירך) parallels the Akkadian *sabu*/*sapu*, 'to soak, flood', used in Old Babylonian letters in the sense of saturating the soil (Frymer-Kensky 1999:

19. Lev. 5.5 does include a term often translated as 'confession', but it is by no means clear that this is an appropriate translation, or that 'confession' carried then the freight it bears now.

20. This emphasis finds support in many recent treatments; see, for example, Chapman (2004) and Bahrani (2008). For an article on rabbinic bodies and gender containing many valuable insights that can be applied more widely, see Fonrobert (2007).

468). In their original context, presumably an ancient Near Eastern divinatory ritual, the bitter waters were no doubt intended to determine guilt or innocence. But in the 'Bitter Waters' ritual of Numbers 5, the divinatory aspect is insignificant. First, as noted above, the formulation of Num. 5.14 ('the woman who has defiled herself', and 'although she has not defiled herself') makes the woman's guilt effectively irrelevant. Second, the meal offering—initiated in advance of the bitter waters ritual (Num. 5.15)—presumes guilt, 'for it is a meal offering of jealousy, a meal offering that recalls wrong-doing' (Num. 5.15, 25-26), and it is made *before* the woman drinks the water. Why proceed with the divinatory ritual once the priest has dealt through an offering with both the woman's possible guilt and the husband's jealousy? One answer is that waters that began as an ancient Near Eastern test of guilt metamorphosed in priestly hands into a solution to the problem. This represents another parallel with 'Flood'. The waters of the Flood function simultaneously as a punishment and a cure. In this respect, they resemble exile, which is both a punishment and the mechanism that preserves God's damaged relationship with Israel, initiated by God, but executed by an enemy nation. Exile permits purification through separation (a movement from one place to another resulting in changed status), after which a purged remnant is permitted to return. The Flood works both similarly to and differently from exile. There is no separation; the waters simply destroy all but a remnant that survives to provide continuity. This shift to a flood from a punishment involving expulsion not only makes sense, but is logically necessary in the context of full-blown priestly universalism. Once the whole world requires a cure (whence expulsion?), and once universalism renders problematic the use of nations as agents of divine punishment against each other (God is the god of all peoples), exile no longer fits the bill. Natural disaster is an obvious replacement. I see the Flood replacing exile as a priestly-universalist cure for the damaged relationship between God and Israel, and 'Bitter Waters' replacing divorce as exile's metaphorical/legal/ theological equivalent. The bitter waters ritual might thus have been adopted as the basis of the priestly equivalent to Deuteronomic divorce because of its parallel use in ancient Near Eastern marital relations, and because of its structural equivalence to the purging/healing waters of the Flood.[21]

A third factor might also be brought to bear. Fishbane sees allusions to 'Bitter Waters' in several prophetic texts, some dealing with Israel's infidelity, and some addressing the nations in a dramatic reversal (the nations will now drink from the cup of wrath that God once gave to

21. This corresponds interestingly with a point made by Sasson (1999), who finds ancient parallels for waters that were at once a source of blessing and a curse.

Israel) (Fishbane 1999: 496-97). Central to Fishbane's analysis here is the figure of a cup (Ezek. 23.28-31, 32-34; Jer. 25.15; 49.12; 50.22), which, it must be said, does not feature in 'Bitter Waters', where an 'earthenware vessel' is specified (Num. 5.17), nor in the cuneiform parallels Fishbane mentions (Fishbane 1999: 494-95). Nevertheless, the connections are intriguing (especially since the prophetic cup is associated with judgment), and one might ask whether the cup motif in prophetic theology had another source, and its prominence played a role in the formulation of 'Bitter Waters' rather than the other way around.

d. *Memory*

That the offering made by the 'Bitter Waters' priest is designated as a memorial of wrong-doing (מנחת זכרון מזכרת עון, Num. 5.15, 18) is difficult to explain in the context of cultic offerings. Not only does it have no obvious precedent or parallel, but, as noted above, it prejudges the outcome of the test.[22] If no wrong has been done, why make an offering that recalls a wrong-doing? Viewed in theological-literary terms, however, the allusion to memory allows the author/redactor of 'Bitter Waters' to incorporate an important motif of 'Flood' in particular and priestly covenant accounts in general. Descriptions of actual or predicted disruptions in God's relationship with Israel often conclude with a reference to memory. The threatened exile at the end of the Holiness Code concludes with a reminder of the patriarchs (Lev. 26.42), while 'Flood' ends with the sign of the rainbow as the reminder/memorial that will prevent God from destroying the earth in future. Memory functions in these and other cases to heal the rift, emphasizing variously that the relationship has a solid foundation (a promise to the patriarchs) that enables it to withstand temporary dysfunction; that the erring partner has been punished once for the same crime, and since nothing has changed in the meantime, repeated punishment is futile (God's promise never again to destroy the earth after the Flood, Gen. 8.21); that since the erring partner was tried once and found innocent, future punishments for the same suspected crime would be inappropriate ('Bitter Waters'); and that the wronged covenantal partner punished disproportionately his opposite number and cannot repeat it. I shall return to this last suggestion shortly, but in the meantime I

22. Milgrom (1990: 38-39) relates the 'meal offering of remembrance' to 1 Kgs 17.18, where the widow of Zarephath claims that Elijah has come to 'expose' (thus Milgrom) her sin. He could also have mentioned the Pharaoh's cup-bearer in Gen. 40.9. Neither, however, indicates that exposure of sin, rather than memorial, is intended in Num. 5.15, where we find both the term מזכרת that might mean 'mention' or 'expose', and the term זכרון that clearly evokes memory.

suggest that the author of 'Bitter Waters' identified the meal offering as a *memorial* of wrongdoing in part to evoke this component of priestly covenants in general and 'Flood' in particular.

e. *Renewed Fertility*

Commentators have long noted the confusing claim that concludes 'Bitter Waters': an accused woman vindicated will 'bear seed' (Num. 5.28).[23] Since 'Bitter Waters' is a ritual response to jealousy and suspected adultery, not an infertility treatment or a pregnancy test, why is this notion introduced?[24] In an ingenious use of the Bible, the Babylonian Talmud (*Ber.* 31b) has the biblical Hannah (1 Samuel 1) parody this claim. Frustrated that God has not given her a child, she creates a mock-'Bitter Waters' situation by locking herself into a room with a man and a witness and, once proven innocent of adultery, demands that God allow her to become pregnant in accordance with his promise regarding the 'Bitter Waters'. Again, however, a seemingly incongruous element of 'Bitter Waters' makes sense in the light of priestly covenants in general and the 'Flood' in particular. Just as a reference to memory offers reassurance that there will be no (immediate) repetition, so the reference to fertility (especially since 'seed' is the term used here to designate offspring) underscores the links between the 'Bitter Waters' and priestly covenants. The reference to the woman's fertility also serves to demonstrate that the post-water seed is untainted by sin or suspicion. This fits well with the explanation for the Flood that emerges from its juxtaposition with the account of illicit unions between divine and human beings in Gen. 6.1-4. 'Flood' ends with the assurance that life will go on, triply confirmed, including by a reference to agricultural fertility (Gen. 8.22) (the other confirmations are sacrifice, Gen. 8.20-21, and the reminder/memorial, Gen. 9.14, 16). Finally, the swelling of highly anthropomorphized waters (Gen. 7.18, 24, where the root *g-b-r* evokes masculine strength and virility) on the earth, immediately following the reference to the male and female animals that will continue life after the Flood (v. 16), hints at the land's future fecundity, even as the waters are at present dominating the land (Gen. 7.19). This may be reflected in 'Bitter Waters' in the water and dust from the Tabernacle floor (Num. 5.17), especially given the sense in which the Tabernacle already func-

23. NJPS renders this 'able to retain seed', following from its implication that the ritual does not cause lasting damage to the woman.

24. Frymer-Kensky (1999: 467) offers various explanations, from the naturalistic (this was a term for conception, not delivery) to the supernatural (the woman conceived from the mixture of bitter waters and dust from the tabernacle floor).

tions as a microcosm of the universe,[25] and the fact that a mixture of moisture and dust is a pre-condition of the creation of humans in the second creation account (Gen. 2.6-7).

f. *Guilt Removal*

Returning now to where I began—the justice or otherwise of God's punishment of Israel by means of the Babylonian Exile—can the intertextual reading I have offered here be construed as a commentary on God's behaviour? In twenty-first-century eyes, 'Bitter Waters' is unjust and inhumane, but this is not a case of mismatch between ancient and modern sensibilities. Even the earliest rabbinic commentaries are at pains to point out that the ritual was never carried out. The bitter waters ritual humiliates a woman regardless of her guilt or innocence, changes nothing in reality, and serves simply to relieve a jealous man of destructive negative feelings towards his wife. Once 'Bitter Waters' is linked to Genesis 6–9, it raises all the same questions about the Flood. To be sure, the parallel is not perfect; while the woman in 'Bitter Waters' may have been entirely innocent, some members of the generation of the Flood were guilty of violence and/or lawlessness. Yet was God's seemingly indiscriminate destruction of all life beyond the tiny remnant required for its continuation any more than a mechanism for relieving his hostile feelings towards his own creation? Was his promise that he would not repeat the exercise, with the implication that it was futile from the outset, an admission that the Flood was misconceived? Here an intertextual reading between 'Bitter Waters' and the Flood seems to me both to open the door for the kind of criticism found much later in *Lamentations Rabbah*, and to put on a chain that prevents the door from opening too far. The chain is constituted by the closing verse of 'Bitter Waters': 'The man shall be clear of guilt, but that woman shall suffer for her guilt' (Num. 5.31). Various interpretations of this verse suggest themselves, but among them is the idea that the man will not be held responsible for publicly humiliating his wife without cause. Can the same principle be applied to God? Even if the Flood was deserved by some, and even if it preserved a remnant, the punishment was arguably disproportionate. Yet God, we might infer from the closing words of 'Bitter Waters', cannot be blamed. I am well aware that this sounds speculative, to say the least, but I will draw this to a close with a third inner-

25. Sarna (1991: 156) outlines in brief the connections between the Exodus tabernacle narrative and the Genesis creation narrative. See also Hurowitz (1992: 242). Hurowitz does not see an explicit connection between these texts, but sees a reflection here of widespread ancient Near Eastern traditions of describing the cosmos as if built like a temple.

biblical intertext that suggests that the two I have explored here should be taken seriously, along with the implications, exegetical and historical, that they raise.

A Prophetic 'Bitter Waters'/'Flood Waters' Intertext?

A rare biblical reference to the Flood waters outside Genesis occurs in Isa. 54.1-10. The context is God's reconciliation with Israel following the Exile, presented as the reunion of an estranged husband and wife:

> Shout, O barren one, you who bore no child! Shout aloud for joy, you who did not travail! For the children of the wife forlorn shall outnumber those of the espoused—said the LORD. [2] Enlarge the site of your tent, extend the size of your dwelling, do not stint! Lengthen the ropes, and drive the pegs firm. [3] For you shall spread out to the right and the left; your offspring shall dispossess nations and shall people the desolate towns. [4] Fear not, you shall not be shamed; do not cringe, you shall not be disgraced. For you shall forget the reproach of your youth, and remember no more the shame of your widowhood. [5] For He who made you will espouse you—His name is 'LORD of Hosts'. The Holy One of Israel will redeem you—He is called 'God of all the Earth'. [6] The LORD has called you back as a wife forlorn and forsaken. Can one cast off the wife of his youth?—said your God. [7] For a little while I forsook you, but with vast love I will bring you back (ברגע קטן עזבתיך וברחמים גדלים אקבצך).[8] In slight anger, for a moment, I hid My face from you; but with kindness everlasting I will take you back in love—said the LORD your Redeemer (בשׁצף קצף הסתרתי פני רגע ממך ובחסד עולם רחמתיך אמר גאלך יהוה).[9] For this to me is like the waters of Noah: as I swore that the waters of Noah nevermore would flood the earth, so I swear that I will not be angry with you or rebuke you. [10] For the mountains may move and the hills be shaken, but My loyalty shall never move from you, nor My covenant of friendship be shaken—said the LORD, who takes you back in love.

The appeal to the waters of Noah in the context of a marriage is important. The author of Isaiah 54 shares with the 'Flood' narrators a universalist perspective, everywhere in Genesis 6–9 and explicit in Isa. 54.5 ('God of all the earth'), and this is reflected in his description of the broken and repaired marriage between God and Israel. In sharp contrast to the parallel texts in Jeremiah alluded to in the *Lamentations Rabbah* midrash, there is no physical sending away and return, and significantly, neither divorce, nor anything approximating it, is mentioned. Instead there is abandonment, equated not with movement but with a changed status on the part of the woman (barrenness and widowhood versus fecundity and the promise of future security), and, on God's part, with a turning away of the face (a change of direction, but no change of position). By associating the Flood with marriage, the author of Isaiah 54 intensifies the presence of the priestly perception of marriage that has been my

concern here. At the same time, he emphasizes the extent to which the Flood was caused by a divine emotion, not by human sin. Indeed, Israel's crimes are not even mentioned, and her status as an innocent victim of God's hot temper is underlined. It is impossible to know whether or not this prophetic author knew 'Bitter Waters' (Fishbane [1999: 496] thinks perhaps he did, and I would like him to be correct), but his bringing together of notions of exile, punishment, marriage, divine feelings (as opposed to human actions), and the waters of the Flood are at the very least a response in the same spirit.

God as Reader

One (at least) vital question remains: for what end(s) did biblical authors create these intertexts? Modern commentators assume that biblical authors wrote for a contemporary human audience, perhaps with an eye to future generations. I speculate, however, that biblical authors often intended to address and affect God; that indeed God was sometimes their more significant audience; and that they sought to influence God through texts, including prophecy, law, narrative, and history, much as their descendants hoped to influence God through liturgy.[26] As I read it, the *Lamentations Rabbah* midrash with which I began is constructively criticizing God with the aim of changing his future behaviour, and praising Israel, with the aim of strengthening her commitment to God. Many exegetes of that particular midrash, and of others like it, would read it similarly. In this paper, I have tried to identify a similar set of aims and concerns, embodied in a markedly similar context, within the Hebrew Bible itself.

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The Problem with Sisters: Anthropological Perspectives on Priestly Kinship Ideology in Numbers

Claudia V. Camp

I propose to use two quite different anthropological models to analyse the complex portrayal of purported kin relations in Numbers as a mythic rendition of priestly struggles for power and identity in the Second Temple period. In the book of Numbers, the priesthood imagined as a band of brothers[1] stands in tension with the story of priestly patrilineage, but both constructs deploy—and founder on—the necessary and troublesome presence of women, especially sisters. I will begin with a structuralist theory of myth, one that sees in important cultural narratives such as those in the Torah an attempt to resolve fundamental contradictions in culture, though 'resolution' is often as much a matter of masking as of healing.[2] In the second part of the paper, I use a comparative cultural approach to relate the gender dynamics of Numbers to the processes of state-formation in the colonized context of Second-Temple Yehud.[3]

1. *The Priesthood as a Band of Brothers*

a. *A Structural-Anthropological Model*

Seth Daniel Kunin's structuralist anthropological reading of the Genesis family narratives (Kunin 1995) shows how they mythically wrestle with

1. The phrase 'band of brothers' alludes to the Home Box Office miniseries, based on a book of that title by Stephen E. Ambrose, about a World War II US Army airborne unit. I found the show's portrayal of how men of different backgrounds come to regard themselves as kin, over against the enemy outsider, an illuminating way of thinking about the construction of fictional brotherhood in the biblical narratives.

2. This section of the paper condenses and re-frames for the current context an argument I made in Camp (2000: 227-78).

3. A fuller version of this argument will appear in Camp (forthcoming).

and suppress a basic contradiction: the notion on the one hand that all humans are descended from a divinely created common ancestor, and the affirmation on the other hand that God has chosen one patrilineage alone—that is, the line of Abraham—for a special covenantal relationship. The divine choice of Abraham is doubly problematic. It is arbitrary in relation to all the brother humans God has created, and it raises the problem of endogamy in a profound way: how can this chosen family remain set apart without committing itself to incest?

Kunin argues that the solution to the incest dilemma is found in stories that mythically construe the chosen *wives* as *sisters* to the men of promise. The so-called wife-sister stories of Sarah and Rebecca and the alternative rendition involving Jacob's marriage to two sisters, Leah and Rachel, are narrative expressions of a mythic deep structure that allows the family line to remain unsullied by outsiders at that level while still *practising* a socially acceptable exogamy. Only after the wife has narratively become a sister in each generation can the next child of promise be born.

I cannot recount in detail here Kunin's discussion of the problem of arbitrary chosenness, but this dilemma is not easily resolved. In the first three generations, lines between the chosen and the rest are fairly clearly, but increasingly arbitrarily, drawn. First a nephew (Lot), then a half-brother (Ishmael), then a full brother (Esau) are cut off from the chosen lineage. 'With Jacob, the segmentary process ceases. All Jacob's children are inside, and are opposed to all other nations' (Kunin 1995: 134). The mythic drive to segmentation does not cease, however, Kunin argues; it manifests in the next generation as a conflict between Jacob's sons. 'Although on a narrative level all the brothers are "inside", that is, they are all part of Israel, on a structural level the myth continues to develop the opposition of chosen [now Joseph] versus non-chosen [the other brothers]' (Kunin 1995: 143-44). The story's trajectory thus turns from the passing on of the patrilineal seed to the establishment of the originary band of brothers, recounting their squabbles, even hatreds, and final, if somewhat false, reconciliation in a foreign land. While Kunin's work only deals with Genesis, I shall suggest that the problematic dynamics of kinship he articulates do not end there.

b. *Brothers in Numbers*

Numbers continues to wrestle with the same problem of union versus division between brothers, and between brotherhood and patrilineage, but now focusing on the priests. The book begins with a utopian scene of apparently perfected fraternity, with the twelve tribes first counted, then arranged, around the four sides of the ark (chs. 1-2). The fault lines are just below the surface, however, and multiply rapidly, as the

narrative of brotherly relations divides priests from others as well as priests from priests. The effort to rationalize an absolute but arbitrary distinction between the Aaronites and all others produces a narrative of infinitely regressing identity boundary lines.

To sketch this process briefly: already in the arrangement around the ark, it appears that two tribes, Ephraim and Manasseh, have replaced the original brother Joseph, displacing the Levites who are, by divine order, not numbered but given instead special duties related to tending the Tabernacle, a place in the center of the camp 'around the Tabernacle', and the charge to keep any *zār* from approaching (1.47-54; 2.17, 33). The term *zār*, often meaning 'foreigner', in priestly literature refers to non-Aaronites. This priestly use of *zār* draws a line, creates an estrangement—outsiders versus insiders—between those who were once simply brothers. And the line-drawing, once begun, does not stop.

The Levites are finally numbered in chs. 3-4, not as a whole but according to their own three sub-tribes descended from the 'sons of Levi'—Gershon, Kohath, and Merari (3.17)—with their duties likewise subdivided. The highest privilege goes to the Kohathites, who will be responsible for the sanctuary vessels. Or will they? More lines must be drawn: although Aaron and Moses are of the tribe of Kohath, ch. 4 goes to great lengths detailing how 'Aaron and his sons' must cover up the sanctuary vessels before the Kohathites may carry or even look at them. Moses, Aaron, and Aaron's two sons also encamp separately from their Kohathite brethren, on the east side of the Tabernacle, at its entrance. But what exactly distinguishes 'the Kohathites' from these four, well, *other* Kohathites? Not much … and everything.

2. *The Problem of the Sister*

In Genesis, according to Kunin, narratives of wives becoming sisters offer one form of resolution to the contradictory cultural wish for the endogamy that will set 'Israel' apart from 'other', without the actual practice of incest. The priestly ideology of patrilineage, however, attempts to exclude women altogether. As Howard Eilberg-Schwartz suggests, for the priests, 'circumcision symbolizes and helps create intergenerational continuity between men. It graphically represents patrilineal descent by giving men of this line a distinctive mark that binds them together … within and across generations', and thereby 'also establishes an opposition between men and women', since women cannot bear the symbol of the patrilineal covenant (Eilberg-Schwartz 1990: 171). Women's role in reproduction is thus devalued and minimized (Eilberg-Schwartz 1990: 232-33), in favour of an ideology of Israeliteness that is all male all the time. Though all Israelite men are circumcised, this is

priestly ideology, and stories about priests heighten the homomythic impulse, setting them apart from other men by setting them even more thoroughly apart from women (Eilberg-Schwartz 1990: 167).

The circumcision myth of men generating men confronts two contradictory realities: first, that of women's necessary place in reproduction, and second, that of the sisters who are, at least occasionally, generated alongside their brothers. In contrast to Kunin's argument about the resolution provided by the wife-sister, I will suggest that in this priestly mytho-logic, sisters raise the problem of exclusive identity all the more acutely. Where descent from males is all, sisters are an anomaly that cannot be encompassed by the system: they are the closest thing to 'us' without being the true 'us'. Apparently of the 'right' lineage, they must be mythically disclosed as the outsiders 'we' know them to be. The story of Miriam, sister of Aaron (Num. 12), is a mythic response to this dilemma (as is also that of Dinah, sister of Levi [Gen. 34]). This priestly sister—the definitive insider woman—is narratively estranged, her rebellion against Moses punished by the uncleanness of a skin disease, while the priestly brother, her twin in rebellion, gets off free. Thus is the woman who comes from the same womb as the priest cut off from him with the same arbitrariness that erstwhile kin, now 'foreigners', are cut off from 'Israel'. It is notable, though, that the sister is not simply eliminated. Miriam is ultimately healed and restored to the inside of the camp. Her alliance with Aaron is not renewed, however, while the two brothers are henceforth united over against the rest of the people. Miriam's restoration on these new terms is, as I shall suggest below, crucial to the story of her brothers.

3. *Brothers and the Patrilineage*

a. *The Threat to the Father from the Band of Brothers*

There is yet another kin-based tension that plays out both socially and mythically in the biblical materials, namely, that between father and son, especially when the sons are multiple, and form a brotherly band. Carol Newsom has demonstrated how the book of Proverbs expresses the paternal fear of a son's aligning with such a band: in Prov. 1.11-14, the thieving 'sinners' offer the fraternal temptation of a common purse, an enticing alternative to the father's hierarchical authority (Newsom 1989: 149-55). Similarly, as the fourth generation in Genesis ramifies into a band of brothers, intergenerational conflict ensues, with brothers raping and looting Shechem against father Jacob's will (Gen. 34.25-30).

The story of Dinah and her brothers, like the larger story of the Levites, has a literary history that precedes its present form. The focus on Levi in Genesis 34 is not accidental, though. The chapter has been

touched by a priestly hand—witness the interest in circumcision and the three-fold use of the typically priestly term *tm'*, 'defile' (Gen. 34.5, 13, 27)—that pulls the tale into the narrative orbit of the Second Temple period's cultic politics. Here Levi, putative ancestor of the Levites, is grudgingly admitted to special status of a sort, but also tarred with the brush of violence. The problem is not only violence, however, but also rejection of paternal authority. Was Levi right to defend the family honour as he did, against his father's judgment? The theme repeats in Exodus 32: were the 'sons of Levi' right to slaughter three thousand Israelites for worshipping the golden calf? On the one hand they thereby 'ordain themselves to the service of Yhwh' (32.29)—the same Yhwh, however, who has just forsworn such vengeance in 32.14.[4] Yet they also act against the divinely sanctioned leadership of Aaron. The fact that Aaron is in the wrong complicates readerly judgments in a manner not dissimilar to Jacob's role in the Dinah story. In both cases, the tension between the righteousness of brothers and the ambiguous authority of the patriarchy is palpable, as is the uncertain place of the deity.

b. *The Restoration of Paternal Control*

The father-brother tension is a tension that must be relieved, and, in a hierarchical society, it must be relieved in favour of the father. Numbers provides apparent resolution by reversing Exodus's dynamics of righteousness, violence, and authority. In Exodus 32, the Levite band of brothers sets itself apart from both the idolatrous *zārîm* and Aaron, the *zār*-in-chief, as it were. In Numbers 16-17, though, we look from the other side of the mirror: Aaron aligns with Moses against a rebellion by the 'sons of Levi' personified by the Kohathite-Levite, Korah (16.1, 4-8), along with three Reubenites (Dathan, Abiram, and On, 16.1) and 250 leaders of the Israelites (16.2).[5] Moses and Aaron *together* argue Yhwh out of punishing the innocent with the guilty (16.20-22), though the rebels meet with divine destruction (16.23-35). When the 'whole congregation of the sons of Israel' objects to these deaths, however, Yhwh again proposes total annihilation (17.6-10 [ET 16.41-45]). As Yhwh wreaks death and destruction against the people, Aaron, on Moses' instructions, makes expiation for the people, stopping Yhwh's

4. See Lasine (1994) for a fine analysis of Levite (and divine) violence.

5. Numbers 16 is a pastiche of rebellion stories involving three different sets of opponents—Korah and the Levites, the three (in 16.1, but thereafter only two) named Reubenites, and the 250 other leaders—who appear separately and in varying combinations in the current version. The emphasis of the redactor, however, seems to be on Korah, who opens the episode in 16.1 and is identified alone as the model not to be emulated in 17.5 [ET 16.40].

plague (17.11-15 [ET 16.46-50]). With righteousness and hierarchy once more aligned—though again, curiously, in opposition to the deity—the priestly rod blossoms (17.16-26 [ET 17.1-11]). In ch. 18, Yhwh gives father Aaron and his sons the 'gift' of priesthood (18.7) along with the 'gift' of their 'brother Levites' (18.6), both to serve them and to serve as guardians between them and the *zār*-ish people. The authority of the father over the band of brothers, to be passed through his lineage, seems once more secure.

4. *The Problem of the Father as Brother*

a. *Aaron as Brother to Moses*

In fact, however, the problem of brothers does not go away. All the patriarchs after Abraham have their troublesome brothers, and father Aaron, brother to Moses, is no exception. Their relationship begins in fraternal intimacy—Aaron both kisses (Exod. 4.24) and becomes (4.16) Moses's mouth—before undergoing what should have been an irreparable breach, perpetrated by Aaron at Mt Sinai. Though the golden calf episode surely reflects some actual ancient antipathy toward the Aaronite priesthood, I would suggest that it also bears deep-structural witness to the problem of the shared leadership of the two brothers who are, in effect, the remnants of the band. Moses and Aaron are at first too close, then too far apart, and they cannot both lead. Curiously, it is the anomalous sister, Miriam, who provides the necessary third term, establishing the brothers' proper proximity and relationship to each other, one that collapses once more at her death.

b. *Miriam as Mediator, Living and Dead*

Just as Aaron is identified with the *zār* people in Exodus 32, in Numbers 12 he begins as identified with the *zār* sister. Together he and Miriam protest Moses' marriage to a foreign woman (12.1) and his apparent claim of higher authority as Yhwh's spokesman (12.2). The episode concludes with Aaron (re)aligned with his brother, interceding for Miriam with Moses (12.11-12), who then intercedes for her with Yhwh (12.13). She, on the other hand, is embraced by the people, who will not move until she is cleansed of her leprosy (12.15), a resolution that is as ideologically disempowering as it is emotionally touching: the sister, like the people, is now unambiguously *zār* over against the holy brothers. Narratively speaking, however, the *zār*-ing of Miriam is precisely the means by which Aaron's identification with Moses, and thus his true holiness, sullied by the golden calf incident, is established. At the surface level, the punishment of Miriam and affirmation of Aaron—as intercessor, as

ally of Moses, and ultimately as priest—after the same rebellious behaviour seems arbitrary. I suggest, however, that at a mythic level it is not. Miriam is the necessary mediator through which the proper relationship of the brothers is configured. By means of this story, Aaron is fully identified with Moses, yet also subordinated to him. Together they stand with and for God, over against all others; from here on, the rebellions of the *zārîm* will be against Moses *and* Aaron, rather than Moses alone.

That sister Miriam's presence is crucial becomes clear at her death, after which the brothers' relationship, unmediated once more, runs into trouble with Yhwh. In Numbers 20, immediately following the notice of Miriam's death and burial (20.1), the people complain there is no water (20.2-5). On Yhwh's instructions, Moses and Aaron take 'the staff' before the congregation but, rather than simply 'commanding' (20.8) the rock to bring forth water, Moses strikes it twice with the staff (20.11); this enrages Yhwh, who has been denied the chance to 'show his holiness before the eyes of the Israelites', and condemns the brothers to death before entering the promised land (20.12). Apparently, those whom God has arbitrarily chosen, God will equally arbitrarily cut off.[6] Yet sensitivity to the underlying kin dynamics again mitigates this arbitrariness on the narrative's surface. Moses and Aaron represent a union of brothers that contrasts with the pervasive biblical cutting off of brothers; it is, in these narrative terms, an impossible relationship. I wonder, indeed, whether there are sexual undertones in this scene of the brothers' rod struck twice to produce 'many waters', an act that affronts Yhwh's holiness (cf. Lev. 20.13, 26).

Be that as it may, let me briefly retrace the shifting kin dynamics I have tracked so far: these begin with the initial union of the brothers, Moses and Aaron, in the wilderness, and move through the expected cutting off of Aaron in Exodus 32, which is rectified by the substitution of Miriam, the sister who is cut off in Numbers 12. The sister's estrangement leads to the full narrative acceptance of Aaron as the rightful priest: as the brother aligned with Moses against his other kin, and as the father with fruitful rod and eternal lineage. This apparent epitome of exclusive male identity collapses, though, with the cutting off of *both* the joined,

6. I do not find convincing the argument that God's punishment of Moses and Aaron was justifiable because they 'disobeyed' him by *striking* the rock with the rod rather than simply *telling* it (20.8) to produce water. Miracles are miracles, after all, and the parallel episode in Exod. 17.1-7 had involved 'striking' the rock. Would we imagine Yhwh playing 'gotcha' with a subtly different new instruction? As I have already suggested, moreover, in Num. 16–17 Moses and Aaron achieve their (and Yhwh's?) ends precisely by resisting the deity's stated intentions. Questioning Yhwh's (or his leaders') *authority* provokes a divine reaction, but the infraction (if such it was) with the rod is not in the same category.

but sisterless, brothers in Numbers 20. In short, sister Miriam must be put in her estranged place, her liminal place, but a place she must have, or the centre cannot hold.

5. *Myth and the Problem of Real Women: Wives and Sisters*

a. *Beyond Myth: The Control of Sexuality in Emerging States*

I have argued that the story of the priesthood in the Torah reveals a tension between priesthood defined by patrilineage and priesthood defined by brotherhood. Patrilineage wins, of course, though it is the sister who pays the price. But Numbers makes another move as well. In addition to its ruthless disavowal of the priestly sister, the book also attempts, in the so-called Sotah ritual of Num. 5.11-31, a whole new level of male control of reproduction. Though it is sometimes argued that this ritual is designed to restore the authority of the husband over his wayward wife, it seems to me rather unlikely that a cuckolded, much less a simply jealous, husband would have much interest in a public display of his inability to control his wife's sexuality, especially one that left her unable to bear him future sons, as is threatened here. The ritual imbues *him* with the shame of being a man whose wife becomes 'a curse and an oath' among her people. What would induce a husband to come forward? *Cui bono?*

These considerations raise a crucial question: was this ritual ever intended to be put into practice, or is it a literary formulation designed for some other purpose? Are there larger political interests being expressed, justified, and implemented through this effort to regulate women's sexuality? The real winners, I would argue, are not in fact husbands but priests; the ideological effect of the text is to assert not just male, but specifically priestly, control over reproduction and patrilineage. While my narrative analysis up to this point has been grounded in an anthropological structuralism, I now want to engage in a heuristic exercise of comparative anthropology that will put a more overtly political cast on the Numbers 5 ritual, foregrounding the inherent connection between its ideology of reproduction and the political-economic implications of the consolidation of Aaronite priestly rule in the Second Temple period.

b. *Real Control of Real Sisters in Tonga: A New Way to Look at Biblical Society as well as Literature?*

My argument is shaped by the Marxist-feminist anthropology of Christine Ward Gailey in her book, *Kinship to Kingship: Gender Hierarchy and State Formation in the Tongan Islands* (Gailey 1987). The last four hundred years in Tonga have seen a remarkably well-documented movement

from a political system of kinship to one of kingship, and from a kinship-based to a tributary (and then capitalist) mode of production. A comparative look at changes in kinship, gender relations, and the social regulation of sexuality in the process of Tongan state formation makes surprising sense of both the textualized ritual in Numbers 5 and the notably odd story of Miriam in Numbers 12, if they are framed within a political-economic context of nascent state formation.

In Gailey's Marxist definition, a state consists of a set of institutions that 'mediate an intense and long-term struggle between kinship-based, autonomous communities and a nonproducing class or classes'.[7] 'State formation is unique in the support of systematic inequality along class lines and the creation of systematic hierarchy along gender lines' (Gailey 1987: xi), in contrast to the kinship-based mode of production, in which direct producers maintain control over their own subsistence and in which gender plays varying structural roles. The formation of a state, then, involves the development of a class permanently removed from production.[8] Based on the Tongan case, Gailey adduces a series of further, interrelated changes that promoted women's subordination to men as part of this process. These include

- first, a shift in *the function of marriage* from one of increasing kin networks and obligations to one of reproduction;
- second, a shift in *how authority claims are determined*: authority once derived from complex and cross-cutting social roles and relations, of which gender was but one, is now constrained by fewer kin roles, with women's roles increasingly determined by reproductive matters;
- third, a shift in the *nature of kinship* itself from serving as the basis of the entire society to serving the needs of the non-producing classes, including the need for the reproduction both of heirs for the ruling class and of labourers.

Despite manifest differences in the times and cultures, at least some aspects of this process are, I think, typologically comparable to developments in post-exilic Yehud. All the sex and family laws in the Torah

7. Gailey 1987: xii. Cf. Boer (2007: 34, 36, 43), who stresses that this Marxist understanding of a state as the product of on-going struggle between producing and non-producing classes (the village commune and the temple-city complex, to use his terms) is more appropriate for understanding the ancient situation than biblical scholarship's typical focus on the mere presence of a ruling elite or the apparatus of government.

8. In the Tongan case, one of the chiefly groups which came to control appropriation of certain goods and services independently of its former obligations to and reliance on kin relations (Gailey 1987: xvii).

might be read within some framework of social and political change, but it is only the Sotah that specifies who controls and thus who benefits from such legislation—that is, the priests. This unveiling of the power on the throne, or at the altar, is more remarkable than it might seem. For Numbers drops the ideological pretence, still found in Deuteronomy, where appeal to kinship language and relations mask the contradictions of social change. In the Sotah, it is no longer Deuteronomy's locally-based elders, no doubt with some form of kinship ties themselves, who administer sexual justice on behalf of both a carefully regulated king and male kin with self-evident interests at stake (cf. Deut. 17.14-20; 22.13-21; 25.5-10); rather it is 'the' priest himself. He was certainly one among many, but the text's interest is in putting a singular as well as centralized face on authority enacted *not only over the woman's sexuality but also over her husband's*. The kinship system itself, in particular the control of the patrilineage, is thus brought under the symbolic regulation of the ruling class.

There are a number of directions in which one could go from Gailey's work. The question I would like to take up briefly here is whether this sort of anthropological reading of Numbers might allow us to re-weave from its textual lint a better-fitting (if not yet embroidered) garment in which to clothe our understanding of gender and kinship in the *pre*-Second Temple period. Gailey's study of Tongan kin-based society before European contact reveals a ranking system based on 'three inconsistent relations of superiority and inferiority… Older was superior to younger; maleness was superior to femaleness; sisterhood was superior to brotherhood' (Gailey 1987: 47). The first two categories probably do not surprise us, but the third may well. It hardly fits a stereotypical picture of a traditional, what we suppose to be 'male-dominated' society; moreover, it puts an ambiguating monkey-wrench in its own system, making maleness superior to femaleness *only sometimes*. Gailey argues that this ambiguity was inherent in the Tongan kinship system, and constantly reproduced in spite of periodic efforts over the centuries to flatten it out. In practice, while wives were subordinate to husbands, the primacy of sisters over brothers meant that succession and inheritance of rank was never monolithically patrilineal. Not only did sisters hold important, and ambiguating, rank, they were also involved in the 're-creation of such ambiguity' (Gailey 1987: 49) through participation in chiefly rivalries and through the power they held in deciding marriages for their brothers' children. In fact, patrilineal primogeniture was made the legal form of inheritance only by a late-emerging noble class after European contact (Gailey 1987: 50).

It does make one wonder what preceded Deuteronomy. Need one assume, as most scholars do, an ancient and monolithic ideology of

patriliny, especially one stressing primogeniture? Deuteronomy's need to legislate primogeniture (21.15-17) already hints otherwise, as does the lack of legislation against adultery in Exodus's Covenant Code. Further, following the Tongan lead, is it possible that *sisters* had a place in social ranking and cultural reproduction that is now hard to see under the Bible's priestly patina? Here I would suggest a linkage between the marital dynamics of the Sotah and the odd account of kin and priestly relations in Numbers 12. Why *is* that story of the suppression of a sister's leadership recounted in the same literary—which is to say ideological—work that innovates a previously unseen level of priestly sexual control? Does the gender *and class* hierarchy so potently expressed in the priestly regulation of wifely wombs represent a flattening-out of a more systemic participation of women in social reproduction, especially participation by sisters, that ambiguated both the patrilineal ideology and the movement to permanent rank stratification that patriliny represented? Put otherwise, is the Bible's exclusive focus on *marriage* as the means of reproducing kin relations at least as much a projection of the biblical text as it is an accurate presentation of pre-biblical practice?

6. *Conclusion*

I have deployed two anthropological models to analyse the intertwined ideologies of priesthood, gender and kinship in Numbers. The structuralist model highlighted the tension within priestly androcentrism between identification of the priesthood as a band of brothers and the priesthood as patriliny. The Marxist-feminist model helped situate the victory of the patrilineage and its gender ideology in a more complex context of political and economic change. In both models, the role of the sister stands out, in the one case as an element in the priestly construction of their own gendered identity, and, in the other, as a possible power figure in the kin-based social world behind the text. Miriam's legacy may be more profound than previously realized.

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Miriam's Mistake: Numbers 12 Renarrated in Demetrius the Chronographer, 4Q377 (*Apocryphal Pentateuch B*), Legum allegoriae and the Pentateuchal Targumim*

Hanna Tervanotko

1. *Introduction*

The figure of Miriam appears seven times in the Hebrew Bible: Exod. 15.20-21; Num. 12.1-15; 20.1; 26.59; Deut. 24.9; 1 Chron. 5.29 [ET 6.3]; and Mic. 6.4. Out of these, Num. 12.1-15 is unique in presenting Miriam in a rather negative light. In that passage Miriam appears in a conflict with the figure of Moses and she is punished, yet Numbers 12 does not explain what she is punished for. Moreover Numbers 12 gives two different reasons for the conflict occurring between the figures. In Num. 12.1 Miriam challenges Moses because of his Cushite wife, whereas in Num. 12.2 Miriam questions the exclusive nature of Moses' position as the Lord's prophet. References to this dispute are rare. The earliest texts in which it appears are Numbers 12 and Deut. 24.9. More allusions to it can be found in Pentateuchal renarrations that date to the Graeco-Roman period: *Demetrius the Chronographer*, 4Q*Apocryphal Pentateuch B*, Philo's *Legum allegoriae* and the Pentateuch Targumim (*Onqelos*, *Neofiti I* and *Targum Pseudo-Jonathan*) all renarrate Numbers 12. In this article I will try to understand how each of these texts interpreted the conflict narrated in Numbers 12. Are they united in their understanding of Num. 12.1 or Num. 12.2 as the origin of the clash? Why, according to them, was Miriam punished? Can similarities and differences between these texts be explained? I will analyse each of the texts separately and study how they refer to Numbers 12 and rework it. At the end I will suggest some conclusions regarding how Numbers 12 developed in later tradition.

* This article is dedicated to a memory of a close friend, Dr Kornélia Buday (1971–2008). Her funeral took place the same day as this paper was delivered.

2. Conflict between Miriam and Moses in the Hebrew Bible

Numbers 12 is not the only passage in the Hebrew Bible that mentions the dispute between Moses and Miriam. The event is also alluded to in Deut. 24.9.[1] However, while Numbers gives a complete account of the incident, describing its background (Num. 12.1-2), God discussing with Miriam and Aaron (Num. 12. 6-9), Miriam's disease (Num. 12.10), and Miriam's exclusion from the camp (Num. 12.15), Deuteronomy 24 mentions it in only one verse. The literary genres of the two narrations are also different. Numbers 12 is best described as prose narrative, whereas Deut. 24.9 appears in the context of reminders to keep various regulations, including those relating to leprosy (*ṣāraʿat*, צרעת).[2]

The nature of Deut. 24.8-9 can be more clearly revealed by vocabulary analysis. The verbs 'to observe, keep' (שמר)[3] and 'to do' (עשׂה) appear three times, and the verb 'to order, to command' (צוה) is also used in this context. Stressing these verbs that indicate ruling reflects a legal origin for this text. Additionally, Deut. 24.8 specifically states that the people are to follow the advice that the priests give for leprosy. This link between priests and treatment of *ṣāraʿat* also appears in Leviticus 13–14. There, leprosy and its care are discussed in detail,[4] and priests have an important role in diagnosing and carrying out the purification rites for this illness.[5] Another significant verb used in Deut. 24.9 is the verb 'to remember' (זכר), which is generally used for educational purposes in Deuteronomy and the Psalms.[6] The 'remember' formula

1. Since the relative dating of Deut. 24 and Num. 12 is not established, and it is not the purpose of this study to establish it, Deut. 24.8-9 is not treated here as a renarration of Num. 12. Rather, the purpose of this short excursus is to show how the story preserved in Num. 12 is not unique in the Pentateuch. For the dating of Deuteronomy, see Collins (2004: 159-79); Burns (1987: 103); Rofé (2002: 4-5); Weinfeld (1992: 168-83).

2. Deut. 24.1-5 deals with marriage laws, 24.7 with slavery, 24.8 with leprosy, 24.10-13 with borrowing, and 24.14-15 with respecting the poor. For more on the nature of צרעת, see Wright and Jones (1992: 277-82).

3. This verb is especially used in Deuteronomy and in the Psalms. See for instance Lisowsky (1993: 1473-76).

4. The word *ṣāraʿat* appears 32 times in the Hebrew Bible, and of these 26 are in Leviticus.

5. The priests' duty is to diagnose the illness (Lev. 13.3), follow up the cure (Lev. 13.5, 6, 8, 10), declare the person unclean/impure (Lev. 13.3, 8, 11, 20, 22, 25, 27, 36) or clean (Lev. 13.17, 23, 34), and take care of the sacrifices after the person has become clean again (Lev. 14.6-7, 11-12, 14-20).

6. 'Remember that you were a slave in the land of Egypt, and the Lord your God brought you out from there with a mighty hand and an outstretched arm; therefore the Lord your God commanded you to keep the Sabbath day' (Deut. 5.15, NRSV).

aims to remind the audience of earlier experiences in order to motivate a present command. The context of Deut. 24.8-9 and its terminology indicate that the focus of this passage is on the treatment of leprosy, while the reference to Miriam serves to illustrate what should happen if the regulations of Leviticus 13-14 are followed. Hence, Deut. 24.8-9 alludes to the same encounter as that in Numbers 12, or to another text where the dispute between Miriam and Moses was narrated,[7] and to Leviticus 13–14 where the rules of how to deal with leprosy are set out. Deut. 24.8-9 also implies that Miriam was leprous, and affirms that this encounter belongs to the wilderness period ('when you were coming out of Egypt', 24.9). But, notably, Deut. 24.8-9 refers to the incident between Miriam and Moses only very briefly. This indicates that people were expected to be familiar with the story regarding Miriam's leprosy. Moreover, Deuteronomy 24 does not offer any explanation of why Miriam became leprous. This question is not relevant for the passage to address when its intention is to remind people of the various laws.

3. Renarrations of Numbers 12

a. *Demetrius the Chronographer*

Demetrius the Chronographer was a writer who lived in Ptolemaic Egypt in the third century BCE. His writings remain only as quoted by the later author Eusebius (c. 250–300 CE).[8] The quotes reveal Demetrius's intention in retelling Pentateuchal passages. His special interest lay in offering new readings and interpretations for difficult passages (Collins 2000: 33). In one of the quotes Demetrius refers to the encounter between Aaron, Moses and Miriam (3.3): 'And for this reason also, Aaron and Miriam said at Hazeroth that Moses had married an Ethiopian woman'.[9] Num. 12.1 talks about Moses' marriage to a Cushite woman and Demetrius seems to refer to the same marriage. The term 'Cushite' (כושית) was translated as 'Ethiopian' (Αἰθιόπισσα) in Greek versions of Numbers. Given that Demetrius lived in Egypt he probably depended on the Greek version of the Pentateuch.[10] Moreover, elsewhere in the

Other passages in Deuteronomy where the Israelites are asked to remember the past include 7.18; 8.2, 18; 9.7; 15.15; 16.3, 12; 24.18, 22; 25.17; 32.7. In the Psalms the verb 'remember' refers to both deity (74.2; 88.6; 89.48; 98.3; 105.8, 42; 106.45; 111.5; 115.12) and people (77.12; 78.35, 42; 79.8; 103.18; 105.5; 106.7; 143.5). Both are asked to remember the past.

7. Burns (1987: 101-107) is of the opinion that the Deuteronomist did not know Num. 12 in its present form.

8. *Praep. ev*. 9.29.1-3. See Collins (2000: 33); Hanson (1985: 844).

9. Translation by Hanson (1985: 853).

10. Hanson 1985: 844-46. Ulrich (1999: 207) refers to Demetrius's quotes of Greek Genesis in the late third century BCE.

Hebrew Bible 'Cush' is associated with Southern Egypt and Ethiopia,[11] and is often translated in the Greek Bible as Αἰθιοπία. Hence, the term 'Ethiopian' as used by Demetrius should be understood to point to the same geographical area of origin as 'Cushite'.

Demetrius does not mention Miriam's leprosy or the punishment, nor is the conflict narrated in Numbers 12 articulated. Therefore his opinion of it remains unknown. Yet to continue the analysis of Demetrius, one also has to recognize his wider concerns. The oblique mention of Aaron, Miriam, Moses and the Ethiopian (Cushite) woman makes it clear that his audience should be acquainted with Numbers 12. Demetrius's report on the dispute does not illustrate any interest in the question concerning Moses' exclusive status as prophet, but a genealogy that he provides earlier reveals that the family history of the patriarchal house had significance for him:

> He (Demetrius) says, however, that Moses fled into Midian and there married Zipporah the daughter of Jethro, who was, as far as it may be conjectured from the names of those born from Keturah, of the stock of Abraham, a descendant of Jokshan, who was the son of Abraham by Keturah. And from Jokshan was born Dedan, and from Dedan, Reuel, and from Reuel, Jethro and Hobab, and from Jethro, Zipporah, whom Moses married. The generations also agree, for Moses was seventh from Abraham, and Zipporah, sixth. For Isaac, from whom Moses descended, was already married when Abraham, at the age of 140 married Keturah, and begot by her a second son (Jokshan). But he begot Isaac when he was 100 years old, so that (Jokshan), from whom Zipporah derived her descent, was born 42 years later. There is, therefore, no inconsistency in Moses and Zipporah having lived at the same time.[12]

This genealogy concludes that Moses' wife Zipporah was Abraham's descendant. Therefore, Zipporah is not treated polemically as foreign wives usually are in the Jewish Hellenistic writings.[13] She is not considered a foreigner. By building this lineage, Demetrius erases the problem that Moses' intermarriage caused for later interpretation.[14]

Demetrius's approach to Numbers 12 resembles his dealing with other Pentateuchal passages, in that his intention is to solve problems that exist in the texts.[15] Whereas Num. 12.1 interprets Miriam's acknowledgment of Moses' foreign wife as a criticism, Demetrius's renarration does not display any disapproval. There, the Miriam figure mentions

11. For example, Gen. 10.6; 2 Kgs 19.9.
12. Frag. 3.1-3; Hanson 1985: 844-46.
13. Lange 2008: 17-39. Barclay (1996: 410-12) deals with intermarriage.
14. Collins 2000: 34. Regarding genealogies and the motives behind them, see Löwisch in this same volume.
15. Collins 2000: 33-34.

Moses' marriage but without any judgment. Therefore, in this retelling, the conflict between the figures is reconciled. As there is no conflict, there is no penalty either, and Miriam's punishment is erased from the narration. However, as drastic abbreviations of the Pentateuch are characteristic of Demetrius's writings and they can also be recognized in the other fragments where his works are preserved, the omission of Miriam's punishment should not lead to hasty conclusions regarding Demetrius's reception of Miriam. His main interest was clearly in family genealogies (in 2.1-11 he deals with Jacob's family and in 2.12-18 Joseph's family). Here, his focus is on Moses' marriage and the family genealogy. However, by mentioning Miriam in this context he shows that not only was he aware of the conflict between the figures, but that he likewise wished to resolve the existing tension.

b. Apocryphal Pentateuch B *(4Q377)*

The fragmentary manuscript 4Q377, *Apocryphal Pentateuch B* from the Qumran library, preserves a text that reworks passages relating to the wilderness period, specifically from Exodus and Numbers (VanderKam and Brady 2001: 207-208). The manuscript is paleographically dated to the first century BCE (VanderKam and Brady 2001: 206). It does not contain any of the characteristics that are usually recognized as 'sectarian' features.[16] Additionally, the free use of the tetragrammaton that appears in the text (4Q377 2ii, 3, 4) could be a sign of a non-Essene origin (Falk 2000: 581). Hence, the starting point for this study is that the text originates in Hellenistic Judaism.

Instead of quoting directly from Pentateuchal passages, the text alludes to the passages more obliquely. Attention here will focus on one line of the text of 4Q377 that has been argued to refer to Numbers 12 (2i, 9).[17]

4Q377 2i[18]

3. [ ] this
4. [to the tri]be of Benjamin, Raphia
5. [ ] *ymry* to the tribe of Gad Elyo
6. [ ] the rearguard from twenty years of age
7. [ ] *vacat*
8. [ ] one of the pious ones and he lifted his voice
9. [and] he returned [his] an[ger and]Miriam [shut her]self from his eye(s) *vacat* years of
10. [ ] against us and lead us because

16. For sectarian features, see Dimant (1995: 23-58); Newsom (1990: 167-87).

17. VanderKam and Brady 2001: 207; Tervanotko forthcoming.

18. Translation by VanderKam and Brady (2001: 212). The subsequent *DJD* edition was revised by Puech (2006: 469-75). He suggests several alternative readings

This text and Numbers 12 share common elements: They both refer to the wilderness period and their genre is mainly prose narrative. Moreover they share some vocabulary. Both texts contain the terms 'anger' (אף, *'ap*), which usually refers to the anger of the divine, and 'Miriam'.[19] The supposed allusion of 4Q377 to Numbers 12 is only one line long. Yet this corresponds to the general style of 4Q377 where almost every line of the text refers to a different Pentateuchal passage (VanderKam and Brady 2001: 212). The constant allusions to different Pentateuchal passages indicate that audiences of this text were expected to relate to the passages easily and to be able to follow the internal logic of this text. A similar style, which reflects a far-reaching awareness of the renarrated events related to Moses, can be found elsewhere in the DSS. For instance, the Damascus Document refers to Exodus passages (Exod. 7.8-13, 22; 8.7) without mentioning them explicitly (Bowley 2005: 171). Hence, the style of 4Q377 was not unusual in its time. Furthermore, it indicates that the story about Miriam in Numbers 12 was well known.

Reconstructing the text of 4Q377 is difficult due to the fragmentary nature of the manuscript. Yet a few remaining terms can possibly shed some light on its contents. The word 'anger', which appears in the same line as the name 'Miriam', is also used in Num. 12.9. This could indicate that the text of 4Q377 mentions God getting angry with Miriam, and her penalty. But what was she punished for? It seems unlikely that 4Q377 2i, 9 would explicitly refer to Moses' Cushite wife as the cause of the conflict between the figures, because the preserved Dead Sea Scrolls demonstrate a general indifference to the life story of Moses. The texts where Moses plays a prominent role, for instance, 1Q22 (*Words of Moses*), 4Q374 (*Discourse on the Exodus/Conquest Tradition*) and 375 (*Apocryphon of Moses*[a]), and 4Q*Apocryphon Pentateuch A-B*, do not deal with Moses' biography. Nor is his role in the history of Israel starting from his childhood renarrated elsewhere in the Scrolls, although it was a popular topic in the Graeco-Jewish literature of the same era.[20] In particular, Moses' marriage is not found in other Pentateuchal renarrations among the Scrolls. Of course, while it is possible that some omissions regarding Moses' biography were made in the Scrolls this argument remains speculative because of the deteriorated condition of the manuscript. That no 'historical' data of Moses is preserved can also be explained by coincidence or, as Bowley puts it, by 'accident of history' (Bowley 2005: 171).

for 4Q377 with a view to improving it. Puech focuses on 2ii in his article, but also comments on other parts of the manuscript.

19. See Tervanotko (forthcoming) for more details.

20. Bowley 2005: 171. For Moses' renarrated biography see for instance Josephus's *Antiquities of the Jews, Artapanus,* and *Ezekiel the Tragedian*. The latter two are translated in *OTP* 2.

As no sound basis in Num. 12.1 can be found for 4Q377 2i, 9, the second dispute, concerning the exclusive nature of Moses' position as the Lord's prophet (Num. 12.2), should also be considered. Elsewhere in its text 4Q377 raises the subject of prophecy. The text declares that God has spoken to all the Israelites from Mount Sinai (4Q377 2ii, 5-6): 'YHWH the God of our fathers who spoke to us from Mount Sinai. And he spoke with the assembly of Israel face to face as a man speaks with his friend'.[21] Therefore, according to this text God did not speak only to Moses at Sinai but to the whole assembly. This interpretation differs from that of the Hebrew Bible, where it is Moses alone to whom God's message is addressed (Exod. 19.3-6, 9-13, 19-24; 24.1-2, 12). Thus, if line 9 of 4Q377 was criticizing Miriam for questioning Moses' exclusive position as prophet, the text would display some inconsistencies. It would mean that God did speak with everyone, but that one should not make an issue of it. Surely Miriam would not be punished for raising the question regarding the inclusive communication between the divine and the people? It does not sound logical. However, this fragmentary text does not provide any more textual evidence with which to continue the argument.[22] Therefore, all that can be deduced from the renarration of Numbers 12 in 4Q377 is that the audience of this text was reminded of God getting angry with Miriam in the wilderness.

c. *Philo of Alexandria*

Philo of Alexandria (c. 20 BCE–CE 50) was a Jewish philosopher and exegete who lived in Egypt and wrote in Greek (Scholer 1993: xi). He was influenced by the Platonic school of thinking, and especially Plato's concept of ideas that distinguishes two levels of reality.[23] Philo used this concept of reality to create his own method of interpretation where he distinguished the twofold meaning of scripture: the literal and the allegorical. The two are not of equal importance. The literal sense is adapted to human needs; but the allegorical sense is the real one, which only the initiated comprehend. Philo's works contain Pentateuchal passages that are interpreted allegorically in order to reach the higher, more elevated level. Philo's use of the Pentateuch is not systematic and he does not attempt to renarrate all of it. Instead he uses passages selectively according to his needs.

A basic theme of Philo's thinking is the relationship between gender and certain characteristics of the human soul (Wegner 1982, 1991; Conway

21. Translation by VanderKam and Brady (2001: 214).

22. For prophecy in the Scrolls, see Bowley (1999: 354-78).

23. For the relation between Philo and Plato see, for example, Berchman (1984); Barclay (1996: 164). In his thinking Plato distinguishes the real world from forms that are only shadows of reality.

2003). Generally the men represent the positive side of the soul, the understanding (νοῦς), whereas the female figures are depicted negatively in that they represent the soul's bad side, the sense perception.[24] In his *Legum allegoriae* Philo uses the figure of Miriam as a symbol for irrational behaviour and the negative part of the soul (Sly 1990: 120):

> Examples of shamelessness are all those unseemly actions, when the mind uncovers shameful things which it ought to hide from view, and vaunts itself in them and prides itself on them. Even in the case of Miriam, when she spoke against Moses, it is said, 'If her father had but spat in her face, should she not feel shame seven days?' For veritably shameless and bold was sense-perception in daring to decry and find fault in Moses for that for which he deserved praise. In comparison with him, who was 'faithful in all God's house', sense-perception was set at naught by the God and Father; and it was God Himself who wedded to Moses the Ethiopian woman, who stands for resolve unalterable, intense and fixed.[25] For this Moses merits high eulogy, that he took to him the Ethiopian woman, even the nature that has been tried by fire and cannot be changed. For, even as in the eye the part that sees is black, so the soul's power of vision has the title of woman of Ethiopia (*Leg. All.* 2.66-67).[26]

The above quoted passage is one where Philo refers to Numbers 12. In this context Philo discusses Moses' marriage to an Ethiopian woman. Philo, like Demetrius, lived in Egypt and probably adopted the term 'Ethiopian' from the LXX. Philo describes the excellence of Moses' wife and argues that the divine itself arranged this union between the two. Moreover, according to Philo, Moses' wife was not a part of irrationality as women usually are, but she is raised to a higher level, that of rational opinion (δόξα). This approving treatment of intermarriage is highly unusual for Philo because elsewhere in his works he spends a great deal of time arguing against intermarriage. Indeed, he claims that it was Moses himself who set the laws against it.[27] Because of his general rejection of exogamy, Numbers 12 is a difficult text for Philo. He tries to demonstrate that the passage does not contain any problems, by elevating Moses' foreign wife to a higher level than other women and by giving the union a divine origin. By contrast, Philo's interpretation

24. This concept is already present in Philo's interpretation of Genesis where men are depicted as part of νοῦς and women as bodily entities (*Op. Mund.* 69, 165; *Quaest. in Gen.* 25).

25. The translation notes that 'fixed' here means 'coloured' as in Plato's *Timaeus* (Colson and Whitaker 1962: 267).

26. Translation by Colson and Whitaker (1962: 267).

27. 'But also, he says, do not enter into the partnership of marriage with a member of a foreign nation, lest some day conquered by the forces of opposing customs you surrender and stray unawares from the path that leads to piety and turn aside into a pathless wild' (*Spec. Leg.* 3.29). Translation by Colson (1958: 493).

of Miriam as shameless sense-perception is highly critical and casts a negative light over her in this renarration of Numbers 12.

Nevertheless, passages renarrating Numbers 12 do not provide a complete view of the reception of Miriam in Philo. The author refers to Miriam four more times when dealing with the victory songs of Exodus 15, and there Miriam is portrayed as a leader for a women's chorus next to Moses.[28] Philo does not simply talk about the victory over the Egyptians in the passages referring to Exodus 15, but he uses his allegorical method to describe the relation between gender and the soul once again. Only a few women are used to represent the higher part of the soul, that is, understanding and rationality (νοῦς). These include Sarah, Leah, Rebecca and also Moses' Cushite wife, as already demonstrated. Generally women who receive approval from Philo are those who somehow stand by their male counterparts and assist them (Sly 1990: 129-30). This feature is recognizable in Philo's portrayal of Miriam. In the passages alluding to Exodus 15 Miriam is depicted as a leader of women, yet she does not stand independently in Philo's narration. Rather, she serves as an assistant to her male counterpart Moses, who appoints her. In Philo's discussion of Numbers 12 Miriam represents the irrational part of the soul, whereas in the passages referring to Exodus 15, Miriam is elevated to representing the higher part of the soul, 'the rational'. Miriam is thus an allegorical representation of both rationality and sense perception in Philo. Her mistake is speaking against Moses, but when she acts alongside Moses, she is praised.

d. *The Pentateuch Targumim*

The renarrations that have been considered so far are rather distant from the MT in their retellings. It is hard to determine whether they actually knew Numbers 12 as it is preserved in the MT or whether their narration was based on other sources (Burns 1987: 101-107). The Pentateuch Targumim give a different witness to renarrations. Their aim was to provide an Aramaic translation of the Pentateuch, and while doing so they also 'reworked' the text. I will read closely Num. 12.1-2 in three different Targumim, *Onqelos, Neofiti I* and *Pseudo-Jonathan*, to see how the arguments about Miriam are rephrased there.

28. 'The choir of men shall have Moses for its leader; that of the women shall be led by Miriam, that is sense-perception made pure and clean' (*Agr.* 80). Translation by Colson and Whitaker (1960: 149). Note Philo's claim that Miriam is here made pure and clean. Hence, she is no longer dealt with critically as she is in *Leg. All.* For other positive references to Miriam by Philo see *Agr.* 81, *Vit. Cont.* 87, and *Vit. Mos.* 2.256. The last reference does not mention Miriam by name but talks about Moses' sister.

Neofiti I, Onqelos and *Pseudo-Jonathan* all narrate the criticism articulated by Miriam and Aaron in Num. 12.1. After this they expand the first verse extensively. Their additions concern the wife of Moses and attempt to give more information on her. According to *Targ. Onq.* Moses' wife was very beautiful, and her nationality is completely ignored:

> Then Miriam and Aaron spoke against Moses concerning the beautiful woman he had married, for the beautiful woman he kept at a distance. (*Targ. Onq.* Num. 12.1).[29]

Targ. Ps.-J. makes a longer excursion into the history of the marriage with the Cushite woman, who is argued to be a queen:

> And Miriam and Aaron spoke words against Moses that were not worthy regarding the matter of the Cushite woman whom the Cushites had married to Moses during his flight from Pharaoh, but he had separated from her because as a wife they had married him to the queen of Cush and he had kept distance from her. (*Targ. Ps.-J.* Num. 12.1).[30]

Targ. Ps.-J. is not alone in recording the tradition that Moses married a queen. A similar tradition that links Moses to a prominent foreign wife is preserved by both Josephus (*Ant.* 2. 252-53) who claims that Moses married an Ethiopian princess, and by Artapanus who attests to Moses marrying a daughter of an Arabian ruler (frag. 3.19).[31] Two of the Targumim that attest to Moses' intermarriage, *Targ. Ps.-J.* and *Targ. Onq.*, stress the point that Moses kept his distance from her. This must be understood as sexual abstaining in this context. I will come to this later.

The third of the Targumim, *Targ. Neof.*, interprets Num. 12.1 differently. It adds two different elements to this passage. First, it praises the wife for her beauty. Secondly, it emphasizes that the Cushite wife and Zipporah are one and the same person. Meanwhile, it does not mention Moses keeping distance from his wife:

> And Miriam and Aaron spoke against Moses concerning the Cushite woman that he had married; and behold, the Cushite woman was Zipporah, the wife of Moses; except that as the Cushite woman is different in her body from every other creature, so was Zipporah, the wife of Moses, handsome in form and beautiful in appearance and different in good works from all the women of that generation (*Targ. Neof.* Num. 12.1).[32]

29. Translation by Grossfeld (1988: 103).

30. Translation by Clarke (1995: 222).

31. For Artapanus, see Collins (1985: 889-903). Tessa Rajak explores the tradition of Moses' marriage to an Ethiopian woman (Rajak 1976: 111-22).

32. Translation by McNamara (1995: 76).

While Num. 12.1 is considerably expanded in all three examples of the Targumim, much less reworking can be found in verse 12.2 concerning Moses' exclusive prophetic role. Variation from the MT can be found in *Targ. Ps.-J.* The addition concerns Moses keeping distance from his wife. This resembles what happened in *Targ. Onq.* and *Targ. Ps.-J.* in Num. 12.1: 'Then they said: "Does the Lord speak with Moses because he has abstained from married life? Does he not speak also with us?" And it was heard before the Lord' (*Targ. Ps.-J.* Num. 12.2).[33] When expressing the distance-keeping, the two Targumim (*Targ. Onq., Targ. Ps.-J.*) use the verb רחק that in the Hebrew Bible carries the meanings 'be distant, keep at a distance, remove' (Koehler and Baumgartner 2001: 1221-22). The verb has the same meanings also in Aramaic, but in addition to physical distance the verb is also used in passages that deal with sexual uncleanness. So, for instance, the Pentateuchal Targumim use the verb רחק in the context of laws concerning sexual purity in Leviticus 15, where men are told to abstain from sex during the menstruation or other bleeding of their wives (15.20, 24, 25, 33) in order to maintain their ritual cleanness. The use of the verb 'to keep distance' elsewhere in the Pentateuchal Targumim might shed some light on how it should be understood when it is used in relation to Moses. *Targ. Onq.* in Num. 12.1 and *Targ. Ps.-J.* in Num. 12.1-2 stress that Moses kept a distance from his wife, which could likewise point to purity. Various rabbinic texts understood that Moses became a prophet when the divine spoke with him (Exod. 19) and from that point on he was expected to maintain ritual purity all the time.[34] However, the Targumim that mention Moses' sexual abstaining are the same ones that somehow admit that he married a foreigner, while *Targ. Neof.*, which argues that the Cushite wife was the same person as Zipporah, does not discuss Moses' marital life. Hence, even if the motif of 'keeping distance' should be understood as motivated by Moses' position as a prophet, also the role of the foreign wife played some role in these expansions. But a more detailed analysis of this will need to be done elsewhere.

The reworking and expansions in the Targumim give much more weight to Num. 12.1 than to Num. 12.2. Moses' marriage is crucial for all of them. Because the three Targumim deal with Num. 12.1 very differently, it looks as if the debate over this question was not yet settled. Meanwhile, what they have in common is that they all try to explain away Moses' intermarriage somehow, for instance, by claiming that despite the marriage the two characters did not share marital life together or that the Cushite wife was Zipporah whom Moses marries

33. Translation by Clarke (1995: 222).

34. For instance, *Sifre Numbers* 99 and *Sifre Zuta* Num. 12.1.

in Exod. 2.21-22. Notably, the two Targumim that mention Moses' intermarriage stress his sexual abstaining. The style of the Targumim, which seek some justification for Num. 12.1, resembles the reasoning of Demetrius and Philo who also try to justify Moses' marriage. Apart from *Targ. Ps.-J.* that again returns to Moses' marriage, the Pentateuchal Targumim follow the MT in Num. 12.2 and do not add anything to the verse. The role of Miriam is not highlighted in either of the verses but the focus remains entirely on Moses.

In Num. 12.3-15 all three Targumim follow the MT fairly closely, but in Num. 12.16 *Targ. Ps.-J.* and *Targ. Neof.* return to the figure of Miriam with some further expansions. They claim that despite her penalty Miriam has played a remarkable role in the history of Israel. Both *Neof.* and *Ps.-J.* give Miriam the title 'prophetess' in Num. 12.16: 'Although Miriam the prophetess was sentenced to be leprous' (*Targ. Neof.* Num 12.16),[35] and 'Because Miriam the prophetess became liable to be stricken with leprosy in this world' (*Targ. Ps.-J.* Num. 12.16).[36] Furthermore the expansions in 12.16 highlight Miriam's role in Moses' infancy,[37] indicating that it was partly because of Miriam that the Israelites eventually managed to flee from Egypt: 'Although Miriam the prophetess watched a short time to know what would be Moses' fate, it is for the sake of that merit that all Israel, being sixty myriads, totaling eighty legions, and the clouds of the Glory, the tent, and the well did not move, nor did they go forward until the time when Miriam the prophetess was healed' (*Targ. Ps.- J.* Num. 12.16).[38] Miriam's significance is restored in these lines.[39]

4. *Texts that Do Not Mention the Story*

a. *Josephus*

In order to complete the survey on renarrations of Numbers 12, it may be helpful to take a look at the texts that do not preserve this story. The ancient Jewish historian Josephus (first century CE) is a case in point. Usually Josephus considerably expands the Pentateuchal narrations, and his *Antiquities of the Jews* is the most extensive example of his renarration technique.[40] He retells Exodus and wilderness passages in a

35. McNamara (1995: 79-80).

36. Clarke (1995: 224).

37. Ancient Jewish literature such as *Jubilees* and *Ezekiel the Tragedian*, as well as rabbinic literature, interprets Moses' unnamed sister of Exod. 2 as Miriam.

38. Clarke (1995: 224). *Targ. Neof. I* takes a similar view on Miriam and her role alongside Moses in his infancy, whereas *Targ. Onq.* is shorter on this.

39. For a more complete image of Miriam in rabbinic literature see Sperling (1999: 39-55); Steinmetz (1988: 35-65).

40. Bernstein 2005: 173; Amaru 1988: 143-70.

far more detailed manner than the Hebrew Bible. Nevertheless he has omitted Numbers 12 completely from his works. Josephus's treatment of Numbers 12 is not unique. It is characteristic of his style to omit or de-emphasize the material that was somehow offensive or problematic for him.[41] Furthermore, he often either dismisses or plays down female figures. For instance, Josephus has omitted the figure of Tamar (Gen. 38) completely, and several prominent female figures such as Deborah and Ruth are considerably reduced in his works.[42] Similarly, Miriam is mentioned only when discussing Moses' birth (*Ant.* 2.221, 226), in the context of Moses fighting against the Amalekites (*Ant.* 3.54), and upon her death (*Ant.* 4.78). Hence, Josephus could have deleted the episode of Numbers 12 from his work because of his general tendency to play down the female figures. Yet it could also have been, as the earlier examples have demonstrated, that Numbers 12 was a difficult passage to transmit and to renarrate. Louis Feldman claims that Josephus deleted Numbers 12, as well as several other passages such as Genesis 38 and Num. 21.4-9, because they were somehow embarrassing for him (Feldman 1989: 74).

b. Liber Antiquitatum Biblicarum

Another example of renarrated Pentateuch from the first century CE is preserved in the *Liber Antiquitatum Biblicarum (LAB)* of Pseudo-Philo (Harrington 1985: 297-99). *LAB*'s treatment of the female figures is the opposite of Josephus's. Whereas Josephus reduces and even removes passages with female characters, *LAB* tends to expand them. For instance, the renarration of the genealogies of Noah's sons also lists the names of the daughters (4.12-15), and the renarration of Judges 4-5 concerning Deborah is four times longer than in the Hebrew Bible: *LAB* dedicates four chapters (30-33) entirely to Deborah. The daughter of Jephthah is dealt with in more detail than in the Hebrew Bible, as an entire chapter of *LAB* is devoted to her. Furthermore, Tamar's pregnancy (Gen. 38), which is often omitted from the Pentateuchal renarrations, is outlined in *LAB* and Tamar is given the honorific title 'our mother' in 9.5.[43] Pseudo-Philo also retells various encounters from the wilderness period such as the golden calf (Exod. 32) and the rebellion of Korah (Num. 16). Yet despite all this, he does not deal with Numbers 12. As Pseudo-Philo's writings generally reflect positive treatments of the female figures, and

41. Bernstein 2005: 173; Feldman 1989: 59-80.

42. For Josephus's treatment of female biblical figures, see Horst (1989: 29-46); Amaru (1988: 143-70); Feldman (2004: 253-77).

43. Horst (1989: 30-31) argues that the reference to Tamar as 'our mother' reminds the reader of the way in which the patriarchs, especially Abraham, are referred to as 'fathers'.

elsewhere he deals with the figure of Miriam positively,[44] his neglect of Numbers 12 cannot be motivated by general misogyny.

These two examples support the observation that Numbers 12 was a challenging passage to reinterpret. Even texts that would often follow the MT closely (Josephus) or that promoted female figures (*LAB*) would find it difficult to preserve Numbers 12.

5. Conclusions

The clash between Moses and Miriam, which in the Pentateuch is preserved in Numbers 12 and Deut. 24.8-9, was later renarrated in Jewish literature dating to the Graeco-Roman period. *Demetrius the Chronographer*, *Apocryphal Pentateuch B*, *Legum allegoriae* and the Pentateuchal Targumim all refer to this encounter, but their styles and emphases in retelling Numbers 12 differ significantly from one another. Demetrius's interest is in the history of the patriarchal house, and he provides a full genealogy from Abraham to Moses. He only briefly refers to the dialogue between the figures in Numbers 12. 4Q377 (*Apocryphal Pentateuch B*) combines various passages referring to the wilderness period, and one of the lines alludes to Numbers 12. Philo of Alexandria returns to Numbers 12 a total of three times. He looks for a higher meaning for this passage through his method of allegorical interpretation. The Pentateuchal Targumim, that translate the passage into Aramaic, expand the text considerably with ideas also known from other rabbinic literature. It is possible that all these renarrations depend on the MT, even if the writers of the texts that derive from Egypt (Demetrius the Chronographer, Philo of Alexandria) might have been more familiar with the LXX. Nevertheless, apart from the Targumim, which follow the storyline of Numbers 12 closely, these renarrations refer to the incident in Numbers 12 only obliquely. This could suggest that they do not just know Numbers 12 as it is preserved in the MT, but that once there was a richer tradition, oral or written, around this encounter. The lengthy time span over which these texts were created also favours the opinion that the tradition was more widespread than what the MT alone demonstrates. *Demetrius the Chronographer* and *Apocryphal Pentateuch B* go back to the Hellenistic period, whereas Philo wrote in the Roman era. The Pentateuchal Targumim were finalized even later during the first century CE. The timeframe during which Numbers 12 was reworked therefore reveals that this tradition stayed alive for centuries.

While Numbers 12 presents two different motives for the conflict between Moses and Miriam, one in Num. 12.1 and one in Num. 12.2,

44. Miriam is referred to in *LAB* 9.10 and 20.8.

these renarrations primarily display an interest in the first matter, namely, Moses' intermarriage, a question which the Pentateuchal Targumim link closely with the question of Moses' status as a prophet. Even if none of the texts explicitly confirms that the dispute over Moses' foreign wife caused the clash, several of their treatments of Num. 12.1 reflect unease with the idea of Moses' exogamy and a desire to justify it somehow. Demetrius argues that Moses' wife was not a foreigner, Philo claims that the union had a divine order behind it, and two of the Targumim state that Moses kept his distance from his wife. By contrast, the manuscript 4Q377 appears to have no mention of Moses' intermarriage. The manuscript is too fragmentary to draw final conclusions, but as Moses' intermarriage is not renarrated anywhere else in the Dead Sea Scrolls, it seems highly unlikely that it would be mentioned in 4Q377 either. These examples illustrate that Num. 12.1 caused problems for its later interpreters.

While the figure of Miriam plays a prominent role in Num. 12.1-15, her role in the renarrations is far more marginal. They concentrate mainly on Moses. Despite this shifted emphasis, the literary figure of Miriam also evolves in these texts. On the one hand, Philo creates a negative reading of Miriam by presenting her as a symbol of an inferior part of the soul. Nevertheless, Philo remains alone in this interpretation, because other renarrations by contrast facilitate a different literary development. By justifying Moses' intermarriage, Demetrius and the Targumim show that there were no grounds for a clash between Moses and Miriam. As a consequence Miriam's criticism loses its point and there is no longer a need to deal with her negatively. Rather, she remains a neutral figure. This treatment of Miriam, whereby the conflict between the figures is reconciled in the renarrations and Miriam is not (except in Philo) blamed for speaking against Moses, suggests also that Miriam's role in Numbers 12 was difficult to interpret. Later literature did not depict the prominent figure as leprous or in conflict with Moses. Moreover, the fact that she is present in these renarrations is noteworthy. This is particularly remarkable in Demetrius's retelling, which tends to abbreviate Pentateuchal texts significantly. Therefore, the renarrations of Numbers 12 enabled evolution of the figure of Miriam in different directions. This is particularly evident in the later renarrations; for example, the Pentateuchal Targumim highlight Miriam as a prophetess and praise her for contributing to the Israelites' departure from Egypt. All in all, these renarrations of Numbers 12 confirm that the literary figure of Miriam was well known in the Second Temple era. The different texts indicate that she was a figure that did not need any introductions. Rather, the audiences of these texts were able to relate to the tradition of Numbers 12 and to Miriam even by the subtlest reference.

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Part IV

Priests of Human (Woman) Sacrifice

Fathers and Daughters: The Jephthah Issue and the Scream

Alicia Ostriker

Honour killings. An old custom, and in many parts of the world a contemporary one. In both the ancient world and the world we inhabit, daughters are at risk. The higher the status of the family—which means its male members—the greater the risk.

Lev. 21.9 states that 'the daughter of any priest, if she defile herself by playing the harlot, she defiles her father: she shall be burnt with fire'. That a father's honour might require a daughter's death because her virginity, her sexuality, belongs to him, is assumed. Although the Holiness Code of which this text is a part does not prohibit prostitution, it does consider it degrading. Here as elsewhere in Leviticus, defilement is contagious; if a priest is involved, the offence is evidently a capital one. In a similar case, Judah in Gen. 38.24 demands that his daughter-in-law Tamar be put to death for committing adultery while awaiting levirate marriage. Happily this never occurs because it is he himself who has lain with her and he is forced to admit that 'she is more in the right than I' (Gen. 38.26).

In a seemingly different case (Judg. 11), Jephthah vows to offer up as a burnt-offering whatever first meets him if he returns victorious from battle. The one meeting him is his daughter, who comes forth 'with timbrels and with dances' which should not have surprised him, and the sacrifice ultimately takes place. Here is the laconic text:

> When he saw her he rent his clothes and said, Alas, my daughter, you have brought me very low, and you have become the cause of great trouble to me; for I have opened my mouth to the Lord, and I cannot take back my vow. And she said to him, My father, if you have opened your mouth to the Lord, do to me according to what has gone forth from your mouth, now that the Lord has avenged you on your enemies, on the Ammonites. And she said to her father, let this thing be done for me, let me alone two months, that I may go and wander on the mountains and bewail my virginity, I and my companions. And he said, Go. And he sent her away for two months, and she departed, she and her companions, and bewailed her virginity upon the mountains. And at the end

> of two months she returned to her father, who did with her according to his vow which he had made. And she had never known a man (Judg. 11.35-39).

Is this another instance of honour-killing? Jephthah and his daughter both quote Num. 30.3 (ET 30.2), saying that a man who makes a vow 'must carry out all that has crossed his lips'. But the story opens into numerous questions, and the questions open into speculations. I wish to speculate both on what is said and what is not said in this text, for its silences are as resonant as its utterances. First, why is the daughter's virginity mentioned three times at the climax of the story? Then, what would the role of a priest be when offerings were made? And what of the honour of the high priest Pinchas, grandson of Aaron, zealous upholder of purity, slayer of Zimri and Cosbi—Pinchas who the sages say should have nullified this invalid vow? Finally, what is the meaning of the very last sentence of Judges 11, 'And it became a custom in Israel that the daughters of Israel went yearly to lament the daughter of Jephthah the Gileadite four days in the year'?

Regarding the daughter's virginity, I have always assumed that when she goes 'to bewail her virginity', what she is bewailing is that she will never get a chance to lose it, she will never experience sexual pleasure. Or perhaps what she is bewailing, pious creature that she seems to be, is the misfortune that she will never produce sons. Yet there is the oddity of the remark just after we are told that her father consummated the sacrifice, that she had 'never known a man'—as if, bizarrely, the loss of virginity would have made her an unacceptable, somehow blemished, sacrifice. Iphigenia, in Greek myth, is another sacrificed virgin whose death is connected with military exploits. In Iphigenia's case the maiden had to be sacrificed before the winds would enable the Greek ships to sail to Troy. Someone once told me that there exists an obscure midrash in which the virginity of Jephthah's daughter had to be tested and proved before she could be sacrificed. But perhaps the statement that 'she had never known a man' is simply designed to indicate her monetary value. More on this later.

Regarding the sacrifice itself, which is so euphemistically described by the narrator, one is drawn to wonder how it took place. Privately? Publicly? Ceremonially? Ritualistically? The words actually used, 'she returned to her father, who did with her according to the vow which he had made' (Judg. 11.39), are not merely euphemistic. They seem designed to remind us of Leviticus 27, in which it is clear that vows are fulfilled at shrines. Might the burnt offering of a child have been officiated over—like that of an animal—by a priest? An Israelite priest would surely regard it as defiling to accept human sacrifice. Yet might there be corrupt priests, such as later we find in the time of Eli's sons? No commentary

addresses this. And indeed the idea seems too terrible to contemplate. But Judges is full of what Phyllis Trible long ago called texts of terror.[1] In this story we are asked to suppose *either* that the girl's father killed her and made a burnt offering of her body, presumably at a shrine, *or* that a priest did. From a gendered perspective one can of course wonder why God intervenes to save Isaac but not this child. Did Jephthah's daughter know the story of Isaac? Did she assume she would be saved at the last minute, as the story might lead us to assume? Is it merely that a boy is more significant than a girl? The text is of course silent.[2]

Yet there is rabbinic commentary aplenty, and most of it expresses deep distress. Some of that distress takes the form of denial (the sages, like us, practise denial when something in Torah is unacceptable): it is claimed that Jephthah merely 'offered' his daughter by sending her to live in seclusion. (Interestingly, Euripides does the same for Iphigenia; his play *Iphigenia in Tauris* claims that she was not sacrificed but brought by Artemis to the island of Tauris to serve the temple there.) Others take a stronger stand, condemning the vow as invalid. 'Rabbi Yochanan said: He was obligated to dedicate only her monetary worth. Reish Lakish said: Even this he was not obligated' (*Gen. R.* 60.3), the point being that unclean or disfigured animals cannot be offered on the altar. Neither of these two responses is very kind to the daughter. Two other midrashim may come closer to our own response.

In Midrash *Tanhuma*, Bechukotai, we find this:

> Wasn't Pinchas there to nullify Yiftach's vow? Rather, Pinchas said: I, a high priest and son of a high priest, should humble myself and go to an ignorant commoner? And Yiftach said: I, the head of the tribes of Israel, head of the generals, should humble myself and go to a civilian? Between the two of them that poor woman was lost to the world, and both were liable for her blood. And the Spirit of Holiness—*ruach hakodesh*—screamed: was it human lives that I asked you to sacrifice before me?

1. The story of Jephthah's daughter is one of those treated by Trible (1984). Trible avoids speculating on what remains unspoken in the text, the question of how the sacrifice was performed. She does, however, propose in a closing section headed 'From the Readers' a lament based on that of David for Saul and Jonathan (Trible 1984: 108-109).

2. It is to be noted that Jephthah dies a natural death after engaging in a successful civil war against the Ephraimites: 'Jephthah judged Israel six years. Then Jephthah the Gileadite died and was buried in his city in Gilead' (Judg. 12.7). Nothing in Torah censures him; the prophet Samuel lists him (alongside himself) as a saviour of Israel: 'And the Lord sent Jerubba'al and Barak, and Jephthah, and Samuel, and delivered you out of the hand of your enemies on every side; and you dwelt in safety' (1 Sam. 12.11). In Heb. 11.32, Jephthah is listed among those heroes who 'through faith conquered kingdoms, enforced justice … won strength out of weakness, became mighty in war, put foreign enemies to flight' (Heb. 11.33-34).

And this:

> Because he wanted to offer her, his daughter cried and said before him: my father, I came to greet you in joy, and now you plan to kill me? Has God written in the Torah that people should offer human lives before God? No! it is written: 'when you offer an animal as a sacrifice before God!' From animals, not from people! He said: My daughter, I promised to sacrifice anything that came out to greet me as a burnt offering! Is it possible for one who vows not to fulfill his vow? She said: Jacob our father promised to give God a tithe of everything God gave him, and God gave him twelve children! Did he offer to God one of them? Not only that, but Hannah, who said and vowed 'God of hosts, if you look down and hear your servant', she did not offer her son as a sacrifice before God! But in spite of everything she said to him, he would not listen. When she saw that he would not listen to her she said: Let me go down upon the mountains. Rabbi Secharya said: is it possible to go down on the mountains? One goes up to the mountains! Rather, 'Let me go down to the mountains' means that she went to the Sanhedrin. But they could not find a way to release Yiftach from his vow, for God hid from them the law [to punish them for previous sins of murder]. They arose and killed her. And the Spirit of Holiness screamed, 'Did I want human lives?'

Taken together, these two midrashim are startling on several grounds. First, the high priest Pinchas cares more for his pride than for a human life. We are all familiar with such rulers; evidently the sages were as well. In an extension of this midrash, both he and Jephthah are punished. Second, a virgin girl is a better Talmudist than any of the men in sight. By now we are all becoming familiar with such girls, or soon we will be. Beyond these surprises, it is not simply that the Sanhedrin are described as corrupt but that God himself is responsible for the girl's death. *Gen. R.* 60.3 comes to the same shocking conclusion, citing three occasions when God saves individuals from potential bad consequences of inappropriate vows (Abraham's servant Eliezer when he vowed to take whatever girl gave him water for Isaac's wife: what if she were a slave girl,for example?; Saul offering his daughter to whoever kills Goliath; Caleb offering his daughter to whoever smites Kiriath-Sepher). The midrash points out that God fails to save Jephthah—and in fact seems to *send* or *provide* the daughter in response to Jephthah's vow, using the same verb as when he provides the gourd for Jonah. God, according to *Gen. R.* 60.3, is not intervening in, and may even be instigating, Jephthah's sacrifice of his daughter! Why? We may well ask, since the midrash does not say—but the *ruach hakodesh* is responding with passionate and compassionate horror.

What can this mean? Does the midrash imply that God is in conflict with himself? The *ruach hakodesh*, which is perhaps not coincidentally a feminine noun, is … his superego, his conscience, the embodiment of law, the voice of the shekhinah … or what? God's mind, like our minds,

is *complicated,* capable of regret, of self-criticism? On this question let me quote Alice Bach, who observes, 'I share a belief with many cultural critics that readers, like texts (and for that matter, characters within texts), are always sites where pluralities intersect' (Bach 1999: 145). That God is a 'character' in Torah can hardly be doubted. In any case, what we hear from the midrash is that the spirit of holiness, which is an aspect of God, screams.

In the light of this scream, which readers of Judges 11 may have felt in their own throats, which I have felt in mine, let us consider the significance of the women's four-day annual 'lament' for the daughter mentioned at the close of Judges 11. I want to invite you to think about the possibilities, and I will ask for audience response. The daughters of Israel *used to* go for four days each year to lament this girl's death. What did this ceremony mean to them? What might it mean to us?

The text allows for numerous possibilities. She is being hailed as a patriotic heroine. She is being celebrated as a martyr. She is being mourned as a victim. Her sacrifice may stand for the symbolic sacrifice of all women whose potential is cut off, and especially those whose lives are truncated in the context of war. Thus, the ceremony may be one of protest as well as simple grief. We may also ask, where did the ceremony take place? Was it in the city of Gilead, or, rather, on the mountains? Were men permitted to attend, or was it like *rosh hodesh*, for women only; and in that case, did this ceremony constitute a cultural loophole, outside of priestly surveillance? A most significant question is suggested by the speculations of Athalya Brenner at this conference that there may indeed have been Israelite priestesses whose memory has been suppressed: can we imagine that this ceremony of mourning was led by priestesses?

Such questions are of course unanswerable. However, as I raise the possibility of imagining an event which may be merely myth, yet which remains uncannily relevant in our own time, I turn to the scholar Gerald Bruns, who writes,

> If the text does not apply to us it is an empty text… We take the text in relation to ourselves, understanding ourselves in its light, even as our situation throws its light upon the text, allowing it to disclose itself differently, perhaps in unheard-of ways (Bruns 1987: 633).

I write not as a scholar but as a poet and sometime midrashist. Some years ago, a choreographer friend spoke to me about a commission she had from the Hebrew Union College to compose a dance in connection with an exhibit on family violence. She wondered if I could suggest an appropriate text. Judges 11 immediately suggested itself as the quintessential biblical story of abuse; I composed a poem in the voice of the daughter, which was used in the dance company's performance. Then, imagining that the four-day commemoration of the sacrifice of Jephthah's

daughter might be revived and added to the Jewish calendar, I wrote an extended poem sequence to be performed at such a ceremony. The piece is called 'Jephthah's Daughter: A Lament'. It is designed for a group of women who speak in chorus or antiphonally, in the imaginary location of a mountaintop.[3] The purpose is to enable performers and audience to ponder the meaning of this girl's sacrifice to us today. As with other ceremonies of mourning, the intention is to permit sorrow to be expressed and to turn to hope. A refrain recurring throughout the sequence is 'Going forth in mourning/ returning in joy'. Here follow two sections of the piece.

* SHE REFUSES TO BE COMFORTED *

(A single voice)

Yes I am dead
Yes I was a daughter of Israel
Yes I am nameless

Yes my father was a very great warrior
Yes the spirit of the Lord came upon him
Yes the Ammonites were delivered into his hand

Yes I ran after his love I praised I danced
Yes he had opened his mouth to the Lord
Yes he felt pain he blamed me

Yes I went with my companions on the mountains
Yes for two months I lamented my virginity
Yes I was a girl I wanted love

Yes I wanted a man to push into me
Yes like a long flash of light and babies to push out
Yes my companions kissed me and embraced me

Yes the men lay me on stone like a sheep
Yes I was naked like a sheep
Yes I cried God God Mama

3. 'Jephthah's Daughter' was premiered by Avodah Dance Ensemble (Director and choreographer Joanne Tucker) at Hebrew Union College, in connection with an exhibit on Family Violence, in January 1998. 'Jephthah's Daughter' (a different choreography) was performed as part of the retrospective of the choreographer and dancer Ze'eva Cohen, at Danspace, New York City, April 1999. 'Jephthah's Daughter: A Cantata', composed by Moshe Budmor, is a musical setting of my words for a women's chorus. Its premiere performance was at the College of New Jersey in spring 2002, and it was subsequently performed at University of Detroit, Mercy College (October 2002) and West-park Presbyterian Church, NYC (November 2002). See also Ostriker (2004).

Yes the angel of the Lord rescued my ancestor Isaac
Yes the Lord sent a messenger to stop the father's hand
Yes he would save a boy but not save me

Yes we are born into a theater of war
Yes the violence of my father
is a mirror he holds to the face of God

Yes I was unblemished
Yes I was a proved virgin
Yes I am very long dead

Yes I am weeping
Yes what else do you want of me

* LAMENT *

> We look into Torah with regard to women, and we see that women are perceived as lesser, and are thereby dehumanized… There is no immutable moral principle to countermand what humankind will do if left to the wilfulness and negligence and indifference and callousness of its unrestraint.
>
> Cynthia Ozick

(Full chorus, call-and-response, crescendo)

how is she slain
who was full of life
    sacrifice
    sacrifice
our eyes run down
with bitter water
    sacrifice
    sacrifice
never to be scholar
worker leader
    sacrifice
    sacrifice
physician judge
rachmanes din
    sacrifice
    sacrifice
image of God
denied rejected
    sacrifice
    sacrifice
how many daughters
sisters mothers
    sacrifice
    sacrifice

how to lament
the unremembered
    sacrifice
    sacrifice
is there any sorrow
like this sorrow

The sequence as I have written it concludes with the chorus hearing an offstage voice—perhaps that of the *ruach hakodesh*, perhaps that of the wind—urging those who mourn to become the intervening angel who will ultimately 'stop the warrior's hand'. But suppose we now imagine that the ceremony involves more than a small group of women. Suppose we imagine that it involves multitudes, numerous as the stars in the sky and the sands of the sea. Suppose too that it is led by priestesses, and that unlike the priests of ancient Israel who received offerings, these priestesses *bring* offerings. Imagine that you are among them. Imagine that you have something to bring, something to offer, fitting for such a ceremony, fitting for the memory of the nameless sacrificed girl of Judges 11. What might you offer? What might you say—a sentence or two or three—to accompany your offering?

***

Here follow several responses to my question, from people who attended this conference.

I would bring this short poem about Jephthah's loss of memory to read under a starry night at the glow of a camp fire:

'J's Silent Cry'
Leaving your world, my fatal call,
    O child, and only one of kind.
Do not come back from where you are,
    But let your bitterness consume me.
O. Creanga

I would bring my small rosewood flute so I could play some music there, also together with others.
Ingeborg Löwisch

A poster saying, get away, woman, don't go back, this is not real…
Athalya Brenner

I would bring a jug of water from a clear, mountain stream and pour it out so that everyone could see its beauty and its purity. It would remind us that, just as the stream tumbles down the mountain-side, moulding its own way yet vulnerable to diversion from obstacles (whether natural or man-made), so also are our lives: one minute we are 'flowing freely', the next our lives are changed for ever by circumstances beyond our control.
Catherine Elliott

I'm bringing water.
Water is the element that symbolizes life. First, let us all wash our hands and clean them from anything that bothers us. With this symbolic act it will be left behind. Secondly, let us remember that with water we, together, can stop any fire so that none of our sisters will be burnt ever again.
Anonymous

In memory of Jephthah's daughter I would bring a fish in a bowl. Like her, it cannot swim away. Like her, it cannot reproduce. And now it will be someone's task to keep this fish alive, as someone should have preserved her life.
Diana Lipton

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