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Revisiting the Book of Ruth
Janet I. Offel

"Revisiting the Book of Ruth" contributes to the field of biblical studies by offering a complex examination of some of the difficult problems in Chapters 3 and 4 of the Book of Ruth. It does not attempt to address the broad scope of the Book of Ruth. Rather it focuses on four key questions of genre, marriage customs, levirate law, and redemption.

Through an examination of orality and literacy, folklore studies, and marriage and inheritance traditions in the Ancient Near East and Classical Greece, the thesis challenges some prevalent interpretations of the Book of Ruth. Furthermore, it offers additional perspectives and interpretations for a better understanding of the book.

The thesis is divided into five chapters: Chapter I introduces the approaches and goals of the thesis; Chapter II provides a survey of eight influential modern readings of the Book of Ruth; Chapter III explores the relationship between orality and literacy as well as investigating the field of folklore studies; Chapter IV examines marriage and inheritance traditions in Babylonia, Classical Greece and Ancient Israel; and Chapter IV draws additional implications from the previous chapters.

Primary and secondary textual sources about Bible, Ancient Babylonia, and Classical Greece were consulted. The thesis also draws upon theoretical material about methodology and genre.

REVISITING THE BOOK OF RUTH

JANET I. OFFEL

Thesis Submitted in Partial Fulfillment of
Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinic Program
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1997
Advisor: Dr. S. David Sperling
Primary Reader: Dr. Tamara C. Eskenazi

This thesis is dedicated to the memory of

RABBI CHARISSE NATALIE KRANES (ז׳ל)

"She took the hand of all who knew her and
led us through the waltz of God"

Rabbi Karyn Kedar
CCAR Yearbook, 1989

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ACKNOWLEDGEMENTS

Cycles from fullness to emptiness and back to fullness play a dominant role in the Book of Ruth. So it is in life, too. These past five years have been a time of such a cycle in my own life, and I would like to take this opportunity to thank those who have played a role in my own personal story.

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I.

Introduction

In the introduction to her book, *The Beginning of Desire: Reflections on Genesis*,[1] Avivah Gottlieb Zornberg relates that her essays on the weekly פרשה emerged from her own personal struggles to find meaning in the text. She writes:

> My mode of inquiry was closer to the 'rhetorical' than to the 'methodical,' in terms of Gerald Bruns's distinction--the 'rhetorical' having 'no greater ambition than to discover what can be said, in any given case.' The rhetorical mode, which Bruns sees as characteristic of most literary criticism, is 'more concerned with *finding* than with *proving*, is more *speculative* than *analytical*, more *heuristic* than *polemical*.' It explores problems, relationships, patterns, without arriving at single-minded or schematic theories. The rhetorician is a 'public meditator (xi-xii; emphasis added).

The Book of Ruth is a book which demands such a mode of inquiry, for so much about the book remains in question: Is it a pre-exilic or post-exilic document? Just what kind of work is it exactly, short story, folktale, novella or "idyll?" Does it reflect a realistic portrayal of levirate marriage in ancient Israel (as opposed to the ideal enunciated in a legal tract) or not? Is it historically reliable or fiction free of realism? Very often, the meaning, nature and purpose that commentators assign to the Book of Ruth differ substantially from one scholar to the next, precisely on the basis of how they answer these questions. It is unfortunately true, as

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Hebrew Union College-Jewish Institute of Religion Professor Stephen

Passamaneck is fond of saying, that the only people who truly know the

answers to these questions have been dead for a very, very long time.

Nevertheless, important light has been shed and more can still be shed on

the book by a more complex examination of some of these questions.

In his excellent new commentary to the Book of Ruth, Frederic Bush

observes,

> Some of the most difficult problems of interpretation of the
> book of Ruth relate to understanding the role of the גואל,
> "redeemer," in Hebrew society. Ruth bases her request for
> marriage on Boaz's position as a גואל, and chap. 4 introduces
> the responsibility of the גואל to recover or retain family
> property, together with the apparent implication that these
> two duties are somehow related. This raises the question of
> how the marriage of Ruth and Boaz is related to the so-called
> levirate marriage prescribed in Deut 25:5-10 (which also
> forms the major problem in the story of Judah and Tamar in
> Gen 38) and whether and how this social institution is related
> to the responsibilities of the גואל, and in particular to the land-
> redemption rights and duties of the גואל that surface in chap.
> 4."[2]

This thesis does not seek to address the broad scope of the Book of

Ruth. Rather, we will focus on the issues highlighted by Bush above.

There are a number of fine commentaries and articles that have recently

been written about the Book of Ruth. I have chosen eight representative

modern readings to examine.[3] Specifically, I will attempt to find the

answers that each interpreter has given to four questions that have

divided scholars and shaped diverse readings of the book:

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(1)   What genre does the interpreter assume and on what basis?

(2)   What marriage customs are assumed in this reading?

(3)   How does this scholar explain the fact that the situation does not conform to a levirate situation?

(4)   What functions of גואל does the interpreter assume and on what basis?

In reviewing scholarly interpretations of the Book of Ruth, one discerns two major lenses which have shaped assessments of the book. The first lens focuses on the legal material within Ruth. Through this lens, chapter 4 of the Book of Ruth is accepted as involving a legitimate legal transaction. Taking the legal material seriously, the issues can be viewed through two different prisms: (a) as a straightforward application of law (e.g. Campbell) or (b) as a "legal fiction" utilized for the purpose of transgressing traditional law to create new law. With (b), the legal material in the Book of Ruth can be understood as "myth" that becomes the foundation for explaining transformations in Israelite law. The literary qualities of the book (in such a reading) serve as a means by which to introduce transgressive elements into traditional legal material.

A second common lens as an approach downplays the force of the legal material. Instead it focuses on the Book of Ruth as a narrative in which the legal materials are secondary and not to be taken with the

seriousness of a "law code." The book is primarily a literary work, in which the legal material is presented for narrative purposes only (to a large or small extent "fiction"). Giving more credence than this to the legal materials creates what could be termed a "fallacy of misplaced concreteness" (e.g. Sasson, Hubbard and Landy).

The third, and I will suggest most appropriate, lens is one which does not consider the narrative and legal material an either/or propositions. As I will show, the two types of material are not mutually exclusive, and neither has to be bracketed in order to ascertain the significance of the other. In making such an argument, it is necessary to keep in mind that the notion of "taxonomy" (whereby it becomes necessary to categorize material in order to properly study it--i.e narrative material vs. legal material) is a modern invention. Just as the search for an elusive "Urtext" (original or "first" text) has turned into a dead end as an approach to understanding ancient writings, so can rigid taxonomies miss the richness of a particular work by not accounting for the ongoing fluidity of cultural and legal norms.

To sharpen our understanding of the Book of Ruth, this thesis will explore first the relationships between orality and literacy, then ancient marriage and inheritance laws and customs. The goal is to broaden our

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knowledge of the represented practices and meanings in the book, most specifically the relationship between narrative and law.

In exploring orality and literacy, this thesis draws upon research into both ancient and modern cultures. This research uncovers patterns of communication that defy the notion of a straightforward progression from an oral culture to a "more advanced" literate one. Indeed, the assumption that literate cultures are more intellectually advanced no longer can be accepted as obvious. A more sophisticated grasp of the interplay between oral and literate modes of communication can do much to advance our comprehension of both biblical narratives and law. In addition, research from the field of folklore studies will be included in the analysis. A recently nuanced approach in this discipline strengthens the applicability of the research in orality and literacy.

Additionally, the thesis will highlight recent scholarship into marriage and inheritance laws and customs in classical Greece and ancient Babylonia. Whereas ancient Israelite practices can be deduced only from looking at the contents of the Hebrew Bible, archeological and anthropological evidence has uncovered a greater array of information from other cultures. It would be foolhardy to deduce Israelite practices from an analysis of other cultures. But one can begin to appreciate the fluidity of ancient legal practices and procedures from a study of co-

existing cultures. After surveying what we know of practices in surrounding cultures, I will address the issue of marriage and inheritance in Ancient Israel itself. This will lead into the conclusion, a reading of the Book of Ruth which draws upon the resources presented herein to nuance a fresh interpretation of key elements in the book.

II.

Reading Ruth: A Review and Analysis

Modern scholars appear to be in agreement that the identification of genre impinges directly upon how a literary work is interpreted. It is not simply an identification for classification purposes, but rather provides the reader with a marked and definite expectation about both the nature and the meaning of the reality that is conveyed and how it will be heard. False assumptions about genre can result in a misunderstanding and misinterpretation of the texts.

Chapters 3 and 4 of the Book of Ruth pose particularly interesting textual problems for commentators. Each interpreter has his or her own way of approaching a particular scene and discerning its meaning, based in part upon the genre within which they are operating.

In chapter 3, the two questions that loom large and elicit a number of different responses are the implications of the phrase ופרשת כנפך על-אמתך ("spread your robe over your handmaid")[4] as used by Ruth in 3:9, and the meaning of the term גואל as it is used by Ruth and then Boaz.

How Chapter 3 is interpreted has implications in the scene that follows at the city gate in Chapter 4. The question in Chapter 4 of who is buying what and whether the correct manuscript reading of קניתי in 4:5 is a

כתיב or קרי form (indicating either first person singular or second person singular), adds another concern which has long perplexed commentators.

In what follows, I offer, in chronological order, a review and analysis of eight major recent works, including a focused examination of the elements that persistently contribute to the wide variety of interpretations. Each scholar's understanding of the book's genre will be discussed, as well as scholars' assumptions about marriage customs in general, the role of the levirate, and the functions of the גואל. Each approach provides a different way of interpreting the verses in question and consequently affects one's understanding of the entire book, its themes and meaning.

A.   Edward F. Campbell

Edward F. Campbell believes that the Book of Ruth is a short story which circulated orally during the Solomonic period, and was fixed in writing in the 9th century BCE, perhaps in some relationship to the Jehoshaphat reform.[5] He understands the historical short story to be a literary form which came into being relatively early in Israel's history and maintains that "the purpose of these stories was not simple entertainment but edification, indeed instruction, in the meaning of the new faith-community" (8-9). He groups the Book of Ruth with the narratives of

Genesis, Joshua, Judges, Samuel, and Kings. He claims that the most fitting comparisons are Genesis 24, the Joseph cycle, Genesis 38, a number of the story units in the book of Judges, several scenes in the Court History of David and the prose section of the book of Job (5).

Campbell maintains that this grouping is valid when one looks at the language, literary structure and themes. The texts contain a distinctive literary style,

> employing an artistic and elevated prose containing rhythmic elements which are poetic .... The rhythmic elements occur especially in speeches of the protagonists, but are not confined to them; indeed not all of these stories use speeches in the same proportion (5).

Furthermore, he hypothesizes,

> this semipoetic quality was an aid in remembering the stories, for it is likely that they were carried for a time in oral tradition *in this elevated prose style*. When they were written down, their final composers wrote very much what had been carried orally (5).

Additionally, he maintains that these stories all had to do with rather typical people (albeit important), with an interest in mundane affairs (albeit significant affairs on a national scale). Finally, these stories are designed to be both entertaining and instructive. Most importantly, "they look at ordinary events as being the scene of God's subtly providential activity." This leads the hearer or listener, ancient or modern, to appreciate not only the message of the story but its artistry (5-6).

Campbell believes that chapter 3 contains the climatic events of the entire story. "And once the scene at the threshing floor is over, even though there will be one more suspenseful episode, the audience knows that things will work out well"(130).

Although Naomi's instructions to Ruth in 3:3, says Campbell, *can* mean that Ruth is to go to the threshing room floor prepared as a bride is prepared ("So bathe, anoint yourself, dress up, and go down to the threshing floor"), they don't necessarily *have* to mean that. Campbell asserts that the circumstances at the threshing floor are purposefully ambiguous, and that the indicators of this ambiguity can be seen throughout the episode. Among those purposeful ambiguities is the use of the word כנף by Ruth in v. 9 (131).

Campbell translates כנף as "wing" in chapter 3, and reminds us that Boaz used the word earlier, speaking to Ruth: "May the LORD reward your deeds. May you have a full recompense from the LORD, the God of Israel, under whose wings you have sought refuge!" (2:12). In 3:9, Campbell believes that by asking Boaz to spread his wings over her, she in fact is saying, "Your redeemer responsibility calls for you to marry me" (132). In his note to 3:9, Campbell cites Ezek 16:8, an elaborate metaphor about spreading God's כנף over Israel, which many commentators claim portrays God's election of Israel in terms of marriage. He also cites an

Arabic custom as further evidence that placing a garment over a woman (here he is translating כָּנָף in its derivative form, as *garment*) is a symbolic claim to marriage (123).

Campbell contends that in 3:9 Ruth presumes a connection between some form of levirate marriage responsibility and the responsibilities of a גֹּאֵל. Her words

> ...[amount] to saying ... 'Your redeemer responsibility calls for you to marry me.' Ruth's presupposition that the responsibilities of redemption and marriage belong together is accepted by all as the story progresses .... Just as the story-teller had Ruth take the initiative in supporting Naomi and herself at 2:2-7, he has her take the initiative in a matter of applying civil custom (132).

Campbell maintains that "From the story's point of view, the combination of redemption and levirate marriage is a *presupposition*, and furthermore it is one which this remarkable Moabitess introduces" (132; italics by Campbell).

In addition he believes that it is likely that neither Naomi nor Ruth knew the order of redeemer responsibility, they knew only that the responsibility existed and that Boaz was the one to approach. Ruth's action was intended to put Boaz on the spot, whether she knew that he was the proper person to act as גֹּאֵל or not. His response was to act "in accordance with what righteous human behavior calls for" (124).

Campbell does note that in extant casuistic Israelite law, nowhere else is a connection drawn between marriage and redemption. He acknowledges that the Book of Ruth is the only place in the Hebrew Bible which combines redemption custom and levirate custom, and believes that the Ruth story-teller was the first to bring together what the law codes kept separate. He even hypothesizes that this may have been the primary purpose in composing. Campbell asserts that clauses in both the Hittite and the Middle Assyrian law collections suggest a similar spreading outward of responsibility beyond the brother-in-law, but he does not cite any specific references (133).

Campbell then moves to an historically bound explanation, stating that perhaps Genesis 38 and the Book of Ruth came from a time period prior to the writing of the Deuteronomic code (which elaborates the levirate responsibility). This enables him to suppose that the Deuteronomic law limited the application of the law and relaxed its stringency.

He notes that existing biblical codes contain only a selection of available legal lore which is "codified." "The pool from which the selection was made contained inconsistencies, due in large measure to the fact that customary precedents arose within local contexts and over a period of time" (133). Most civil cases were settled at the city gate by the

town elders who usually "made their decisions on the basis of a combination of overarching principle, common sense, and a well-preserved if perhaps spotty, probably orally transmitted, legal tradition" (134). Campbell states that we must not think that one common legal code was effective throughout all of Israel.

> As for the law codes in Exodus, Leviticus, and Deuteronomy, they constitute political attempts under specific historical circumstances to normalize practice, probably mostly at the capital cities of Samaria and Jerusalem, but they can hardly be thought of as simply overpowering and setting aside the age-old traditional practices in a given outlying town (133-134).

Accordingly, law codes probably were not meant to be comprehensive; their purpose was rather illustrative and didactic. They were culturally determined and relative, as well as changeable. Discrepancies between Deut 25:5-10 and the stories in Genesis 38 and Ruth may just as easily have arisen due to differing local practices rather than from differences in the time periods represented (134).

The problem with Campbell's analysis, though, is that the kind of legal consequences he attributes to the book rarely, if ever, play a role in the type of genre which he describes. He tries to confer on the book a historical context that is beyond the scope of a short story's purpose.

As for the גואל, Campbell writes that an analysis of the word throughout Hebrew biblical literature shows that

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Redeemers are to function on behalf of persons and their property within the circle of the larger family; they are to take responsibility for the unfortunate and stand as their supporters and advocates. They are to embody the basic principle of caring responsibility for those who may not have justice done for them by the unscrupulous, or even by the person who lives by the letter of the law (136).

Thus he maintains that the role functions in much the same capacity as the levir: to support and protect more unfortunate members of the family (in this case, the widow) and to make sure that the family property or inheritance remains within the family.

Campbell uses Thompson and Thompson's study of levirate practice in the Bible to support his position.[6] Their study identifies levirate practice in three places in the Bible: Genesis 38, the Book of Ruth and Deut 25:5-10. According to Thompson and Thompson, levirate practice aims to achieve two unrelated goals: (1) support and protection for the wife of the dead man, and (2) preservation of the family property or inheritance within the immediate family (96). Accordingly, levirate practice is not simply concerned with producing an heir for the dead man's property, but is equally concerned with the care of the widow (136). Thus the basic principles underlying levirate practices and redemption in Israel are the same, and, furthermore, undergird all Israelite law and custom.

Therefore the juxtaposition of redemption and levirate practices in Ruth is a natural one, on the basis of principle. The fact that we can find no legal code which puts the two

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together is probably irrelevant and as much due to the paucity of our sources as to any other cause (Campbell, 137).

By understanding the purposes of levirate marriage and redemption to be practically one and the same, Campbell attempts to weave legal matters and narrative together in a way that, in his estimation, maintains the integrity of both, and thus the historical value of the story.

Unfortunately, in making such assertions, Campbell uses circular logic to a certain extent: the Book of Ruth is one of only two narratives in the Bible exhibiting levirate customs. It is closely aligned in this story with an issue of land redemption. Therefore the Book of Ruth proves that levirate customs and redemption have the same purposes. I believe that the paucity of materials to analyze and compare can lead to potentially faulty logic such as this.

With respect to the use of the verb קנה in 4:4-5 and 8-10, Campbell accepts for biblical purposes an hypothesis suggested by Weiss concerning the way that קנה is used in the Mishna.[7] Weiss asserts that in the Mishna, the verb קנה is utilized to represent marriage to a woman only when the marriage relates, in some manner, to a larger commercial transaction. The verb literally means "purchase" in the commercial transaction, but takes on a more figurative meaning in connection with the woman. Thus the verb קנה is used with respect to marriage only if there is a larger transaction of purchasing slaves or property at hand, otherwise

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the verbs קדש and ירש are used (Weiss, 96). Campbell paraphrases the use of the verb with relationship to Ruth as "marry as part of a legally valid commercial transaction" (147).

Campbell rejects the כתיב rendering of קניתי in 4:5 which suggests the first person singular form ("I will purchase Ruth") since this would deny any levirate aspect to the marriage of Boaz and Ruth by separating the redeeming of the field and the responsibility for Ruth. Thus he accepts the Masoretic voweling which denotes a second person singular form (146).

According to Campbell, as private and mysterious as the episode on the threshing room floor was so is the scene at the city gate open to view, taking place at the most public spot in town, in the presence of the elders and townspeople. Our inability to make sense of the scene probably stems from our lack of knowledge of everyday life in ancient Israel rather than the storyteller's carelessness or stupidity (154).

Campbell goes on to suggest that the difficulty with understanding Naomi's ownership of land while destitute also comes from our limited knowledge of common practice (as with the case in II Kings 8:1-6 concerning the Shunammite widow). We do not possess knowledge of laws which address ownership of land by widows. Campbell hypothesizes that perhaps Naomi did not even know about the land, and

Boaz simply took matters into his own hands, presuming Naomi's

approval of his actions (157-8).

B.   Phyllis Trible

In a footnote to the first sentence in her own reading of the Book of

Ruth, "A Human Comedy,"[8] Phyllis Trible notes that her debt to Edward

Campbell's commentary is evident throughout her own reading, even

where her views differ from his (166). Trible offers a literary critical and

feminist reading of the text.[9] Her feminist criticism is a sub-stratum

within the current literary critical approach in which literary issues of the

text are merged with the wider cultural concerns of feminism. Tamara

Cohn Eskenazi notes that "Contemporary feminist criticism was

launched in biblical studies as an effort to 'depatriarchalize' biblical

narrative."[10] She continues, "In her pioneering work, Trible claimed that

important biblical texts have been distorted by patriarchal misreadings

and need to be reclaimed for their egalitarian, liberating vision of

womanhood and God" (19).

Trible's interpretation of the Book of Ruth echoes in many respects

that of Campbell, yet without dwelling on the "legalities" of the text.

Trible does not examine narrative or historical coherence as much as the

distribution of gender roles in the characterizations of the main

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protagonists. She notes that, often, things are not what they seem: Deference on the part of Ruth is initiative; initiative on the part of Boaz is reaction. Boaz is subordinate to Naomi and Ruth. In Trible's words,

> He has patriarchal power, but he does not have narrative power. He has authority within the story but no control over it. The story belongs to Ruth and Naomi--and to chance, that code for the divine (Pg. 178).

Trible agrees with Campbell's reading of 3:4, that Ruth asks Boaz to spread his *wing* over his maidservant. She reads this as a wordplay by Ruth, with Ruth asking Boaz to make good on his own prayer for her in 2:12. Ruth asks Boaz to marry her as the means of bringing the divine blessing of Chapter 2 into her life. As a redeemer, Boaz has an obligation to perform (184).

Trible asserts that throughout the story Ruth is "the defier of custom, the maker of decisions, and the worker of salvation" (184). Boaz's response is gracious. Trible believes Boaz's reluctance to intercede prematurely on his relatives' behalf has to do with the order of redeemers, "since responsibility belongs to another man and custom decrees that the proper order be followed" (185). She agrees with Campbell that "to do the redeemer's part" means to marry Ruth. She even suggests that Naomi herself linked redeemer with marriage in 3:1-2. She accepts Campbell's understanding of levirate and redemption practices as being practically one and the same (184-185).

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In Trible's reading, the women shape the story. Only at the beginning of Chapter 4 does the story take on what Trible calls a "heavy patriarchal cast." The public gathering in Chapter 4 is entirely a man's world. "No women are present, even though their actions alone have made the occasion mandatory. Boaz takes charge ..." (188).

> Men alone decide the future of women. In addition, Boaz presents the situation of these women quite differently from their own understanding of it. He subordinates both of them to male prerogatives: the buying of land and the restoration of the name of the dead to his inheritance (192).

The surprise about the land that Naomi must sell explains a rhetorical motive. "By delaying [the] information about Ruth until after the redeemer has agreed to redeem the land, Boaz exposes the motive and character of this man" (189). She adds:

> It appears that originally this man agreed to redemption for personal gain, the acquisition of property, rather than for familial restoration. Opposing I and you, his own words show that selfish interest, while they show no interest at all in Ruth. Since he refuses, then, to do the part of a redeemer, the outcome is assured for Ruth and Boaz (189).

What matters to Trible here is the different outlook of women and men represented in the text. On the question of marriage, Trible asserts that the women's interest revolves around "life for the living," while the men view the woman, Ruth, "exclusively as a vessel for male progeny." The women have been silent on the question of the restoration of the name of the dead which, Trible suggests, means that they do not share this male

perspective. She does not mention or even allude to a levirate situation, prefering, instead, to focus on the pattern of competing, yet eventually complementary, interests of patriarchy and women (192-3).

This concern with gender differences applies to her understanding of the function of the גּוֹאֵל too. Trible indicates that the men and women reflect very different assumptions about the role of the גּוֹאֵל. She differs from Campbell in basing her understanding of such key terms as גּוֹאֵל on nuances in the narrative, without attempting to create a historical basis for such legal matters.

C.   Jack M. Sasson

In 1979, Jack M. Sasson's widely read *Ruth* commentary was published. Ten years later, a second edition was published in which Sasson maintained the overall integrity of his findings, but offered some refinements to his original assumptions.[11]

Sasson's interpretation of Ruth, its meaning and themes differs substantially from that of Campbell. Sasson attempts what he calls a Formalist-Folklorist interpretation of the Book of Ruth, drawing upon Russian formalist Vladimir Propp's work with Russian fairy tales. In his forward to the second edition of his commentary, however, Sasson reconsiders the usefulness of such a genre designation, saying; "I now

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doubt the wisdom of having featured the work of Propp even as modestly as I had, mostly because it has attracted to itself a larger amount of attention than it deserves" (vi).

For Sasson, the Book of Ruth is a "piece of historicizing fiction ... strongly reminiscent of folktales" (vi). He introduces the kind of generic observations that undermine some assumptions, such as Campbell's regarding the status of legal information. Sasson questions the tendency to glean evidence about Israel's legal or political past from the book because this genre "does not ordinarily retain accurate memory of specific moments of a given culture; rather it tends to blend and even telescope past events into patterns of exemplary behavior (Pg. vi)."

> Moreover, if Ruth is a tale rather than an accurate chronology
> of past activities, then we should stop treating it as an
> imperfect retelling of history, charging the teller with
> dropping crucial incidents from the narrative simply because
> they were common knowledge to an ancient audience.
> Instead, we have to deem what is currently available to us as
> repository of *all* the information needed to unravel the tale's
> plot and recover its themes (vi).

Sasson's interpretation of the book stresses that marriage *per se* may not have been Ruth's goal. Ruth's request to Boaz in 3:9 is a blunt and explicit request to take her into his immediate family, but it is not clear whether she is asking Boaz to take her in as a bride or merely as a concubine. Boaz assures her that her credentials as wife of Mahlon will permit him to marry her (81, 193).

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Sasson translates כָּנָף in its derivative form, "extremity [of a garment]," but also suggests that the use of this word may have been an ironic play on words by the storyteller vis a vis Boaz's words of 2:12 (81).

Sasson does not believe that Ruth's desire to be taken as a wife should be connected to Boaz's obligation as a redeemer. He states that to do so "would result in a singular expansion of the role of the *go'el*." It is here where Sasson seems to differ most markedly from Campbell. Sasson believes that Ruth acted without Naomi's instructions when broaching the subject of גְאוּלָה with Boaz and that Ruth was "insufficiently informed about Boaz's precise position in the chain of possible redeemers" (83). Sasson hypothesizes that what Ruth was doing was making known her own hope that Boaz would become Naomi's redeemer (193).

Sasson discounts Campbell's hypothesis about the combination of redemption and levirate marriage; he views the two as separate transactions. He rejects "medieval Rabbis and the majority of Biblical scholars [who] have been encouraged to consider the *go'el's* duty as essentially that of a levir" (126). Instead, he insists that "In *Ruth* the redemption of the land of Elimelech is primary in importance" (127). The reason that the matter was not mentioned earlier than Chapter 4 was perhaps because of the harvest and because Naomi needed a man to initiate the court proceedings (193).

Sasson asserts that the כתיב form of the text requires translating the "purchase" of Ruth to be in the first person singular form קניתי--"I purchase/acquire." Thus it is Boaz, not the nearer redeemer who is "purchasing" Ruth. Sasson maintains that,

> If Ruth gave up her freedom to return to her parents' home in Moab in favor of attachment to a Bethlehemite widow, it would follow that to obtain Ruth's release from the bonds that tied her to Naomi, Boaz may have had to buy her outright or at least to compensate Naomi for the loss of a valuable helper. This purchase price is in no way to be considered as a bride price since the appropriate receivers of such gifts were presumably still in Moab. It is simply the amount paid to Naomi to obtain Ruth's release from her promise and from her (unwritten) contract with Naomi. That Naomi benefits monetarily from this last transaction would clearly not be resented by an audience whose sympathy doubtless extended to widows in search of security and redeemers (124-125).

It was the nearer redeemer's responsibility to redeem the land. Boaz would "buy" Ruth from Naomi. Yet Sasson does claim that one of the two major goals of the levirate institution (producing a male child to continue the "name" of the deceased) was at stake in the story. In this way, he is able to explain Boaz's statements that he is marrying Ruth, "so as to perpetuate the name of the deceased upon his estate" (4:5,10), while disputing "the tendency in Biblical scholarship to regard Ruth as obligated to marry in fulfillment of levirate obligations" (132).

Sasson maintains that the narrator of Ruth would not have dared to portray the גואל as an ignorant simpleton. He suggests that at the

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threshing room floor, Boaz had vowed to marry Ruth, and he needed to let the גואל know this before he (the גואל) attempted to transfer Elimelech's land into his own estate. Announcing that he, Boaz, was to marry Ruth, was the "trump card" with which Boaz hoped to change the nearer kinsman's mind about purchasing Elimelech's land (131). If Boaz was to declare, as he did, before a legally constituted assembly that the first male child produced in his union with Ruth would be considered Naomi's offspring, in a year's time (after returning the land to her as the child's trustee) she might still be impoverished and have to sell the land again, at which time the nearer redeemer would again be called upon to redeem the land. Such as situation would not have been financially profitable for the גואל who would not have been able to profit from its use. (134, 139-140).

D.   Athalya Brenner

Whereas biblical scholars almost unanimously agree that the Book of Ruth was composed as a unified story, Athalya Brenner offers a very different reading.[12] Brenner proposes that the book is composed of two still distinct strands, a Naomi story and a Ruth story, each originally belonging to a separate, although parallel, folktale or novella. Further, she asserts that the seams which combined the two stories are still discernible and account for some of the difficulties in the text (33).

Brenner is aware of Sasson's work in the first edition of his commentary on the Book of Ruth. She introduces historical analysis as a means to supplement what she considers to be Sasson's application of Propp's scheme at its weaker spots (391).

Brenner's working hypothesis and starting point is that, once upon a time, there existed two oral tales.

> Both tales shared a common main theme, a theme which is well know from patriarchal and other stories: the reversal of feminine fortune (= a destitute/barren lady becomes the mother of a hero/important person) (391).

The topic and structure of the two tales were similar, although the plots or sub-themes differed. In each narrative there was a sole heroine; in one it was Naomi and in the other, Ruth.

In the Naomi tale, the elder, impoverished widow returns alone from Moab to Bethlehem. She possesses title or rights of some sort to her family's land, which must be redeemed or released from ties. She calls on Boaz, who redeems her and her land after discouraging the other גואל. A son is born, the family-line and estate are retained and Naomi's fortune fully reversed (392).

In Ruth's tale, a young, childless and destitute widow migrates from her homeland to that of her dead husband's. Using courage and initiative, she introduces herself to her late husband's family, becoming a retainer. She then seduces Boaz, thus securing a husband and later an

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heir. Her late husband's line is redeemed, as well as land which she may have been unaware of before coming to Bethlehem (391-392).

Brenner maintains that the redemption problem--who is being redeemed? Naomi, Ruth or both--is one of the difficulties that arose in joining the two tales together.

Brenner does not address the specific aspects of the plot upon which the other interpreters focus. She cites Sasson for particular details. Her interpretation was included in this review and analysis to emphasize the wide variety of interpretations available about the Book of Ruth.

E.   Fewell and Gunn with response by Coxon

The starting point for Danna Nolan Fewell and David M. Gunn's own analysis of the Book of Ruth is Phyllis Trible's reading of the book.[13] Like Trible, they utilize a literary critical and feminist reading of the text. They are quick to point out though that their own reading of the text diverges from Trible's on the character of Naomi.

> Like many other commentators, Trible finds Naomi to be a model of selflessness, her dominant concern being for the welfare of her daughters-in-law. Her support of Ruth, like Ruth's devotion to her, is exemplary. We would suggest a less sanguine reading (99).

According to Fewell and Gunn, the story's plot is propelled by the realities of female economic dependence and masculine sexual urges

toward a foreign woman. In Fewell and Gunn's reading, Naomi and Boaz are both motivated by a desire to avoid a public scandal, thereby tarnishing their reputations. Ruth is the radical, the one whose actions challenge the male-centered values at the core of both Naomi and Boaz's worldview.

Fewell and Gunn believe that Naomi is similar in character to Judah in Genesis 38, and that her only concern is for herself. They believe that Naomi set-up Ruth and Boaz when instructing Ruth to go to the threshing room floor. The instructions to make herself attractive and wait until after Boaz was inebriated before "sleeping" with him are, after all, highly suggestive.

> Why should Naomi set up such an arrangement? The literary allusions suggest that entrapment is the goal. Sexual intercourse, if not pregnancy, will enforce either marriage or a pay-off. The man, remember, is a 'man of substance' (a 'man of property,' we might say, or a 'man of worth'--'ish gibbor hayil' [2.1]). He is also a relative (at least by marriage); all the more reason for him to wish to avoid a public scandal (106).

Fewell and Gunn assume a strict, xenophobic understanding of Israelite marriage customs. They assert that Naomi knew the conventions of society only too well and that Ruth's Moabite origins would stand as a barrier between Ruth and marriage to Boaz. "A pillar of society like Boaz cannot afford to pursue his interest in a Moabite woman in terms of

marriage, unless under some kind of cloak or compulsion. Naomi decides

to go for compulsion" (106).

In a response to Fewell and Gunn, Peter Coxon asserts that the

character of Naomi has been seriously misjudged by them and their

interpretation of the literary allusions is forced.[14] He claims that Fewell

and Gunn employed an excessively literalistic interpretation of the text in

places; for example, in Ruth's recounting to Naomi of the events at the

threshing room floor. Coxon asks, "Must we assume that the narrator has

left all Boaz's conversation to Ruth on record or that reported speech must

reproduce the imprint of recorded direct speech?" (29).

Furthermore, Coxon rejects Fewell and Gunn's assertion that

Naomi's character resembles Judah in Genesis 38. Coxon asserts,

> The major affinity between the stories is the unstinted
> acceptance of foreign women into Israelite family stock and,
> of course, the specific connection between Perez, Tamar's
> issue through Judah, and his great-great-great-grandson
> Boaz, the husband of Ruth and father of Obed, the
> grandfather of David (32).

Coxon points out that Naomi's instructions to Ruth in Chapter 3 do

not necessarily have to hearken back to Gen 19 (Lot and his daughters)

and 38 (Judah and Tamar). Instead, he refers to Ezekiel 16 (see Campbell,

above) which associates such dressing and adornment directly with

betrothal and marriage (33).[15]

Coxon believes that the text of Ruth "contains words and phrases planted by the narrator as clues to the main intention in ch. 3" (34). He translates כנף in chapter 3 in its derivative form, *skirt*, but notes the connection in this regard to the betrothal ceremony in Ezekiel mentioned by other commentators, as well as the connection to Boaz's blessing of Ruth in Chapter 2 (also mentioned by other commentators). "Ruth's request is not a stilted invitation to sexual intercourse but rather picks up Boaz's own assurance to her in the harvest field" (34).

Coxon rejects Fewell and Gunn's notion that Boaz has to be trapped into marrying a Moabite. He notes Boaz's immediate recognition of Ruth's integrity (3:10-11) as well as Boaz's willingness to do all that Ruth has asked of him (3:11) as the fulfillment of Naomi's quest for Ruth's security.

Coxon believes that in Boaz's summation in Chapter 4, Naomi and her land figure first, then Ruth the widow of Mahlon and her prospects in producing potential descendants for her dead husband.

Responding to Coxon in a follow-up article, Fewell and Gunn criticize him for reviving a familiar, narrow reading, colored by gender specific biases.[16] "Like many men before him, he wants an altruistic Naomi, he wants a self-sacrificing Ruth, and he wants a perfectly heroic Boaz" (40).

However, they add an interesting point, revealing their hermeneutic presuppostion:

> There is, we would say, no 'true' understanding of the character of Naomi, though some reconstructions will resonate more with some readers, seem 'truer' to the text, than others. The rules by which the critical game is played will make a difference, as will the point of view of the reader (40).

Fewell and Gunn maintain that Coxon "seeks to reassert a vision of stereotypical patriarchal relationships, he also assumes that the narrator is a 'he' and believes that all the readers are 'he'" (40). They contend that Coxon's reading strategies (the rules of the game) are convenient for the case he asserting.

In a companion paper on Boaz, Fewell and Gunn further develop their reading of the story as a whole.[17] In it, they offer "an invitation to abandon the idyll for awhile and to read a leaner, tougher story instead" (45).

They assert that Boaz's interest in Ruth is more complex than "concern for her and Naomi's economic plight as widow and, in the case of Ruth, as foreigner, coupled with his sense of responsibility as a 'redeemer'" (46).

Fewell and Gunn maintain that Ruth's use of the phrase ופרשת כנפך על-אמתך in Chapter 3 is a powerful redeployment of Boaz's own pious words about the כנף of God (2:12),[18] challenging Boaz "into

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subordinating his immediate sexual interest in Ruth to a more enduring

interest which will incorporate, among other possible dinensions of the

relationship, a serious concern for her social security" (48).

They suggest that Boaz's reputation may be as large a motivating

force in his decision to act as is his desire for Ruth. "The urgent

expedition of Boaz's action and the particular avenue that it takes

(weaving the announcement of marriage into a proposal about property),

may be due as much to his need to 'redeem' his reputation as it is to

rescue Ruth" (48).

> In the public light of the following day, Boaz's talk is all of
> redeeming land and continuing male lineage and property.
> But as the story draws to a close, the narrator allows Boaz's
> final action to speak for itself. For all his piety and generosity,
> for all his acclaimed responsible behavior, his desire for Ruth
> cannot be cloaked. His last, and most telling, move is to have
> sexual intercourse with 'his woman' (4.13) (48).

Fewell and Gunn maintain that Boaz requires a public

confrontation with the nearer redeemer. Boaz needs a cloak to cover his

marriage to Ruth, a Moabite. Ruth herself offers him a choice in telling

him to spread his כנף over her. It can be seen as either an invitation to

have sex, or an appeal for marriage and security, or both. A measure of

Ruth's courage is in the risk she takes in giving him the choice in how to

act (50).

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In a footnote to their text, Fewell and Gunn state that they do not accept unconditionally the belief that Ezek 16:8 refers necessarily to betrothal. Therefore, they do not see the use of the term in the Book of Ruth as necessarily denoting a request for marriage.

With respect to the term גואל, they insist that we cannot be sure of exactly what Ruth means by the use of the term. We cannot assume that גואל here is a technical term referring to property redemption, anymore than ופרשת כנפך is a technical expression having to do with offering or requesting marriage.

Furthermore, they challenge the notion of a legal connection between the two institutions of property redemption and levirate marriage. They note that such assumptions lead to major problems in understanding the public scene in Chapter 4 as it relates to the laws of redemption and levirate marriage as actually stated in the law books (Lev 25:25; 27:9-13 and Deut 25:5-10, respectively) (50, 57).

Fewell and Gunn assert that Ruth may be aware of the term גואל as a technical term referring to a relative who saves property from passing out of the family, but a sudden reference to property redemption seems out of place in the conversation. They also note that, contrary to the assertion of many commentators, redemption as an institution has nothing to do with marriage, let alone levirate marriage. In addition, not only is the question

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of levirate marriage not raised on the threshing floor, but Boaz is under no

obligation to offer marriage since levirate marriage is a matter for brothers

dwelling together; there is no suggestion anywhere in the book that Boaz

is a brother of either Elimelech or Mahlon or dwelt together with them (50).

> In short, an exegetical decision to understand Ruth's speech
> as implying some actual legal institution obliging a
> (technical) *go'el* to practice a kind of levirate marriage is an
> unnecessary interpretive leap. (Pg. 51)

Fewell and Gunn maintain though that what Boaz makes of Ruth's

remark is another matter. The remark prompts a train of thought in his

mind concerning (technical) redemption.

> His reply, therefore, is couched in ambiguous language,
> allowing the possibility of (property) redemption to lurk
> alongside a more general meaning of help or rescue which
> could include marriage. What we must notice is that just as
> Ruth never explicitly asks for marriage, neither does the
> cautious Boaz explicitly promise it. Both the asking and the
> answering are in code. (Pg. 51)

Fewell and Gunn concur with Sasson that Boaz announces that he,

Boaz, will "acquire" Ruth on the day that the nearer redeemer acquires the

field. Like Sasson, they maintain that the first person singular form of the

consonantal text was incorrectly altered by later scribes who were

uncertain about what was going on in the scene. These scribes (the

Masoretes) vocalized the text to reflect "you are acquiring" instead of the

more ancient witness, "I am acquiring" (51).

Reading the text in the כתיב form "maintains the distinction between the laws of redemption and levirate marriage in accordance with the laws in Leviticus and Deuteronomy." In addition, it provides what Fewell and Gunn maintain is a logical requirement of the plot. It is Boaz's unexpected announcement that he will marry Ruth which causes the nearer redeemer to back out of his commitment to acquire the field under the obligations of redemption.[19]

Boaz has taken his cue from Ruth's association of marriage and redemption. He sees that he can make his claim to levirate status easier for the townspeople to accept by presenting the redemption of the field and his desired marriage in tandem (52).

Therefore, Fewell and Gunn believe, Boaz deliberately couched his announcement of marriage in the conventional terms of levirate marriage in 4:5 and 4:10, and "the narrator cements this understanding for the reader by dwelling on the shoe ceremony, thereby alluding unmistakably to Deuteronomy 25" (52, 58). I find that this last point is one with which Fewell and Gunn stretch their reading beyond the realm of probability. The dissimilarities between the shoe ceremony witnessed in Ruth and that contemplated by Deuteronomy 25 are far too great to justify this argument.

They do, however, make the following noteworthy point, echoing Trible:

> To women, the [levirate] custom would have been important
> because it offered them some semblance of security. To men,
> the custom promised a kind of generational immortality--the
> preservation of male name and property throughout the
> generations. What is important to notice in this text is that
> Boaz, in speaking to the body of male elders, appeals to male
> interests. His proposition is not worded in terms of meeting
> the physical needs of impoverished widows; rather, he
> focuses on the incorporeal male values--the sacred male
> name and lineage (59).

Much as they read Chapter 3 as an attempt at entrapment on

Naomi's part, so Fewell and Gunn read Chapter 4 as the daytime

counterpart, with the nearer redeemer the luckless victim of Boaz's set-up.

They see Boaz as effecting a dubious marriage in a way that makes it a

public triumph by showing himself not only prepared to undertake the

obligation to redeem but also to act as levir (52-53).

Viewed from one angle, Boaz and Naomi are both trapped by

patriarchal conventions, but viewed from another, Boaz

> wishes to marry the Moabite woman and does so. His
> profession of commitment to the name of the dead is hollow.
> He cares no more for Mahlon and Elimelech than does the
> narrator. They are but weapons in his hand as he defeats one
> set of prejudices by wielding another (54).

F.   Robert L. Hubbard, Jr.

Robert Hubbard calls the Book of Ruth "an absolutely delightful

little book" which, ultimately, is a book "about the ways of God in human

life."[20]

Like Campbell, Hubbard believes that the Book of Ruth is a short

story and that its content confirms historical plausibility, fitting what we

know of life in ancient Israel (48). Most important,

> [W]ere David's descent from a Moabite great-grandmother
> not true, a writer would hardly invent the idea, particularly if
> he wanted to honor David. In sum, while the skill of the
> storyteller is quite evident, the heart of the story is historical
> (pg. 48).

Hubbard maintains, as do most commentators, that the climactic

turning point of the entire story is related in chapter 3. He also

acknowledges that he is heavily indebted to Campbell for his

understanding of what occurs at the threshing room floor (195). Like

Campbell, Hubbard asserts that "the chapter teems with 'carefully

contrived ambiguity' (Campbell) and sexual innuendo" (196). He adds:

> Such ambiguity and suggestive language serve two purposes.
> First, they easily retain audience attention--and in gripping
> suspense, too! Second, they thrust Ruth and Boaz into a
> crucible of moral choice: Will they again, as before, live
> according to the ideal of *hesed*? (196).

Hubbard asserts that ופרשת כנפך means "to marry" as is evident from

its use in Ezek. 16:8, and from Boaz's response here. He also notes the

word play on Boaz's earlier blessing of Ruth in 2:12.

> In essence, Ruth asked Boaz to answer his own prayer! This
> association assumes a theological connection between the
> two: Boaz's covering of Ruth with his *kanap* ("garment-
> corner") implements Yahweh's protective covering of her
> with his *kanap* ("wing") (212).

Hubbard rejects Sasson's claim that Boaz's response indicates a separation between the issues of marriage and redemption in Ruth's petition. Instead, Hubbard asserts that Ruth tells Boaz that he "should marry her because *or since [ki] you are a kinsman-redeemer*" (212). Hubbard believes that "Ruth clearly assumed that as a *go'el* Boaz had a duty to marry her" (213). In addition, Ruth's request implied that a benefit to Naomi (probably by providing her with an heir) was among the duties of the גואל assumed by Ruth.

Hubbard belives that the duty of גאולה was far broader than what the surviving law codes embody and was inclusive of levirate-type responsibilities (52). By invoking the גואל custom on her own initiative, Ruth, Hubbard maintains, showed an impressive act of devotion to Naomi.

> Naomi's instructions intended simply to obtain a husband
> for Ruth--a concern of the older widow throughout the book
> (1:8-9, 11-13, 3:1). By invoking the *go'el* custom on her own
> initiative, however, Ruth subordinatèd her own happiness to
> the family duty of providing Naomi an heir (213).

Boaz specifically grants Ruth's request: as a גואל he will marry her, while possibly hinting that this duty involved more than just marriage (216). Hubbard does not believe that Boaz foresaw any objections to their marriage. He granted her request for marriage because her exemplary

reputation was common knowledge in Bethlehem. Her character had

neutralized any objections to her marrying an Israelite (216-217).

Like many scholars, Hubbard maintains that the reason Boaz may

not have exercised the duty of גואל earlier was because he knew that the

right belonged to someone else and was not to be infringed upon. He does

not give a definitive answer as to why Naomi approached Boaz instead of

the nearer relative (218).

Hubbard does not accept the claim that Ruth and Boaz became

engaged at the threshing floor. He notes that Boaz did not symbolically

cover Ruth with his garment-corner as she asked in 3:9, the absence of this

gesture implies that the two were not formally engaged that night.

> Instead Boaz assured Ruth that the very next morning either
> Boaz or the nearer kinsman would redeem her (i.e., marry her
> and [hopefully] start a family.) Righteous man that he was,
> Boaz would settle things through proper means and leave the
> outcome to God (219).

Hubbard construes the transactions at the gate in Chapter 4 as

representing normative Israelite law. He asserts that in chapter 4 Boaz

cleverly takes the offensive and legally obtains Ruth as his wife.

Like other commentators, Hubbard notes that the events of chapter 4

take place publicly. He maintains that, "By implication, what had been

up to now a private matter among Ruth, Boaz, and Naomi must now

receive public settlement" (231).

In a footnote, Hubbard approvingly notes Rauber's chiding of

scholars "for being so preoccupiedwith [the] legal details [of chapter 4]

that they misperceive the author's purpose" (231). Hubbard maintains

that because the Book of Ruth is in the genre of a short story (as defined by

Campbell), it conforms to normative law in Israel, even though its primary

purpose is to tell a story. Therefore, its contents conform to the principles

of good story-telling. "The author may, for example, describe legal

customs ambiguously yet credibly in order to maintain reader interest"

(50). One assumes that elements of the story which may be ambiguous to

modern readers were not necessarily so to ancient ones. Additionally,

Hubbard invokes Campbell's observation that biblical legal materials do

not offer a comprehensive legal code which covers every imaginable case

(49-50).

As noted above, Hubbard maintains that the issue at hand concerns

the custom of redemption of a widow and a relative's property, and is not

a case involving the levirate.

> Only Ruth combines two practices which are normally
> thought to be separate, namely, the redemption of familial
> property and the procreation of an heir for a deceased relative
> (4:3-5) As a result, it is exceedingly difficult to relate the legal
> customs evident in Ruth to comparable customs in other
> biblical texts (49).

He supplies the following to the gaps in the story that we have:

Someone else had informally annexed ownership of the land while

Naomi was in Moab. The end of the harvest season offered an appropriate occasion to settle the matter. Hubbard assumes that "Israelite custom understood the duties of land redemption and the provision of an heir for deceased kin as interrelated" (56-7). He maintains the following:

> The social value which Israel placed on the survival of ancestors on their property provides the basis for the interrelationship between land redemption and marriage that underlay both the levirate and *go'el* duties. The use of *g'l* intransitively (lit. "to play the redeemer's role") in 4:4 and 6 seems to suggest this relationship. It is the broad role of redeemer, including both redemption of property and marriage to Ruth, which Boaz proposes (v. 4, and cleverly!) and which the other kinsman declines (v.6) (58).

Hubbard accepts the Masoretic rendering of קניתי in 4:5 and believes that the nearer kinsman waived his status as גואל upon learning that it was Ruth, not Naomi, whom he was expected to marry. Hubbard asserts that Ruth was "some sort of legally acceptable substitute for Naomi" with respect to perpetuating the name of the deceased over his inheritance (243-4).[21] This was not what the nearer redeemer had bargained for:

> Future profits from the land would offset any expense incurred in caring for Naomi; indeed, given her awful suffering, one might not expect her to live much longer anyway. In any case, there was no risk of losing his investment to the claims of a future heir. A required marriage to Ruth (v. 5), however, was a very different matter... (61).

I would argue, contra Hubbard, that care for Naomi would appear the more legally supported one since he is Naomi's גואל, not Ruth's.

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Nevertheless, Hubbard concludes that "Boaz outwitted his relative to achieve his ends--and all within accepted law and custom" (62).

G.   Francis Landy

Francis Landy asserts that "a close reading [of the Book of Ruth] becomes a disintegrative reading .... [T]he more closely one reads the book, the more one notices fissures and non-sequiturs, the more it fails to make sense" (286).

Landy approaches the Book of Ruth by using an intertextual, deconstructionist reading of the text. In a deconstructionist approach, "meanings are fluid and contextual, indeterminate in nature ....
According to deconstruction, the futile quest for authoritative, original meaning or permanent meaning is a misapprehension of what meaning is and how it operates" (Eskenazi, "Torah as Narrative and Narrative as Torah," 24).

In his brief study of the Book of Ruth, Landy focuses only on the scene on the threshing floor in chapter 3. He is "concerned with the conflict and cooperation between romance and realism, since realist fiction attempts to persuade us of the possibility of the fulfilment of romance in the quotidinal world" (286). His approach is intertextual, not

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only in a narrow sense as part of a literary corpus, but in a broader sense, enriched by a multitude of cultural associations.

The legal dilemmas posed by the book (i.e. the fact that redemption and levirate marriage are two distinct biblical categories), so noteworthy to most commentators, are deemed inconsequential in Landy's article. Instead, Landy maintains that the essential questions of the book are in understanding how Ruth's marriage and Naomi's redemption are achieved. The answers come in the form of metaphor interwoven with literal, as narrative is interwoven with law.

Landy asserts that Boaz's custom of going down to the threshing floor at night after the harvest to winnow the grain, eat, drink and sleep "cannot be located in the canonically sanctioned YHWHistic cycle" (288). Rather, he says, it is suggestive of folk-culture, decentralized and taking place in an age invested here with rustic innocence. "Folk culture, as evidenced by Judges, is hybrid, conferring the vocabulary of religious authority on symbolic practices, unchanged and ineradicable" (288). Thus, for Landy, the book offers a glimpse of folk culture, as opposed to "officially-sanctioned YHWHistic practice."

With respect to the threshing floor itself,

> As the place where the chaff is separated from the grain, the
> threshing floor is a symbol of interpretation as well as
> nutrition. It is associated, biblically, with fertility and

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licentiousness, but also with prophetic judgment and legal process. (Pg. 289)

Landy maintains that "we already know of Boaz's interest in Ruth, and may suspect, as does Naomi, that it has an erotic basis" (289-90). In dressing in her finest clothes, she effects a transformation from the everyday to a state of heightened consciousness, while entering the scene quietly identifies with the unconscious.

> The regression from officially-sanctioned YHWHistic practice to folk ritual parallels that from day to night and conscious to unconscious; Boaz is on a quest for the repressed, that takes him beyond patriarchal or other order ... at immense risk, [Ruth] devises the return of the repressed and thus permits the reintegration of the family and the comic resolution of its troubles (291-2).

Landy agrees with most commentators that ופרשת כנפך על-אמתך refers back to Boaz's "pious declaration" in 2:12. He maintains that the phrase is generally considered to be a proposal of marriage, while noting that several commentators think it may be a more direct sexual proposition (297-8).

For Landy, the parallel with YHWH's wings suggests, metaphorically, an association with protection, "but it also implies intimacy beneath the clothing that signifies human separation, partnership, and human warmth, as well as sexual possibilities" (298).

> Rhetorically, Ruth literalizes metaphor; she makes Boaz physically take her "under his wing;" her coming to shelter under YHWH's wings, with its global, encompassing but

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entirely nebulous referent, materializes in Boaz's *kenap*, "wing, skirt" (298).

According to Landy, with the use of the ambiguous term כָּנָף Boaz becomes a figure for YHWH. It is incongruous because of his evasion and because of the sexual overtones of Ruth's proposition, "invested as it is with her numinous idealization as the object of desire, and her abjection as the Moabitess" (298). Furthermore,

> The conjunction YHWH-Boaz with Ruth and her theophanous and alien associations threatens to subvert the differentiations on which patriarchy and Israel are founded, displaced, however by the indirectness of her language and the possibility of innocent interpretation (298).

Landy sees a shift occurring between the metaphorical notion of protection under the כָּנָף, and the legal domain where there is a semantic proximity between the laws of the levirate and redemption.

In deconstructing the book, Landy sidesteps the legal issues in which so many commentators become mired. He is less interested in the legal issues themselves than in understanding how officially-sanctioned YHWHistic practice (i.e. the law) interplays on a metaphorical level with the language of folk culture. Legal interpretations of whether the Book of Ruth is about redemption and/or levirate marriage are relegated to a footnoote offering five approaches to a solution for the fact that redemption and levirate marriage are two distinct biblical categories (299-

300). For Landy, what is essential is understanding how Ruth's marriage and Naomi's redemption are achieved.

> As in the previous phrase, Ruth literalizes metaphor. The shift there is on the level of language: the homonym "skirt-wing" that enables Ruth to localise the YHWHistic metaphor in Boaz's clothing. Here it is on the level of law. It is as a metaphorical redeemer that Boaz should take Ruth under his wing; as a literal redeemer, he is obliged to safeguard the familial estate. (Pg. 300)

Landy asserts that "through the intertextual reference to YHWH's wings, [Ruth] evokes a similar parallel between Boaz's technical status as redeemer and YHWH's redemptive activity. Metonymically, the 'skirt' is aligned with sex and posterity, and hence introduces the conceptual realm of the levirate" (300).

Landy states that the two motifs are combined on three levels: (1) On the divine level, Ruth finds redemption under the wings of YHWH to which she comes to shelter, correlating with his [sic] function as redeemer; (2) On the human level, the widow and stranger finds protection under Boaz's wing--his care and protection--corresponding to his metaphorical role of redeemer (i.e. the one who redeems the story of Elimelech's family); and (3) "Lexically, the wing is equivalent to a skirt, mentonymous with Boaz's sexual potential and the inapplicable realm of the levirate. Legally, Boaz's narrative function as redeemer is reflected in his biological kinship with its attendant obligations. The lexical shift is tacitly transferred to the

legal domain, under the cover of the metaphorical equivalence of 'wing' and 'redemption'"[22] (300-301).

According to Landy, Naomi and Boaz would turn Ruth into an automaton, faithfully fulfilling their designs. Instead she tells Boaz what he is, "Not merely as a *go'el* in the literal sense, with a patriarchal, historical duty, but as the subject of desire and need" (301).

Landy asserts that Boaz's eventual mention of the nearer redeemer in 3:12 "appears as a parenthesis, between Boaz's confirmation of his own rdemptive status and his wish that Ruth stay the night" (309). As Landy views it, "Whether history is compatible with romance, whether the unwitting *go'el* will collude with his assigned role, is up to Boaz and the narrator to manipulate, through the vagaries of a metaphorical, ever-shifting language" (309).

H.   Frederic Bush

In the most recent commentary on the Book of Ruth, published in 1996, Frederic Bush notes "Opinions about the purpose of Ruth are as diverse and contradictory as those about its date."[23]

He asserts that understanding the Book of Ruth as an orally transmitted short story is an hypothesis that "can no longer be seriously entertained." He quotes Kirkpatrick's conclusion that

distinguishing between oral and written texts on the basis of
certain stylistic features is no longer tenable .... [E]ven the
presence of epithets or formulaic phrases in a written text is
no sure touchstone of its orality (*OT and Folklore*, 116-7; see
also 51-65) (cited in Bush, 35).

Bush also concurs with Pamela Milne in questioning Sasson's

analysis of Ruth as a folktale and Sasson's methodology. Instead, Bush

identifies the genre of the Book of Ruth "an edifying short story" (46).

Important consequences for reading flow from this claim. He believes that

the narrator presents Ruth, Boaz and Naomi as exemplary characters

throughout the book,

> quite in contrast to the vast bulk of the rest of OT narrative,
> which dramatically depicts the moral ambiguity and even
> downright contradictions that mark the character of the
> human agents through whom God works. That is, the
> narrator presents the major characters of his story as models
> for his readers to emulate (46).

In this respect, Bush's genre designation distances his

interpretation from Campbell who more closely associates Ruth with

narratives such as Genesis.

Bush maintains that the purpose of the book "is to depict the quality

of its characters, not that of a situation or a sequence of events" (42).

Hence, the Book of Ruth is not a novella. For the distinction between short

story and novel/novella, Bush utilizes Humphrey's helpful taxonomy:

> ... the short story reveals the nature of a character or situation
> while a novel develops characters or situations. James Joyce
> speaks of the "epiphany quality" of the short story, its quality

of revelation. Through a compact series of events or stress situations a character is made clear and distinct to the reader or a situation's true quality is revealed. By contrast, over a much wider range of events and situations the characters of a novel[/novella] grow and/or deteriorate; they are seen to evolve as they shape and are shaped by events and situations.[24]

Where Bush's analysis resembles Campbell's is in underscoring the importance of recognizing the implications of the nature of Israelite (and ancient Near Eastern) casuistic law. Terms such as "law-code" and "legislation" can mislead us into thinking that collections of ancient case law functioned as codes of law do in modern Western countries. Biblical codes of law should not be regarded as comprehensive and all inclusive, regulating the legal needs of life by a system of courts, lawyers, judges, and police. In Israelite culture, legal decisions were made by the town elders on the basis of local legal precedents which were preserved primarily orally. Decisions differed from community to community, although communication between communities no doubt created a certain degree of uniformity, particularly between towns in the same geographical region. Codes of law such as Hammurabi's Code or those of Exodus or Deuteronomy resulted from political attempts to normalize practice. They functioned as legal precedents, and were intended to serve as references for settling cases, particularly difficult ones. As Campbell

noted, their purpose was illustrative and didactic; consequently, they are anything but complete and comprehensive.

Furthermore, Bush points out that the customs and legal practices followed in the *narratives* in the Bible often do not agree with the legal formulations in the Biblical *codes*. Thus it is incorrect to conclude that Boaz's marriage to Ruth can have nothing to do with levirate marriage as prescribed in Deut 25:5-10 simply because the Deuteronomy passage specifies that the obligation rests upon 'brothers dwelling together' (25:5). While Boaz is a more distant relative, the Book of Ruth may still represent a levirate-type arrangement.

Bush also maintains that we cannot expect terms used by ordinary people in narratives to be employed with the kind of legal precision that would be found in a law code. To emphasize this point, Bush notes an analogy mentioned by Beattie: "What the law-code calls 'larceny' the storyteller may be excused for calling 'theft.'"[25]

Bush incorporates insights from the presumed social world of ancient Israel in his interpretations of the motives of Ruth and Naomi. He asserts that marriage was the only honorable security afforded a woman in Naomi and Ruth's patriarchal world, and thus this was their sole purpose in approaching Boaz. On the otherhand, the purpose of the

marriage proposed by Boaz to the nearer redeemer was very similar to a
levirate-type situation.

With respect to the כָּנָף in Chapter 3, Bush agrees with other
commentators who maintain that to "spread one's skirt" is used as a
symbolic request for marriage in Ezek 16:8.

> *The only interpretation that renders the story coherent, credible, and
> intelligible* is that Ruth is using גּואל in its general sense as
> defined above --i.e., she says "...spread the skirt of your robe
> over your handmaiden [=marry me], for you are a גּואל [=you
> are one who has responsibility to care for family members in
> need] (169; italics added).

Yet Bush argues that Boaz may understand Ruth to be asking for
more than marriage because of her use of the term גּואל in relationship to
Boaz. Bush asks, "In other words, even though Ruth *meant* no more than a
request for marriage, does Boaz *hear* more than that?" He continues, "The
language he will use in what follows (vv 11-13) will even more strongly
suggest that he does. But, in what other way than in a marriage for Ruth
do Ruth and Naomi stand in need of "redemption"? The story thus far
has given us no sure clue" (171-172).

Bush maintains that the object of Naomi's instructions to Ruth in
3:1-4 and Ruth's words to Boaz in 3:9 was marriage, though not levirate.
The goal stemmed from a desire to remove the destitution and disgrace of
Ruth's widowhood. In their mind, the goal is "a woman's goal, namely, to
be married, the only honorable security afforded a woman in her

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patriarchal world" (180). They were not particularly interested in continuing the male line. Boaz raised the idea "of a voluntary, moral obligation, which, for want of a better term, we shall designate a 'levirate-type responsibility'" (176).

Bush believes that 3:12-13 indicates that Boaz was aware of the order of precedence whereby one relative would act as גואל rather than another in the matter of the moral obligation (i.e., family responsibility) to marry the widow of a relative, just as there was an order of preference in the matter of the legal obligation to redeem land (177). By having Boaz speak mysteriously about a nearer redeemer, the story-teller further increases the suspense and piques our curiosity and interest (177).

Like Campbell and Hubbard, Bush accepts Weiss's hypothesis with respect to the use of קנה, namely, that the term is used for marriage only in special cases. He rejects the view that the passage reflects "marriage by purchase."

> In the first place, it is highly doubtful whether a conception of marriage by purchase, in which the woman was acquired in a manner analogous to a commercial transaction of buying and selling, was known to either the OT or any ancient Near Eastern society .... Even though in most ancient Near Eastern societies, including the OT, the act by which a woman formally and legally became the wife of a man consisted of the payment of the "marriage-money" by the bridegroom or his father to the family or father of the bride, such a payment in actuality consituted nothing more than the legal form for contracting the marriage (217).

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Bush is well aware of the ambiguities, uncertainties, and unknowns that confront us in the transaction proposed by Boaz in 4:3-5. He suggests that, for the most part, these uncertainties arise from our lack of knowledge of the socio-legal customs and institutions that regulated such real estate transactions and family obligations in ancient Israel. The narrator has shown himself to be a skillful and well-informed storyteller, thus there is no reason to believe that our uncertainties are due to the narrator's ignorance, ineptitude, or deliberate ("albeit artful") manipulation of legal principles and formulations for the purpose of constructing a "good" story. Bush's working hypothesis is the assumption that both the storyteller and his contemporary readers shared sufficient knowledge of the social and legal customs and obligations to comprehend what was going on, without giving it a second thought (211).

Bush accepts the Masoretic rendering of קָנִיתִי in 4:5, although he does not base this decision on what, he says, others consider to be *prima facie* evidence that Boaz was calling on the nearer redeemer to take on this "legal" responsibility (218-9).

Bush acknowledges that "... it is patently clear that the purpose of the marriage proposed by Boaz is very similar to that of the levirate marriage prescribed in Deut 25:5-10 and to the conjugal duties incumbent upon the sons of Judah in Genesis 38 ..." Therefore, "[I]t is not surprising

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that almost all commentators have concluded that the marriage here proposed is either a levirate marriage or a custom very closely related" (221).

Bush does elucidate what he considers to be three differences between the levirate marriage custom and that assumed by the situation in Ruth. First of all, the custom in Ruth does not have the binding character of a legal formulation. Up until chapter 4, Boaz has not made any moves that would indicate that he is the subject of such a legal obligation. Also, neither Naomi or Ruth have acted in a manner which would suggest that they had any legal rights with respect to a levirate obligation. Under the legal obligation of levirate marriage, the nearer redeemer would most likely have been well aware of his responsibilities, but Boaz's second statement contained a requirement that he obviously did not anticipate when he agreed to redeem the field. Secondly, the levirate obligation can be substantiated *legally* only for the brother of the deceased husband. There is no certain indication in Deuteronomy 25 or Genesis 38 that a more distant relative could otherwise serve. Finally, in both Deuteronomy 25 and Genesis 38 the levirate obligation is a binding one, thus there would have been a humiliating social stigma attached to its refusal by the nearer redeemer, a social stigma which is not at all apparent in Ruth (223-40).

Bush therefore concludes that levirate marriage should not be defined so broadly so as to unite the disparate customs of Deuteronomy 25, Genesis 38 and Ruth 4 into a single institution. He does maintain however, that

> Even though the obligation presumed had no legal standing and accorded no legal rights to the parties involved and its refusal carried no appreciable social stigma, Ruth 4:5d clearly implies that a communally recognized moral obligation, a family responsibility, on the part of the next of kin did exist. This responsibility was to acquire 'the wife of the deceased in order to produce descendants for the deceased on his inheritance.' (v5)" (225).

Bush maintains that there was a threefold purpose to the Boaz/Ruth marriage: "to provide descendants for the deceased, to prevent the alienation of the family estate, and concomitantly, to provide for the protection and security of the widow (although, with her identity as the 'wife of the deceased,' this last has fallen quite into the background)" (226). Thus he terms the "customary obligation" to be a "levirate-type responsibility" since, for Bush, its purposes are very similar to those of levirate marriage proper (227).

Furthermore, Bush asserts that these reasons met the agenda of the patriarchal world in which they lived, which was why Boaz focused on them. He maintains it was

> Boaz's faithfulness to and skillful use of the concerns and institutions of his own male world [which helped him] to overcome the obstacle represented by the prior rights of the

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nearer redeemer and so make possible the transformation of the death and emptiness of Naomi's world into the life and fullness the next scene will depict (248).

Thus, Bush explains the discrepancy between the customs or legal practices in the narratives and the legal formulations in the codes by resorting to "legal fiction," so to speak. He designates a "levirate-type responsibility" implicit in the situation. He acknowledges that what occured in Chapter 4 carried no legal obligations. Rather, it invoked a communally recognized moral obligation, a family obligation to provide security as well as protection to the widow, and to provide descendants for the deceased so that the family estate would not be alienated.

In making this proposal, Bush does not account for פלוני אלמוני being taken aback and unprepared to marry Ruth upon redeeming the land. It seems likely that the nearer redeemer would have been aware of Naomi and Ruth and their state of affairs. Therefore some explanation is needed, which Bush's reading does not supply.

In the final anlysis, on the one hand, Bush virtually collapses the *practical* distinction between גואל and levir, while on the other, accepting one (גואל) as legally binding, and the other (levir) as only morally compelling.

III.

Orality, Literacy and Genre

The various literary approaches that are employed in the study of the Bible all share a common goal: to bring a deeper knowledge of biblical literature and its meanings or worldviews to our understanding. A major question among commentators is whether the Book of Ruth was composed orally and only later written down, or was from its inception developed in written form.[26]

The importance of this issue stems from the differences which the Book of Ruth exhibits vis a vis the laws related to marriage customs, redemption responsibilities and levirate obligations found in the Torah. Although oral traditions played a crucial role in earlier scholarly interpretations of the Bible (see for example Gunkel), more recent trends show a reluctance to explore the ways orality bears upon the composition of biblical texts.

It is my view that a study of the interplay between orality and literacy is particularly pertinent to an analysis of the Book of Ruth. The insights from this field of investigation can provide a foundation for interpreting the book and for disentangling some of the threads and

seeming inconsistencies that cause distinguished scholars to weave such contradictory readings of key elements in the Book of Ruth.

It is important at the outset to note, as Susan Niditch does in her book *Underdogs and Tricksters: A Prelude to Biblical Folklore*,[27] that we will never be able to ascertain absolutely whether any piece of the Hebrew Bible was orally composed. The sample available to us, by which scholars test for formulaic patterns, is simply too small (14). Where studies of orality and literacy as well as folklore aid biblical studies is in their stress on viewing texts "as integral parts of particular value systems grounded in time and place" (16).

The more fortunate field of classical studies possesses a significantly greater number of sources for the study of orality and literacy in antiquity. Biblical scholars are now in a position to benefit from this in two important ways.

First, classicists now provide us with sophisticated analysis of this phenomenon (i.e. the nature of orality and literacy) in antiquity, given that classicists have access to a more substantial "data base" than do biblical scholars. Second, the culture that classicists describe is one whose geographical location and dates are relatively close to that of ancient Israel and show some important parallels to it.[28] Thus, without claiming any direct influence from Greek culture upon Israel, one nevertheless can

better understand important characteristics of the phenomenon of orality and literacy, thanks to the work of classicists. Some of the conclusions from this field can then be critically applied to the Bible in general and the Book of Ruth in particular. Additionally, newer studies in folklore provide further material for thinking about some complexities in the Book of Ruth.

A.   Orality and Literacy

As Rosalind Thomas asserts, we tend to look at "literacy" through modern eyes--contrasting it to "illiteracy" instead of orality.[29] It is difficult for us, as moderns, to comprehend the importance of orality in the ancient world. In what is one of the most thorough works on the subject, Thomas examines classical Greece. She shows that in Greece, a culture highly developed in terms of both orality and literacy, a reliance on oral communication (or orality) and literacy are not mutually exclusive.[30] "The evidence for Greece shows *both* a sophisticated and extensive use of writing in some spheres *and* what is to us an amazing dominance of the spoken word" (4).

Thomas notes that many studies of orality have been insufficient because much of the work in the field has been focused on the common features of predominantly oral societies. She points out that when one looks for the common features between 9th century BCE Greece, before the

alphabet arrived, and early 20th century Somali, before literacy had much influence, one tends to get the impression that the two societies are identical. But to look for the common features in two such diverse societies implies, erroneously, that oral cultures are homogeneous rather than varied (Pg. 7-8).

In contrast to such an approach, Thomas maintains that the divisions of communication were drawn in the ancient world along very different lines from ours. The issue of the existence of a written text was secondary, whereas oral transmission, performance and discourse provided the prominent means of contact.

Thomas distinguishes three components of orality: oral communication, oral composition and oral transmission, each component having a different relationship to writing. Oral communication refers to communication by word of mouth alone. Oral composition is the composition of a text in one's head. Oral transmission is when words are passed down with the aid of written texts, but the primary means of transmission is through the continuity of performance, the teaching of one generation to another. In this case, an element of oral transmission continues alongside the existence of a written text (Pg. 122). One should note, for instance, that oral transmission continues to this day to play an integral role in Judaism with קריאת התורה.

The ancient reader was not constantly inundated with new texts, rather most of the available reading material would be somewhat familiar or even memorized, or else reinforced by having been read aloud first. The ability to read a totally unfamiliar text, even a nonsense text, is characteristic of 20th century notions of literacy. It is important to remember, however, that "this is a recent development, and one which tends to regard literacy merely as a technique or skill that can be measured in isolation from the kind of texts likely to be read" (9).

Thomas maintains that "oral cultures do not try to remember the slow, subtle changes in customs and habits in their oral traditions. A shallow, unchanging past can be the effect of the oral tradition, not a fundamental characteristic of oral societies" (7).

Thomas charts a time line of literacy for classical Greece. But she also cautions that, "The degree, extent and significance of literacy will change over the centuries (as will orality), and from society to society, even within the multifarious communities of Greece" (5). The time line which she presents should not be generalized to Israelite culture. Indeed, even within the ancient Greek civilization, literacy levels differed by economic class and from one geographic region to another. Nevertheless, her timeline does afford us a general understanding of how literacy developed

in an ancient culture that was contemporaneous with the Israelite

civilization in which we are interested.[31]

According to Thomas, the Mycenaean culture (c. 1500-1100 BCE)

had a syllabic script, but it seemed to be used only for maintaining palace

records and died out with the culture that supported it. The adaptation of

the Phoenician alphabet probably occurred in the first half of the 8th

century (BCE) but its use spread only gradually. "The Greeek city-states

seem to have used writing very sparingly till the fifth and fourth

centuries," (the time of the radical democracy). She asserts that during the

earlier "archaic" period (c. 700-500 BCE), "writing was used for private

inscriptions, the first written laws and many religious purposes" (12-13).[32]

Thomas maintains that most of life's transactions were conducted orally,

without the written word. Orators worked without written speeches.

Books were very rare until the end of the 5th century, becoming more

common (though still not numerous) around the middle of the 4th

century.

> Even when public documents were made, they were not yet
> kept with any sophistication or even necessarily used again.
> Athens itself had a central archive only from the end of the
> fifth century and had to revise the laws at the same time,
> probably because their proliferation on inscriptions and in
> archives left it quite unclear what was legal. But in the fourth
> century a new spirit of professionalism creeps in and the
> written word seems to be accorded greater respect (14).

Evidence from Greece indicates that the first and most important public writing recorded laws, sometime in the second half of the 7th century BCE. Sacred laws were dated to the early 6th century BCE and lists of names can be found from the second half of the 6th century BCE.[33]

Of particular interest is her statement that "the predominance of procedure in early laws does suggest that writing was often used to record, fix and perhaps dignify the kind of rules that were *not* generally accepted by the community" (68; emphasis added). In Greek society, "unwritten law" continued to be respected and have a role even as late as the very end of the 5th century. When writing was applied to law, not all of the laws were written down. "When laws began to be written down, some oral law continued and there can have been no sudden transition to the rule of written law" (68). According to Thomas, it is unclear how far the written laws ever reproduced what were already accepted oral laws.

Thomas's premise is that

> Neither literacy nor orality are constants, and their roles can be extraordinarily diverse, often reflecting much more of the society using writing or oral communication than any expectations of general characteristics. Moreover, the patterns of literacy and orality in the ancient world have in part governed what has been written down and therefore preserved for us today (14).

According to Thomas, oral tradition most vividly retains certain features of oral transmission. Oral tradition typically refers to traditions

which concern the past. As we know of them in the modern world, they tend to be "extremely unstable unless embued with specific, formal or ritual mechanisms to preserve them accurately"(108). From what modern research has surmised, the reasons for remembering such traditions and passing them on are quite specific--they do not get passed on accidentally. "[Human transmitters and human memory] select the tradition and may well change it in the process: the reasons for change can be cultural, social, political, or ideological." Psychologists have found in working with human memory that "the process of selection and change is a complex interweaving of social, political and presumably psychological factors" (109).

In other words, both oral tradition and memory are culturally determined. Some of the features seemingly characteristic of societies without writing are features of the past as seen by the present, an effect of the progressive wearing down and shaping of memories. Those memories are "refined, honed or 'deformed' by the beliefs, needs and values of the society" (108-109). They are the expression of the collective.

B.   Folklore Studies

Folklore is one genre with special relations to literacy and orality as well as traditional memory. Susan Niditch notes that, until recently, the

newer methodologies of folklore have not been included among the tools of biblical study because "traditional literature" (as folklore is often called) carried primitive, unrefined and unsophisticated associations.[34] Biblical scholars were quick to point out (correctly) that such traits (i.e. primitive and unrefined) certainly were not representative of the Bible, and therefore concluded (erroneously) that folklore studies had no place within the context of studying the Bible.

Resistance to folklore as a lens for studying biblical texts has been further influenced by the emphasis of one school of thought in folklore studies on folklore as "lore in process or performance." Scholars who follow this line of reasoning believe that the most important aspect of the genre is the interaction between the creative artists and audiences. Thus, for some scholars (Niditch mentions Barre Toelken, Richard Bauman and Dan Ben-Amos specifically)[35] folklore is relevant to the Bible only in terms of clarifying the one way process of moving from oral to written literature. According to this understanding of folklore, the biblical authors "flattened out" and recast what was oral folklore into written stories, cast into a theologically acceptable and uniform style.

It was Albert Lord who expanded the definition of folklore to encompass material which he believed to be rooted in orally composed material. [36] Thus a form of literature can be considered folklore if it

"reflects or was derived from lore performed and in process" (*Folklore and the Hebrew Bible*, 5). With such broader, and more fluid definition, the appropriateness of folklore methods to Bible becomes obvious.

Niditch is among the scholars who agree with a recent, even more nuanced approach.[37] This approach discerns that oral and literate societies (as well as their lyrics and narratives) exist in a continuity, not in a dichotomy. Realizing that there is not a simple evolution in societies from oral to written, these scholars are aware of the feedback between the two--orality and literacy--throughout a culture's history (*Folklore and the Hebrew Bible*, 8). Thus to ask if a specific text of Scripture was orally composed may not be the determining factor in considering whether it is appropriate to approach the Bible, or discrete parts of it, as folklore. Notions of the superiority of the written words also become irrelevant under this approach. Rather, "what is important ultimately in describing and appreciating folk literature is not a question of oral vs. written, but a matter of how traditional the work is in *form* and *function*" (9; emphasis added).

Among the traits of traditional literature which Niditch highlights are patterned repetitions in forms such as symbols, words, syntax, elements of content, structures and thoughts.

In a traditional literary culture, moreover, certain types of stories recur, as do small narrative patterns, the building blocks of larger narratives that Lord calls 'themes'....

The repeating themes, forms, and stories evidence the sort of repetition in language to express a given idea, image, or piece of content that is found in an individual traditional narrative such as Genesis 27 or Genesis 12 (10).

These repetitions, in their various forms, present "recurring combinations of words and content into always fresh and varying but recognizable and familiar combinations" (12). Notions of orality are not the key emphasis here, rather it is the quality of the *traditional* which is characteristic of the genre. Niditch emphasizes that

> Not all biblical literature is equally traditional in this sense, nor is all modern written material equally nontraditional. There is a spectrum .... All artistic works adhere to conventions of some sort, are based on previous compositions, and are grounded in particular cultural and artistic contexts but the more innovative they are, the less they have in common with a range of comparable works--even allowing for each author's own voice and muse--the less traditional they are. As with all literary criticism, the analysis of context and form is at the heart of folklore methodologies dealing with questions of defining, describing, and classifying the varieties of folklore (12).

Niditch notes that "perhaps the dominant aspect of folklore is narration." She cites Grimm's Fairy Tales as an example of folklore in process: They developed from a couple of different sources and were then altered and enhanced by the Grimms for their own purposes with respect to contemporary societal concerns and psychology (13).

Folklorists ask questions about the composers and their audience and search out the ways in which these factors are reflected in folklore. To whom might a tale have appealed? What are the attitudes to authority implicit in the tale? How might a narrative affect the social dynamic of patterns within certain family or communal relationships? What was the economic status, age, and gender of the creators of the material and its audience within the folk group?

Folklorists as anthropologists try to understand cultures and the ways in which a particular cultural group at some point in its history responds to underlying "big" questions posed by all people (i.e., the meaning of life). The medium, message, messengers and social matrix form an interlinking pattern in which ancient traditions are infused with contemporary artistry. Texture, text and context remain central concerns.

C.   Gender and Folklore

The specific role of gender in the form and content of traditional literature is brought to our attention by the work of S. D. Goitein. During the 1950's, Goitein launched an investigation into the spiritual life of the Hebrew woman in biblical times.[38] The impetus for this investigation was his study of the immigrants who came by "Magic Carpet" from Yemen to the State of Israel in 1949-50. These immigrants came from diverse

regions within Yemen, in many cases regions which still maintained the most ancient ways of life.

Although, as Thomas notes, one must be careful in comparing a 20th century oral culture to an ancient one, Goitein's analysis sheds helpful light on the Bible and in my view on the Book of Ruth. The paucity of materials on ancient Israel makes his investigation of the way of life of Yemenite Jews (who claim their descent from one of the ten lost tribes) especially promising. The Yemenites may exhibit features of communication more similar to ancient Israel than those represented in Greek culture.

According to Goitein,

> Song and poetry played a major role in the lives of these Yemenites, men and women alike. But the men's poems are not like those of the women; on the contrary, the differences between them are great. The men's songs are religious, though motifs from daily life do appear in them. The women's are secular, even though one genre does begin with praise of God, and it is not unknown for the poetess to address the Creator of the world as in ordinary discourse .... Men do their singing from printed or handwritten books, or directly from an author's manuscript; women's poetry is entirely oral. Furthermore, the compositions a man sings are generally those of famous bards who lived centuries ago; but a woman sings songs of recent vintage, most of them created at the moment they are uttered. That is, she combines familiar rhymes that come to her mind with ones she creates on the spot (1).

In bringing Goitein into this study, my focus is not on whether the Book of Ruth was written by a woman. Rather the purpose is in

attempting to understand the *culture* of ancient Israel as backdrop to a deeper understanding of the complexities of the book. Looking at the Yemenite Jewish culture can perhaps give us some insight not as easily available in other places. [39]

Goitein writes that "the Yemenite woman, despite her lowly and limited social position, expressed in her poetry public opinion on the events of the day. Her simple verses filled the function which the editorial in a daily newspaper fills in a modern society" (2).

Goitein himself warns that "we cannot draw inferences directly from the poetry of the Jewish woman in Yemen to that of biblical times" (2). He makes an interesting point, which he seems to feel separates the Yemenite culture from biblical culture,

> Jewish society in Yemen was entirely *sui generis*, divided into two worlds: the world of the man, who had the developed culture of the religion of the book, and the world of the woman, who despite her identification with the beliefs and opinions of the male, nonetheless nourished her spiritual life in great measure from the ancient culture of the village tribespeople around her (2-3).

As I will demonstrate later, Goitein's observation actually helps in the reading of the Book of Ruth, even if these Yemenites were *sui generis*.

D.   Conclusions

Turning our attention back to the Book of Ruth, we now have some tools which can help us begin to understand the book in a new light. Campbell's hypothesis that the Book of Ruth circulated orally during the Solomonic period, only to be written down at a later time, certainly cannot be substantiated. Bush, with many other scholars, concludes that the Book of Ruth was most probably "written" in the early post-exilic period. He bases his claim on a philologically-based examination of the text.[40] He also maintains that it is impossible to know whether the text once circulated in an oral form.

But as we can now see, reflecting on a one-way movement from an oral stage to a final literary rendition may not be the best model with which to approach the Book of Ruth or other ancient narratives. As both Thomas and Niditch show, fluidity between oral and literate means of communication marked ancient cultures in a manner foreign to us in 20th century, "first-world" countries. Consequently it is more illuminating to pose the questions this way: Could the nature of communication in ancient Israel have a bearing on the difficulties which face us in Chapters 3 and 4 of the Book of Ruth? In undertaking various contortions to understand these issues, are commentators missing or ignoring a primary piece of evidence about the culture itself? The answer to both questions is yes.

As Thomas, Niditch and Goitein all assert, it is possible for a literate culture to co-exist with a highly developed oral one. The existence of one does not necessarily cancel out the other.

In Chapters 3 and especially 4 of the Book of Ruth we are confronted with seemingly complex legal and moral issues. We do not have all the necessary literature to untangle them in a straightforward and clear manner. If, as Thomas asserts, the existence of a written text was secondary, the collective memory of the people who heard or read the Book of Ruth in the ancient world was sufficent to fill in the details. We are no longer privy to that collective memory. In our highly literate society, though, dependent on the written word beyond any measure previously known, we are unprepared for the fact that an oral tradition can carry as much weight as the written word. Thus, scholars attempt to reconcile gaps in our knowledge of ancient Israel through the use of written materials that cannot span the gap. The written documents simply do not present a comprehensive picture of law or life in ancient Israel. Much of what was significant and meaningful in the society was lost as the collective memory changed. All that we have retained are those memories memorialized by the written tradition.

It is important that we step back and realize that we are missing an intrinsic piece of evidence. We will never be able to reconstruct the full

magnitude of the collective memory which shaped the composition of the Book of Ruth. Even the narrator in the Book of Ruth is aware that looking back on a time long since forgotten can lead to confusion. In 4:7 we find an editorial digression for the narrator's contemporary readers, explaining an old Israelite practice which had dropped out of use: "Now this was formerly done in Israel in cases of redemption or exchange ..."

Sasson's attempt to address the Book of Ruth from a folkloristic perspective was a helpful step towards trying to understand the complexities of the book in a new way. Unfortunately, lack of a clear understanding of either Vladimir Propp's emphasis or recent folklore studies misdirected his focus.[41] His foreward to the second edition of his book functions as a corrective to the earlier study. He acknowledges that since Ruth is a piece of historicizing fiction, and as such is strongly reminiscent of folk tales, it

> should not be mined for evidence on Israel's political or legal
> past because this sort of literature does not ordinarily retain
> accurate memory of specific moments of a given culture;
> rather it tends to blend and even telescope past events into
> patterns of exemplary behavior (vi).

As Niditch and Thomas have shown, even such an understanding of how material developed in a traditional society (as I would consider ancient Israel to be) is too simplistic and ill-conceived. The more nuanced approach of recent folklore studies would focus on the traditional nature

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of the work as a means to understand the culture within which it developed. To highlight the folkloristic tendencies in the Book of Ruth, Niditch's work would imply that one look to a biblically founded motif or pattern, such as the underdog motif of marginal-status/exercise-of-wit/demarginalization (vis a vis the person of Ruth), perhaps coupled with the threat-to-status/exercise-of-wit/status-maintained pattern (vis a vis Naomi and Boaz).

Niditch notes that

diversity in the telling of this or that sort of tale is an important indicator of diversities, complexities, even tensions in a culture, for no culture is static, no representation of it in literary or dramatic lore normative in some absolute or simple sense (*Underdogs and Tricksters*, 18).

The fluidity within the culture from which the text comes imposes a greater methodological fluidity upon the interpreter. Hence, Zornberg's initial meditative style becomes more fitting than some rigid categorizing that seeks to pin down the text's ambiguities.

A further application of insights about the relation between orality and literacy pertains to marriage customs, redemption responsibilities and possibly levirate obligations. Here, differences between the laws of the Torah, the Book of Ruth and other biblical narratives can be seen as indicators of diversities, complexities and tensions in the ancient Israelite culture.

Whereas commentators including Campbell assert that the Book of Ruth presents a picture of Israelite legal practice at a particular time and place, this discussion has shown that such an understanding cannot be substantiated. Although the book certainly presents a picture that was familiar and readily understandable to ancient audiences, one cannot immediately deduce from extant legal materials and narratives exactly what that picture might have been.

In the following chapter, knowledge of contemporaneous ancient Near East and Mediteranean cultures will be drawn upon to help garner a fuller understanding of marriage and inheritance in the ancient world.

Armed with such knowledge, and that gained here from the exploration of orality, literacy and folklore, a more fluid understanding of key elements in the Book of Ruth can be advanced.

IV.

Marriage and Inheritance Traditions as Background for the Book of Ruth

As already noted, one must be careful in trying to draw parallels between cultures, even cultures living contemporaneously. Yet with the paucity of materials available with respect to life in ancient Israel, it can be illuminating (and necessary) to look at coexistent cultures.

If we accept as likely Bush's justification for placing the authorship of the Book of Ruth in the early post-exilic period (late 6th or 5th centuries BCE), we can benefit from concurrent materials from Greece and Babylonia.[42] By examining documents from two dissimilar regions (then as now) we can discern some basic values. In addition, such an examination highlights the latest thinking on written law versus social reality in the ancient world and helps us to grasp certain elements in the Book of Ruth.

A. Ancient Babylonia

Babylonian laws have been examined by biblical scholars extensively. Two things may explain this interest. First, as a part of an area historically labeled by scholars "the Ancient Near East" both Babylonia and Israel were recognized as having some common setting.

Second, the political control that Mesopotamia exerted over Israel from the 8th century BCE and the direct cultural influence from the Babylonian exile onward indicate direct contact between the two cultures. As a result, conclusions drawn from the study of Babylonian material often colored the interpretations of biblical references. The paucity of biblical information, coupled with the wealth of Babylonian sources, made such a practice all the more tempting.[43]

Since so much in the Book of Ruth entails assumptions about marriage and inheritance, newer studies of Babylonian traditions are especially valuable. Some studies, such as those summed up here, have attempted to be more sensitive to gender issues and thus shed newer light on elements concerning women and marriage.

i. Martha Roth

Martha Roth offers the most extensive and recent analysis of Babylonian marriage contracts.[44] Her work constitutes the most solid written evidence we possess about actual marriage patterns in Babylonia during the period she investigates.

Roth analyzed 45 marriage agreements representing Neo- and Late Babylonian marriage agreements. As she notes, this represents only a small sample of the thousands of Neo-Babylonian tablets in museums

and private collections which remain unpublished. Although they do not provide a single definitive answer to the question of the social or legal purposes of written marriage agreements, they do give us a basis for beginning to understand marriage customs of ancient Babylonia.

The 45 documents that Roth analyzed span more than four centuries, from 635 BCE to at least 203 BCE. Geographically too, the marriage agreements are wide-ranging. Most come from a handful of neighboring cities in central and north Lower Mesopotamia, but there are also agreements from the south and northeast, as well as one from north-west Syria. The parties to the agreements represent several social and economic strata.

Roth's meticulous analysis provides one of the most reliable sources for envisioning certain cultural expectations in the era relevant to the Book of Ruth. In particular, the expectations associated with women, property and inheritance can be construed for Babylonia so that possible echoes of this in the Hebrew Bible in general and the Book of Ruth in particular can be evaluated.

Certain formal features of the marriage contracts appear to be chronologically and perhaps geographically linked. A dowry clause, for example, is not found in marriage agreements before the reign of Nabonidus. Roth reasons that this does not necessarily mean that the

dowry as a feature of marriage was introduced only in the mid-6th century, but rather that it was not incorporated into marriage agreements until then (24-25).

There were two forms in which contracts were recorded. The earlier form records a transaction in a third person, objective style. The later form, which became the dominant form of the written contract in the first millenium, is the subjective style "dialogue document." This type of formulation is found not only in marriage contracts but in records of real estate and slave sales and leases, and adoptions (1).

The six marriage agreements formulated in the objective style state the fact of marriage in the opening lines. The statements vary. In two, the husband "took" the wife but in the remaining four, the opening statement names the bride's agent as the active party who "gave" the woman "in marriage" to the husband. The remaining marriage agreements, all subjective "dialogue" documents, record the fact of marriage by recounting an oral request made by the groom or his father to the bride or her agent, and the agreement to that request. The purpose for which the bride is requested is indicated in one or both of two ways: she is requested "in marriage" and/or her new status is expressed: "Let her be my wife." In any case, she is to acquire the legal status "wife" (3-5).

> The request for the bride is made most often by the groom
> himself, and is addressed to the bride's father, brother, or

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mother. But in three agreements it is the bride herself who contracts her marriage, and the formulation of the request-- and of the bride's acceptance--reflects this unusual circumstance (6).

In two agreements the marriage requests are addressed jointly, in one to the bride's mother and brother and in the other, to the bride's mother and sister. In both cases the mothers alone "agree" to the marriage.

The contractual clause that is most frequently found in the marriage agreements relates to the dowry (understood as matrimonial properties given by the bride's agent, or bride herself) to the bride's husband (or his father). It is interesting to note that only nine of the completely preserved agreements are lacking such a dowry clause. Roth asserts that the dowry is the dominant marriage prestation of the Neo-Babylonian period, and that it is possibly the most important feature of the entire marriage transaction. She believes that the transfer of the dowry provides a major rationale for committing the marriage agreement to writing.

Roth states

When a daughter married, and her father awarded a dowry, that dowry ultimately served to allow the father to assign property to his grandchildren through his daughter. The dowry often served as a daughter's effective share of her patrimony in lieu of an outright (and unencumbered) inheritance. With the transfer of the dowry, the obligations of her father's estate to her were ended. When a son married, however, his ties to his paternal estate were not necessarily severed. Although most men did not marry until after their

fathers' deaths, when they would realize their inheritances, some men married earlier. The marriages of these grooms with living fathers generally differed from other marriages in one important point: the fathers received the dowries of their sons' wives. The two major sources of financial independence for the new couple--the bride's dowry and groom's inheritance--were therefore not available, and the new couple remained economically (as well as socially and legally) dependent upon the groom's father. However, there is some evidence that as part of the marriage negotiations between the husband's and the wife's fathers, the husband's father could make a pre-mortem settlement on his son. This settlement, along with the bride's dowry, would enable the couple to establish an independent household (9).

The inheritance of the husband's estate is the subject of clauses in three marriage agreements. In two of the agreements (Nos. 3 and 19), the respective inheritance rights of children of a prior first marriage and of this second marriage are the concern.[45]

Six agreements include clauses dealing with children born prior to the agreement. In all six documents, one of the purposes served by the agreement is to acknowledge the legitimacy of the offspring (18).

Roth asserts that the single common element unifying the documents is the opening statement of purpose--marriage.

> Whether the document is formulated in the third person objective style ('H will marry W' or 'WB gave W in marriage to H') or in the first person subjective style ('Please give me W in marriage'), the primary purpose of these documents is to record first, the woman's new status and second, the associated marital rights, obligations, and transfers of property (25).

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There is no evidence to suggest that a marriage always demanded a written agreement. Even with respect to the transfer of a dowry, a written document was not a legal necessity--they were considered valid whether orally concluded or committed to writing.

Roth concludes that the transmission of wealth seems to be the most frequent and probably the most important consideration in the documents which we call marriage agreements.

> The importance of property transfers is also the dominant concern of the provisions relating to marriage in the Neo-Babylonian laws. Property and wealth, however, are neither exclusively nor always considered, and we cannot attribute the committing to writing of these agreements to property transfers alone. Marriage agreements normally were concluded orally, probably before witnesses, and perhaps were accompanied by ceremonies or rites of which we remain ignorant. As an orally contracted act with culturally assumed rights and obligations, marriage itself need not be commited to writing in every instance. (28).

Roth's findings are many; their contribution to our envisioning the legal concerns with marriage and patterns of behavior in cases of inheritance is significant. Nevertheless, these findings shed but a partial light on marriage norms in Babylonia itself and consequently on such questions in Israel and the environment of the Book of Ruth. This partiality is most effectively articulated by Roth herself. She points out that written marriage contracts represent the exceptions, not the norm for Babylonia at that time.

There are no known marriage agreements, for example, for the daughters and brides of the prominent sixth-to fifth-century family of Itti-Marduk-balatu, descendant of Egibi. The marriages of these women in particular were occasions for substantial transfers of wealth. Hundreds of documents pertaining to the family's economic and legal activities have survived, including documents revealing the dowry transfers of nine women (five daughters who married out, four brides who married into the family) over three generations. It is unlikely, therefore, that there were marriage agreements for these women which have not survived. It is likelier, rather, that the practice of drafting a marriage agreement was not customary for this family. And, at the other end of the social and economic scale, it is again likely that many if not most brides of lower income families married without benefit of a fomal written agreement (26).

Roth notes that, "From our vantage point more than two and a half millennia after the fact, we may never be able to determine why certain marriages and not others demanded a written record. The reasons for committing these agreements [being analyzed] to writing may have been unique for each document" (28). Thus, the picture constructed is, by definition, skewed because it represents unique situations which we are not privy to understanding. The attempt to generalize normative practices from these documents, especially from them alone, is therefore extremely problematic. Additional information about the culture is needed.

ii. Samuel Greengus

At first glance, Greengus's work appears to obviate some of these problems in so far as his analysis draws upon extant legal codes

alongside other material. In a work that preceeded Roth's by decades, and thus did not have the benefit of her new analysis of primary documents, Greengus maintains that the writing down of marriage contracts was occasioned not by the marriage itself but "by the pressure of related transactions for which more durable written proof was desired."[46] He believes that the predominant requirement in contracting a marriage involved the performance of symbolic rites and the recitation of traditional formulas (505).

The Codes of Eshunna and Hammurabi insist that if a man took a wife, but did not arrange for a marriage contract, she is not a wife. Greengus notes that in neither code is there an indication that the agreement must be in writing. He notes that scholars have often assumed that the Babylonian term *"riksatisu"* which in a broad sense means "contract" implies a written document, but *prima facie* there is nothing in the term itself which indicates thus. The separate nature of agreement-making and document-writing can be seen in a clause which requires that a husband draw up and give his wife a document recording that he agrees she will be free of liability for her husband's pre-marital debts. No such mention of the necessity of a written document is made under the basic clauses dealing with the general marriage contract. "In fact, we generally find that, if the Code intends to prescribe the writing of a document, it does

so unambiguously and employs for unmistakable clarity terms like *tuppum, kanikum,* and *kunukkum*" (507).

Greengus does note that in the Neo-Babylonian period, the term *riksu* "contract" is sometimes used to describe the written contract record, but this semantic change is not attested for either *riksatum* or *riksum* in the Old and Middle Babylonian periods (508).

Greengus maintains that "Even in sources later than the Old Babylonian period, *riksatum* still is not a written document" (510). Only secondarily, in Neo-Babylonian codes does *riksu* come to indicate written documents embodying the agreements as well as the agreements themselves.

Greengus addresses the question of why there were a sizeable number of Old Babylonian marriage documents if, in fact, written contracts were not required. He maintains that if the background situations of the Old Babylonian documents is examined, one finds abnormal family situations such as the wife being a manumitted slave-girl and/or adoptee, or the documents are recording polygamous unions.

> It would appear that the writing down of these marriage
> documents was occasioned not by marriage, but by the need
> to support the rights and statuses of adopted, manumitted, or
> other legally vulnerable persons. Persons who would
> experience great social or financial loss if their titles and
> positions could not be supported would certainly desire the
> most durable and secure form of evidence; written records are

more durable proof than witnesses who can be removed by dislocation or death (512).

He notes that another, smaller group of marriage documents, seem to be little more than expanded receipts for a dowry. "[T]the recording of these gifts was prompted by considerations identical with those prompting the recording of any other transfer of wealth: the need for valid business records" (512).

None of the marriage documents that Greengus examined contain a unifying clause or provision. Thus, he concludes that the primary purpose of a document was to record important transactions which could affect the status and rights of the bride or groom (512).

Greengus notes that

> Scholars have long recognized that, in ancient Mesopotamia, written records were basically evidentiary in character rather than dispositive i.e. the documents (as do witnesses) serve only as an additional means of proving that a transaction had taken place but are not, in themselves, the instruments of legal change (513).

Scholars have observed in studying archaic legal systems that "unwritten agreements are usually formed by means of symbolic rites, or by *verba solemnia*, or by a combination of these elements" (514).

> [T]he legal importance of *verba solemnia* and symbolic rites would be in explicitly fixing the moment of legal change. When the familiar words were solemnly uttered or when the familiar rites were performed in the presence of witnesses, all would recognize that some obligation had come into being or that a change in status had taken place (515).

Although there are extant *verba solemnia* used in adoption and divorce contracts, the same cannot be said for marriage contracts. Greengus maintains that extant literary marriage formulas recited by the gods reproduce the forms of actual Old Babylonian marriage formulas, due to their similarity to actual adoption and divorce formulations that are known.[47]

> These formulas would have been recited in the formation of the marriage contract; the solemn recitation of these *verba solemnia* either alone or with accompanying symbolic rites, would be a key ingredient in the formation of the contract of marriage (520).

Perhaps most important for our purpose, Greengus observes that

> This suggested use *of verba solemnia* fits well with the demonstrated non-written character of contract in the OB period and agrees with the recognized use of oral formulas in archaic legal systems. The purpose of these formulas would be to pledge a mutal "troth", a promise of mutual fidelity and regard, a "wedding" in the original sense of a pledging or contract (520).

The *verba solemnia* reconstructed by Greengus appear in the form of statements spoken by the bride and groom to each other, but he maintains that the participation of the bride seems unnecessary, given the active participation of the bride's guardian on her behalf. "But we do wish to point out that even a most strongly patriarchal society may allow the bride some active role in the marriage proceedings and in the recitation of *verba solemnia*" (520).

Greengus goes so far as to conjecture that "perhaps the OB situation was not so much a matter of parental consent with no power of contract for women as a matter of maintaining parental control over matchmaking" (522).

iii. Conclusion

Greengus's scope is broader than Roth's, making claims about oral patterns reconstructed from material not incorporated into Roth's more specialized analysis. Together, their work not only shows crucial legal patterns but also highlights the complex interplay between orality and literacy. One is better able to see the fluidity between the two even as one can identify areas in which one mode--the written--serves the other. Greengus and Roth agree that oral agreements were pervasive in marriage transactions in Babylonia and that land and property were part of that transaction.

In biblical studies, the Babylonian legal material has been used extensively to fill in the gaps of information regarding Israel. This has influenced work on the Book of Ruth (see Westbrook, below, and commentaries on the Book of Ruth). Nevertheless, neither Roth's work nor Greengus's suffice and neither, taken uncritically, can simply be appropriated for comprehending the legal norms that lie as background in

the Book of Ruth. The relative imbalance in extant Babylonian sources between legal and narrative material limits the direct application of these findings for our needs. Neither legal codes nor written marriage contracts give enough information about actual practices or the use of legal customs in ancient narrative. This is where returning to the question of orality and literacy is necessary. More than that, an additional type of data is needed, the kind that sheds light on customs, traditions and practices from antiquity that can supply some facets so far missing.

B.   Classical Greece

The most fully available information for these kinds of insights comes from Classical Greece. Here we have legal, historical, philological, poetic, dramatic, political, scientific and artistic expressions of an ancient culture. Legal material can be placed in the context of three dimensional representations. There are inscriptions as well as vases, law codes and lawyers' speeches. Basic data for moving between texts and social reality has been available. Although scholars such as Morton Smith and Cyrus Gordon had called attention to the relevance of Greek materials to Bible many decades ago, little work has been done in this area.[48] At present, the students of the Bible are in a particularly good position to benefit from the work of classicists because critical questions have been asked and

addressed by some of the recent studies. As a result, the kinds of

questions that cannot be sufficently answered for Babylonia can be

answered, with a reasonable degree of confidence, for Greece.

Two things account for the value of Greek sources: (a) the diversity

of material from Greece and its complementary nature, and (b) the number

of excellent studies by classicists who examine these questions through

sophisticated methodologies. In what follows, I primarily draw upon two

such works, by Sue Blundell and Raphael Sealey.[49] Their descriptions of

customs, laws, and practice help us by supplying an idea of the interplay

between representative practice and legal norm.

i. Classical Athens

In her book, *Women In Ancient Greece,* Sue Blundell examines the

position of women within Athenian society, as defined both by law and

custom.[50]

Blundell asserts that the legal definition of marriage in Athens is

unclear, even at this late date, an observation that itself indicates

something of the fluidity with which one must operate. A procedure

known as *enguê* (often translated "betrothal") was certainly a part of it.

Enguê consisted of a verbal contract made between the bride's guardian

(the male head of household, known as the *kyrios*) and the groom or his

kyrios (if the groom was not yet of age). Proof of *enguê* was necessary in order to demonstrate the legitimacy of one's children, thus it was advisable to perform the ceremony with witnesses present (122).

In *Demosthenes* 30 the speaker says:

> No man in concluding a transaction of such importance ...
> would have acted without witnesses. This is the reason why
> we celebrate marriages (*gamoi*) and call together those who
> are closest to us, because we are dealing with no light affairs,
> but are entrusting the lives of our sisters and daughters, for
> whom we seek the greatest possible security.[51]

Women were considered legally incapable of arranging their own marriages, and the responsibility for such usually fell to the *kyrios*. The concept of love, and marrying for love, did not seem to have a place in the official ideology surrounding marital relations in Athens. Close-kin marriages were relatively common, with marriages between first cousins particularly favored and between uncles and nieces and siblings with different mothers also known (Blundell, 120-121).

It is important to note that laws introduced in 451/0 and 403/2 restricted the rights of a child whose mother was non-Athenian. It appears that under these legislations, Athenian parentage on both sides now became the qualification for citizenship and inheritance rights.[52] (Prior to 451/0, citizenship was granted through the father, not both parents.) There appears to have also been criminal penalties instituted

against the contracting parties in marriages between Athenians and non-Athenians.[53]

In an important sense, there was no change affected in the legal or political status of a woman when she married. She merely passed from the control of one male to that of another (Blundell, 124). This male guardian was responsible for a woman's economic maintenance and overall welfare, and acted as an intermediary between the private domain (understood to be occupied by women) and the public sphere from which she was excluded (which was understood to be the domain of men exclusively) (114).

It appears that the betrothal was sealed by a traditional formula, "I hand over this woman to you for the ploughing of legitimate children." According to Blundell, this phrase appears to echo language used when agricultural land was leased, reflecting a common metaphorical association between women and the earth (122).

Sealey further notes that the same verb was employed in the formula (i.e. "hand over" or "pledge") as "was employed in the procedure for personal surety for repayment of a debt." Thus he maintains that the procedure did not create a permanent relationship. Rather, a woman was entrusted to a man "for the large but not unlimited purpose of bearing him legitimate children and heirs" (25).

Blundell notes other rituals performed at the ceremony which seem to echo the dual role played by agriculture and marriage. She observes here allusions to progress from savagery to civilization, as well as ones that parallel rituals to those at funerals and sacrifices, thus symbolically equating marriage and death (123).[54]

Enguê did not conclude the marriage. It needed to be followed by *ekdosis*, the actual transfer of the bride to the groom's dwelling. At this stage a woman was considered to have passed from her father's *kyrios* to that of her husband (Sealey, 25).

According to Blundell, by the 5th century BCE, dowries were a well-established convention of *enguê*. She maintains that this was the most significant form of property acquired by a woman, and was provided by her natal *kyrios* upon her marriage (115). Sealey however claims that the so-called dowry was a sum of money or valuables transferred from the woman's original family to the bridegroom for the woman's upkeep (26). Although there was probably no legal obligation to provide a dowry, it appears to have been a well-established convention, thus creating a moral pressure to do so (Blundell, 115). Sealey observes that no occurances of *engysis* without dowry are known (26).

Taking both scholars' finding together, the purposes of the procedure seems two-fold: (a) a woman's upkeep and (b) a means for passing on property to sons of daughters as well as sons.

Blundell indicates that the dowry constituted a woman's share of inheritance from her father's estate, which was distributed at the time she married, rather than upon the death of her father (in other words, it was transferred when she left the guardianship or sphere of influence of her father and moved into the sphere of her husband). She was not legally capable of disposing of it--her husband handled all of the arrangements with regard to the estate. Upon divorce however, a husband was obligated to return the full amount of the dowry to his wife's original *kyrios*, or else pay a high interest rate (18% per annum) on its value. (Blundell, 115-116)

The dowry was also returned if either husband or wife died leaving no children, or if a widow was left with only daughters. If the wife died and left sons, the husband retained control of the dowry until the sons were old enough to inherit it.[55] If the husband died, and the wife chose to return to her natal *oikos* (family unit),[56] she took her dowry with her; if she chose to remain in her dead husband's *oikos*, then the dowry was managed by her sons' *kyrios* until they came of age. Apparently only sons, not daughters, inherited their mothers' dowries (116). Direct inheritance

of land by women was possible but would have been comparatively rare. Stability of the state as a whole was very much bound up with the transference of this crucial economic resource. If a man had no natural sons, his *oikos* could be perpetuated through a daughter. She did not herself inherit the property, but at the same time she couldn't be separated from it; no man could take it over without first of all marrying her.

> Thus, although the man's nearest male relative succeeded to the estate, he was required to take the daughter in marriage. If he refused her [he lost his claim], the estate and the woman passed to the next among the relatives in a fixed order. The heir could not take the estate if he refused to take the woman. If he was already married and wished to accept the estate with the woman, he had to divorce his wife (Sealey, 29).

Blundell notes that the paternal uncle would be the first who had a right to marry the woman. After a child was born, the inheritance passed to the child (117). As Sealey explains, this form of marriage provided for the continuity of the line of the deceased by bringing in a man to manage the property and beget heirs to it. The dowry passed to the sons beget by the union when they were two years beyond puberty; it then became their responsibility to support their mother (30).

Usually the term *epikleros* is rendered as "heiress" but such rendering is misleading. The word more specifically denotes a means by which the property was kept within the family. Property was not

considered a woman's own per se but rather was understood as something that her offspring would inherit (117).

Men without biological inheritors were known to adopt sons--often from within their family circle (eg. their sister's son) (Blundell, 118). According to Sealey, by the fourth century, adoption and bequest had become the prefered means of inheritance. It was a more flexible way of solving the predicament of a man who had a daughter but no sons (30).

Ideally, the line of descent was maintained through the male, but when necessary it could also be achieved through the female. Since any woman could potentially be called upon to play this role, it was important that her links with her natal *oikos* were never completely severed. In her social function a woman could therefore be seen to be liminal, straddling the social boundary separating the *oikos* of her father from the *oikos* of her husband. "The awareness of this ambiguity in status could well have reinforced the mythological concept of a woman as a boundary-crosser" (Blundell, 118).

Sealey shows that women could inherit property under a will or under certain circumstances of a man dying intestate. The order of succession, if a man died intestate leaving no children, was that the estate passed first to his brother begotten by the same father and to the children of those brothers. If there were no brother of this type, it passed to his

sisters from the same father and to their children. If no relatives of either of these types, it went to the cousins of the deceased on his father's side and their children, and finally, if no relative relations of any of the above, it passed to the relatives on his mother's side, in the same order as above (44).

In Classical Athens, any woman living with a man on a more or less permanent basis, but who had not been given to him formally by the process of *enguê* was considered a concubine. The practice of keeping a concubine appears to have been relatively common among the upper classes.[57]

> Normally these women would have been slaves or foreigners, but it seems that some of them were free-born Athenians. ... Most probably, the women who ended up in this position were ones whose families were poor and could not afford a dowry (Blundell, 124).

Sealey asserts that even in concubinage women were not the contracting party, they were given by their relatives (31).

Since a woman was not considered a party to the contract of marriage, her consent was not required for the marriage to be recognized as valid. No single element turned a union into a valid marriage, nor was there a definition of marriage to draw a precise line between that union and less regular ones (33).

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In Athens, a woman could take part as buyer or seller in retail trade on a small scale at the market. But she could not engage in transactions beyond the value of one *medimnos* of barley.[58] She could not engage in real estate transactions or make a will, although in some cases women could dispose of movable property of relatively low value (Sealey, 37).

No Greek state ever enfranchised women, and although considered citizens for the purposes of procreation, they did not posses full political rights as men did. As Sealey notes, the extent of women's rights of citizenship consisted in the capacity to bear children who would be citizens (14).[59]

Legal definitions of the role of women provide important evidence for the way in which women in Athens were expected to behave. "Clearly, women's lives would have been influenced to one degree or another by these regulations. However not all areas of behaviour are taken account of by the law, and even legally enshrined roles can be negotiated and manipulated" (Blundell, 130).

Moreover, as Blundell reminds us, our available sources reflect masucline, upper-class biases that may not account for the representative day-to-day experiences of actual women in Athens (as opposed to legal statements) (130).

The Athenian practice of seclusion of women seems to have existed as a masculine ideal. In reality, it probably could only have been put into practice by the affluent classes, and even then, not on an absolute basis. It appears that both ideologically and realistically the home was a woman's predominant sphere of activity. Although not allowed to engage in monetary transactions of any significance, women do appear to have often been responsible for managing the domestic finances (Blundell, 138-141).[60] As Sealey notes though, a woman's social and legal relationships were derived from a man, that is, from either her father or brother before marriage and husband afterwards (24).

ii. Gortyn

Like the material on Athenian law, the material on Gortynian law is relatively informative. A large number of stones have been found in Gortyn (a city in southern Crete and an ancient capital of the island) which record the most complete law code to have survived from ancient Greece.[61]

A number of features make this law code a unique source for reflecting on biblical law in general and on the legal material in the Book of Ruth. First of all, this code has been preserved in its entirety and is completely legible. It is the oldest existing code from Greek civilization.

The code is dated 5th century BCE and therefore reflects roughly the same time frame as post-exilic Israel, to which the Book of Ruth is dated. Scholars assume that it represents a revision of earlier laws from the archaic period (see Blundell, 158). Finally, the law code of Gortyn includes a fair number of laws about marriage, property and inheritance.

Given that the law code is complete and intact, it is instructive that it is not as comprehensive as one might expect. The inscribed text elaborates on some rules (e.g. on how a *patroiokos*, the Gortynian equivalent of the Athenian *epikleros* is to be given in marriage) while remaining silent on other matters (e.g. rules on giving any other woman in marriage). "The reason for inscribing these particular laws escapes conjecture but does suggest that there must have been laws, written or customary, on marriage" (Sealey, 51).

A long section of the code (VII 15-IX 17) is comprised of rules concerning the *patroiokos*. It appears that the most important task, as far as the legislator was concerned, was providing for the marriage of the *patroiokos* and ensuring that she bore children (Sealey, 63, 67). Blundell maintains that the primary task of the *patriokos* was that of producing an heir (158).

Sealey notes that under certain circumstances, the *patroiokos* was allowed some freedom to choose among suitors. The primary choice of

the legislator though was to specify the man who had the right and duty

to marry her (66).

There are nine rules which deal specifically with the issue of giving

a *patroiokos* in marriage (Sealey, 63). The order in which a *patroiokos* could

be claimed was, first, by her paternal uncles and then by her paternal

cousins, in order of age. If there were no heirs as recognized in the written

laws, the *patroiokos* was to have all the property and be given in marriage

to the suitor of her choice from within her *phyle*. But if no one in her phyle

was willing to marry her, she could be given in marriage to anyone else

willing to take her (Sealey, 64-65).

There is even a provision for a *patroiokos* who did not wish to marry

the heir. She was to receive house, if there was one in the city, and its

contents, and she was to receive half of the other property, and be given in

marriage to the suitor of her choice from her *phyle*. The other share of the

propety was to be assigned to the heir (Sealey, 64).

As one can see, these "heiress" laws of Gortyn are more extensive

than those found in Athens. The reason for this appears to be that while

recognizing the same problem (providing for the solitary daughter) the

two Greek states reached different solutions. In Athens, a father of a

daughter but no sons could provide for her in his will by adopting a son

who was required to marry the daughter. Gortyn, on the other hand,

instituted extensive inheritance laws which dealt with all kinds of possibilities.

> The Gortynians instituted an elaborate set of rules to meet every eventuality. The Athenians, on the other hand, allowed more testamentary authority to the father, since he was the person most likely to take thought for the welfare of his daughter. The contrast is between public regulation and private enterprise (Sealey, 69).

In both states, the first step taken was to marry the female orphan to a man who would administer the property that went with her and beget heirs. In both cases, the solitary woman was considered an anomaly and needed to be provided with a husband and eventually with children (Sealey, 69).

Interestingly, in the laws of Gortyn if a woman who had children was widowed, she could remain single if she so wished. There is a similar provision about the widowed *patroiokos*.

> Thus the law assumes that a woman has some obligation to bear children. Only after she has borne children who survive does she acquire freedom to remain single if her husband dies (Sealey, 77).

Therefore, it becomes clear, the primary aim of the rules is not merely to care for the women but also to ensure that they bear children (i.e. future inheritors).

In Gortyn, a father was authorized to divide his property among his children but he was not under any obligation to divide it as long as he

lived. A mother was given the same authority over her property. Sections

IV 23-V 9 of the code are summarized by Sealey:

> When a man dies, his sons are to have his house(s) in town
> and their contents; his other property, except for rustic
> dwellings and farm animals in the possession of serfs, is to be
> divided among his children so that each daughter receives
> half as much as each son. When a woman dies, her property
> is to be distributed in the same way. If there is a house but no
> other property, the same proportion is to be observed
> (presumably the house is to be sold). If the father wishes to
> make a gift to his daughter at her marriage, he is to respect the
> same proportion; that is, he can give her half the eventual
> share of a son (75).

General inheritance laws are noted in Section V 28-54 of the code.

An estate passed to the children, grandchildren and great grandchildren

of the deceased. If there were no such heirs, it passed to the brothers of the

deceased or the children of those brothers or the children of those children.

It followed if there were none of the above it passed to the sisters of the

deceased or to the children of those sisters or to the children of those

children. When none of these relatives were alive, the estate passed to

"those to whom it belongs as source of the property (the meaning of this is

obscure)." Finally, if there were none of the above, a provision of uncertain

meaning applied. In comparision with the Athenian rules, the salient

feature of the Gortynian rules is their far greater elaboration (Sealey, 67).

The code of Gortyn also includes laws governing the giving of gifts

within a family. Evidently, a father could make a gift to his daughter, but

it was restricted to her eventual share of the inheritance (Section VI 1-2).

Laws also governed the giving of a gift from a husband to a wife (Section

III 20-22). In general, the giving of gifts was restricted by the laws. Gifts

outside the family were not envisioned at all. Although Gortyn's laws

provided for an adoptive son as a form of bequest or gift, his share of the

inheritance was limited. Sealey maintains that the underlying

assumption of the laws was that although the father and mother could

administer their property, the children were entitled to their share.

Various laws within the code accorded with the notion that parents were

regarded more as temporary administrators and trustees of a lasting fund

than as absolute owners. Sealey hypothesizes that commerce was less

highly developed in Gortyn than in Athens. Therefore, there was less

occasion for allowing the owner to alienate property and engage in

speculation (75-76).

Generally, a daughter's inherited property was half as much as a

sons' portion, with houses and large animals excluded from the

reckoning. Blundell notes that there seems to have been no dowries in

Gortyn.

> A father could make a gift to his daughter on marriage, but
> only within the prescribed limits of her share of the
> inheritance; this seems to mean that the gifts were a form of
> anticipated inheritance, and were not additional to anything
> to which she might be entitled when her parents died. In
> Athens the dowry was the medium through which a share in

the paternal property was transmitted to a daughter, and since its size was within a father's discretion it could in theory have amounted to a larger proportion of the state than was stipulated under the Gortynian code. In most cases, however, it seems to have been less, and in the majority of cases it consisted of money rather than land (159).

In the laws of Athens, a woman's dowry only belonged to the bride in the minimal sense that others were not supposed to encroach on it. In Gortyn, however, the laws specify more fully what belonged to the woman.

> In addition to the property which she brought into the marriage (equivalent to the Athenian dowry), the woman may own, depending on the circumstances, a share in the proceeds of that property and in things which she has produced during the marriage. The laws even provide judicial procedures to resolve disputes about the extent of the woman's property (Sealey, 78).

While a married woman was alive, her husband (or, after his death, her son) had "control" of her property, that is, conducted the routine administration. Nevertheless, "In Gortyn a husband and wife shared the income from their joint estates, but the woman retained control of her own property and her husband [or son] could not sell or mortgate it. Stiff penalities were imposed on a husband or son who disposed of a wife's or mother's property" (Blundell, 159). The woman was not technically under the guardianship of a male in the same sense as a woman in Athens. Still, Blundell notes, although a woman was not subordinated to the interests of the *oikos* to the same extent as her counterpart in Athens, it

would be going to far to say that the regulations were more enlightened

than those in Athens. Rather, it probably reflects

> a situation in which power was being transferred to the *oikos*
> from the wider kinship group, the process was not yet
> complete, and consequently a woman was not subordinated
> to the interests of the *oikos* to the same extent as her
> counterpart in Athens. Her inheritance rights can perhaps be
> seen as a survival from a time when the tribal structure had
> predominated (Blundell, 158).

It also appears that women in Gortyn had some choice as to who

they married, whereas in Athens, such choice was legally disallowed.

Although with respect to litigation there may have been little material

difference between Athens and Gortyn, the difference in spirit is palpable.

Nevertheless, as Sealey reminds us, "Although in their treatment of

women the two systems developed to significantly different results, they

started out from the same assumptions and goals" (81). Women had to be

assigned to a man, thus both systems developed procedures whereby she

was assigned, with property, to an heir.

iii. Sparta

Sparta's laws and customs concerning marriage shed additional

light on the Book of Ruth by revealing how yet another ancient culture

organized transfer of women and property.

The sources for Sparta are less reliable than those for Athens or Gortyn since they all come from outsiders with polemical agendas. Nevertheless, some sense of conceptualizing on the subject can be garnered even if one must remain somewhat uncertain about actual practices.

Apparently, for the women of Sparta child-bearing constituted *the* supreme function, and it carried a high degree of status and acknowledged domestic power. By Greek standards, Spartan women married relatively late. Fathers apparently arranged the marriages and, as in Athens, the woman had little or no voice legally in the selection of her husband. Similarly to Athens as well, a husband could part with his wife and arrange for her to be given in marriage to another man. Spartan marriage customs, however, differed greatly from Athenian ones.

According to Aristotle, by the 5th century BCE, most Spartan land was in private hands, almost two-fifths of it, in the hands of women. He cites this as a basic weakness of the Spartan system, giving two causes for the large amount of land held in feminine hands: (1) There were many *epikleroi*, and no restrictions about who might receive them in marriage and (2) dowries were very large.[62] It is not known if the Spartan dowry was similar to the Athenian dowry or to the Gortynian concept of a daughter's property which she took with her on marrying. In any event,

Sealey maintains that "the rights of women over property were limited, even though a few Spartan women had *de facto* control over wealth" (88).

It appears that Spartan women, even if they had brothers, were capable of inheriting a share of the family estate--perhaps half the portion due to a son, as in Gortyn. If she didn't have any brothers (natural or adopted) a woman probably inherited the entire estate, and was not obliged to marry her father's next of kin if she had been betrothed before her father's death. In addition, women property owners seemed to have had the right to dispose of their own property, as they saw fit (Blundell, 155-56).

According to Plutarch, there was a law which legislated the outlawing of payment of dowries by contractual agreement. It has been suggested that this law was

> circumvented by wealthy men who gave large informal gifts of landed property and moveables to their daughters on marriage. Althernatively, it may have been the practice in Sparta, as in Gortyn, to give a daughter her share of the family estate on marriage, as a 'pre-death inheritance'" (Blundell, 156).

In any case,

> The interaction between private and public life would have created for women an institutionalised position that in some senses liberated and in others constrained them. In the last Archaic and early Classical periods, there was probably a merging of interests between the state and female-influenced households. As the importance of wealth grew, and an increasing portion of it was controlled by women, the result

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would have been for the balance to be tipped away from constraint and towards liberation for women (Blundell, 157).

iv. Conclusion

We are now in a position to draw some conclusions about Greek traditions in the classical period.

Sealey notes that "Some historians have roundly denied that there was 'a single Greek concept of the family and family law'" (154). He concurs that "In different cities law developed in different directions and produced different rules" (154). Nevertheless, Sealey points out that "within these limitations one should recognize four points of *fundamental similarity* in the legal condition of women in different Greek cities" (154; emphasis added). These persistent similarities despite differences are most helpful in delineating for us some of the cultural "norms" during this period.

1. A woman had a *kyrios*. Although the male guardian was not referred to as such in all cases, by and large women were under the domain of a male head of household. Sealey believes that this universal understanding must have sprung from a common assumption, most likely an assumption about the incapacity of women to bear arms.[63]

2. When a woman was given in marriage, a dowry or marriage portion was transferred with her. As noted earlier, Athens and Gortyn

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developed their laws in very different ways, but both can be seen as springing from this common practice.

3. There were elaborate institutionalized systems concerned with giving an heiress or female orphan in marriage. These systems sprang from a common assumption, namely that the law must assign the female orphan to a husband because she had no father or brother to do so. The systems also shared a wider assumption, that a woman ought to bear children.

4. The order of intestate succession at Gortyn and Athens appear to be similar. (Evidence for Sparta is lacking in this area.) In both cities, people related to the deceased through women take second place after people related to him through men, but they are not excluded as they later were under Roman law.

There is another point which is not noted by either Sealey or Blundell. Although exceedingly complex traditions existed in all of these cultures, they were only partly articulated in a formal, stable manner (such as the laws of Gortyn). More than that, we do not find *private* documentation, even though the cultures otherwise show a high degree of literacy. The absence of such documentation is particularly striking in the case of Athens where literacy characterized several broad areas of culture.

In this respect, biblical Israel seems to resemble more its Greek neighbors than the Babylonians.[64]

C.   Conclusions about Ancient Babylonia and Classical Greece

Although knowledge of ancient marriage laws and practices in Greece and Babylonia remains to an important extent inconclusive, there seem to be some general conclusions that can be drawn from available sources.

1. A written document was not necessary to effect a marriage. Rather, symbolic rites or verbal formulas seem to be the primary means for effecting the contract.

2. In the case of Greece, and to a lesser extent Babylonia, a marriage appears to have marked the transfer of a woman from the domain of her natal family or father to that of her husband. In Babylonia, the bride and groom seemed to have often remained with the groom's family if his father was still alive. What remains obvious though is the patriarchal and patrilocal in these cultures.

3. A condition of the marriage contract usually signalled the transfer of a portion of a woman's natal family's wealth or property with the woman into the domain of her husband. The extent to which the

woman maintained control over that wealth seems to have varied between cultures.

4. In ancient Greece, the widow without children was seen as an anomaly that required addressing. The primary purpose for demanding the remarriage of the woman appears to have been the need to beget heirs to the estate. The care of the widow was, at best, a secondary concern.

What becomes clear is that in a patriarchal world, the begeting of heirs was of primary concern. It seems to have been particularly important as a means to retain family wealth. Each culture developed its own method for handling the death of a man without heirs, yet there appears to have been formal procedures in all cases with respect to such inheritance rights.

D.   Ancient Israel

Our knowledge of Israelite customs is sparse, and depends on biblical accounts that are difficult to assess. When it comes to actual marriages and the legal customs and requirements, the picture is particularly uncertain. Different elements associated with marriage appear, but without giving us comprehensive and consistent information.

i. General Marriage Laws and Customs

We do know that the Israelites shared with Mesopotamia the practice of parentally arranged marriages for sons (see for example Gen 34:4 and Judges 14:2). However, such practices are not mandated by any biblical law. Moreover, we find in Israelite narratives examples to the contrary (see Esau's marriage in Gen 28:9).[65] Women were typically "given" or "taken" (see Deut 7:3).

Detueronomic literature forbid intermarriage with the seven nations to be disposessed from the land. Forbidding intermarriages became a major component in the reforms of Ezra and Nehemiah (458 and 444 BCE). During this post-exilic period, intermarriages flourished due to sociological, economic and political factors. It is interesting to note that this period of reforms in Israel parallels marriage reforms in classical Athens during the same period. As noted earlier in this chapter, laws introduced in 451/0 and 403/2 in Athens restricted the rights of children born of non-Athenian parentage on their mother's side.

Raymond Westbrook offers a detailed examination of biblical property laws.[66] He notes that the dowry receives surprisingly little mention in the Bible. Indeed, the term for dowry, מוהר, occurs only three times in the entire corpus (Gen 34:12, Ex 22:16 and I Sam 18:25).

> The reason seems to lie in the very centrality of the institution:
> for the biblical authors the dowry was a common, everyday
> thing; it needed mention only in the circumstances that made
> it unusual. And even where it was a significant factor, there

was no need for express mention; so familiar were the workings of the dowry to the contemporary audience that its presence in the background, albeit vital, could be knowledge assumed in the reader or indicated by the slightest allusion (142).

For reasons not unlike those girding this thesis, Westbrook turns to the information available from another culture in order to construct traditions about dowries in ancient Israel. Like most scholars, he focuses on Babylonia. In what follows, I sum up Westbrook's findings, augmenting them with material from Babylonia and from classical Greece.

We have a somewhat better understanding of the nature of more general inheritance laws in Israelite society than those of marriage. According to Westbrook, a father could not make a will whereby he bequeathed land to strangers. In other words, adoption, a prevalent form for perpetuating inheritance rights in classical Athens, was not typically used by the Israelites. Numbers 27:8-11 gives the order of succession with respect to inheritance rights: son, daughter, brother, uncle (on his father's side), nearest relative in the משפחה.[67]

The first heirs, son or daughter, are from a father's house (or בית), but if the house becomes extinct (i.e. there are no immediate heirs), the family property passes to the outer circle of the family, known as the משפחה.

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The Bible shows clearly that Israel had concerns similar to those of other contemporary cultures in the Near East and Mediterranean regions, about intermarriage, dowries, transfer of land and inheritance rights. Yet the processes for accomplishing these transactions intersect inconsistently. For the present purpose, two elements of biblical traditions are relevant: the levirate obligation and redemption responsibilities.

ii. Levirate Obligation

The legal formulation of levirate marriage[68] in Israelite society is found in Deut 25:5-10: "When brothers dwell together and one of them dies and leaves no son, the wife of the deceased shall not be married to a stranger, outside the family. Her husband's brother shall united with her: take her as his wife and perform the levir's duty (ולקחה לו לאשה ויבמה)" (25:5). The first born son of the union "shall be acounted to the dead brother, that his name may not be blotted out in Israel" (25:6). If the man refuses to marry his deceased brother's wife, he renounces the obligation in a ceremony in which the woman, before the elders of the city, draws off his shoe and spits in his face saying "Thus shall be done to the man who will not build up his brother's house!" (25:9).[69]

In this legal formulation, the duty of levirate marriage refers to something very different from the situation depicted in the Book of Ruth.

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Yet many scholars insist on maintaining that the Book of Ruth represents a levirate or "levirate-type" marriage. Why do scholars link the legal material of Deut 25:5-10 with the narrative genre of Genesis 38 and the Book of Ruth when discussing levirate marriage? One can begin to discern an answer by looking at the philological evidence which links the three passages.

The noun יבם occurs only twice in the Bible, both times in the passage outlined above, Deut. 25:5 and 7. The feminine equivalent, יבמה, occurs five times, three times in the passage above (Deut. 25:7, twice, and 9) and twice in the Book of Ruth (1:15, twice). The *piel* form occurs 3 times, in Gen 38:8 and Deut 25:5 and 7. The root itself refers to the relationship of brother-in-law/sister-in-law. In the Bible, the root יבם is only used to refer to this type of relationship, but only in these three passages. Almost everywhere in later Rabbinic literature, the root יבם has the specialized meaning of referring to the obligation of a יבם to his יבמה with respect to the levirate responsibility.

As Kutsch notes, only Boaz's declared purpose of restoring the name of the dead (שם-המת) in 4:5 and 10 recalls the legal formulation of Deut 25:5-10.[70] Yet, it is not actually stated anywhere in the Book of Ruth that the son who is born belongs to the deceased (372). In fact, as is

obvious, the genealogy of Ruth 4:18-22 reckons the child of Ruth and

Boaz's union, Obed, to Boaz.

At this point it is important to digress for a moment to discuss the

nature of the term שם as it is used in the Bible. Westbrook attempts to

understand some of the discrepancies by suggesting that the term שם can

be more precisely defined by the English legal term "title." Thus

Westbrook asserts that "it was a man's landed estate which gave him his

'name'" (75). He points to the way שם is used in the case of Zelophehad's

daughters (Num 27:4) to buttress his claim that שם refers to one's right to a

particular piece of property--in other words, one's title to a piece of

property. Westbrook maintains that in the Book of Ruth, the right of

redemption triggers the duty of levirate marriage on the nearer redeemer

so that the child of the union can succeed to the title, thus avoiding its

extinction. When Boaz speaks of restoring שם-המת, he is referring to

restoring the property's rightful title through the offspring of a marriage to

Ruth (74).

Westbrook points out that the reluctance of the levir contemplated in

Deuteronomy is understandable. If the brother performed the duty of the

levir, the inheritance would return to the line of the deceased. It would be

far more lucrative for the levir to just let the deceased remain without

offspring and take over the inheritance for himself and his progeny (76).

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Westbrook maintains that the Book of Ruth reflects an inheritance

institution, detailed in Deuteronomy, which has a single objective:

preventing the extinction of the deceased's title to his landed inheritance.

He refers to the Deuteronomic source as a provisional definition of the

custom (69). The specific rules of the inheritance vary with the special

circumstances to which it applies (i.e. the narratives of Genesis 38 and the

Book of Ruth), but nevertheless reflect a unified institution. Differences in

detail may represent different regional customs or different stages of

historical development.[71]

Yet, I believe, if we look closely at the Deuteronomic passage itself,

we immediately discern that its purpose was much more limited than

Westbrook and others declare; it is incorrect and careless to assume

otherwise. The first verse of the Deuteronomic legal formulation states

that the levirate obligation applies to a situation in which brothers are

dwelling together. Westbrook attempts to circumvent this problem to his

theory by suggesting that the expression "when brothers dwell together"

refers to a situation in which division of the inheritance has been

postponed.

> From the legal point of view, what distinguishes the 'father's
> house' as a unit in both Mesopotamia and Israel is the
> existence of a single head of household who is the sole owner
> of the household's assets, notwithstanding the existence of
> adult sons, even married and with children, within the
> household. The sons will eventually inherit those assets on

their father's death, but until that time their property rights are merely potential. In Israel, the landlessness of sons during their father's lifetime is an essential factor in the rationale of the levirate .... [A] son, like a slave, could not sell family property without his father's permission (14).

When a head of household died, the decision lay with his legitimate heirs (in principle his sons, but on occasion including or consisting entirely of daughters) whether to divide the estate among themselves or maintain it for a period as common property, thus artifically perpetuating the existence of the "father's house." "It is the decision to divide the property rather than the father's death which changes the structure of the family, breaking it up into a series of new, independent houses, each with its own head" (17).

The Deuteronomic formulation in 25:5-10 appears to address a situation in which a father's property had not yet been divided, either because the father was still living or the children were maintaining the property in common, when one of the sons died. Such a situation gave rise to difficult legal problems,

> Common ownership means that succession is by survivorship, not inheritance. If an undivided co-heir dies without a son of his own to step into his place under the principle that 'brotherhood is brotherhood and sonship is sonship', his share of the inheritance would be deemed never to have accrued to him. By a legal fiction, the levirate duty provides him with the necessary offspring (140-141).

The potential loss of "title" occured in other situations as well, as in the Book of Ruth. Yet, I would maintain, the Deuteronomist obviously was concerned specifically with an obligation within the בית, which did not accrue to the larger kinship group of the משפחה. Any conjecture as to the reason for this is beyond the scope of this thesis. Given our earlier exploration of orality and literacy it is certainly possible that an oral tradition retained a more all encompassing sense of the law than did the Deuteronomist. What remains clear though is that the levirate *obligation,* as we know it, was confined to brothers dwelling together, seemingly pointing to a complex inheritance situation of undivided property.

Furthermore, the law as outlined in Deuteronomy provided for public humiliation of the brother-in-law if he refused his obligation. Probably this was instituted because the brother's lawful responsibility was quite onerous--both socially and economically. Yet in the Book of Ruth, פלוני אלמוני did not face any form of public chagrin beyond the fact that his name was not considered worth retaining in the collective memory.

iii.   Redemption

The other source of legal materials that scholars bring to bear when seeking to unravel the complexities of the Book of Ruth is information

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about redemption, most specifically land redemption. Although this issue does not relate to marriage or inheritance laws *per se* in the Torah, commentators have addressed it within the context of the marriage of Ruth and Boaz in Chapter 4.

The pertinence of redemption to the Book of Ruth is unquestionable. It is a *leitwort* in the book as a whole, coming first in 2:20, "... For," Naomi explained to her daughter-in-law, "the man is related to us; he is one of our redeeming kinsmen." Moreover, at the crucial moment on the threshing floor, Ruth announces that she turned to Boaz because he is a redeemer: "Spread your robe over your handmaid, for you are a redeeming kinsman" ופרשת כנפך על-אמתך כי גואל אתה (3:9). And, most obviously, this term recurs numerous times in Chapter 4 (4:1,3,6,8,12 (twice), and 14), including its use by the women at the conclusion to identify the role of the child, Obed.

In scholarly works, the term redemption, גאולה, is often separated into two realms, one connected with legal and social (secular) life, and the other with God's redeeming acts (religious realm). We will discard this arbitrary and superficial division in an effort to understand the institution more fully, accepting a holistic meaning of the term as "to restore, repair."[72]

Both God and a person's nearest kinsman are referred to in the Bible as redeemers. In Jer 50:34 and Prov 23:11, God is referred to as "their mighty redeemer" in the context of those who are in need of help. In the laws of Leviticus, a man's nearest relative at a particular time is considered to be responsible for standing up for him and maintaining his rights in the event that he has sold a house or a piece of property to pay a debt (Lev 25:25-34), or has sold himself to a foreigner as a slave (Lev 25:47-54). Other instances in which a redeemer's services are necessitated include avenging a murder (see Num 35:12, 19-27 and Deut 19:6, 12) and receiving atonement money (Num 5:8). The redeemer is conceived of, both in divine and secular terms, as a powerful relative who comes to the aid of those who are in distress, restoring to them certain rights.

Lev. 25:48-50 delineates an order of responsibility with respect to slave-redemption: brother, uncle, cousin, nearest kinsman. This is very similar to the pattern of inheritance noted in Num 27:8-11, with the difference being the absence of any women in the redemption line. We will therefore continue under the assumption that, in general, the *laws* of redemption responsibility emulate those of (male) inheritance.

Lev 25:25 specifies that "If your kinsman (אחיך) is in straits and has to sell part of his holding, his nearest redeemer (גואלו הקרוב אליו) shall come and redeem what his kinsman (אחיו) has sold." This is the particular

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redemption law which is cited in discussions of the Book of Ruth. It is important to remember from all of our discussions of ancient Near East and Mediteranean cultures that the maintaining of familial property within the family was of great concern. Some of the earliest written laws were about inheritance rights, most specifically about how to handle situations in which there were no male biological heirs. Of primary importance was that property was prevented from passing into the hands of strangers.

Jer 32:6-8 shows us that in addition to redemption there were sometimes cases in which a גואל was asked to pre-empt the sale of a field (i.e. buy it from a family member if requested, instead of buying it back after it has already been lost to the family). In addition, the story in Jeremiah notes that the field was apparently bought outright by the גואל, and was not restored to his cousin. The important element obviously was not returning the property to the original owner, but merely retaining it within the משפחה.

The story in Jeremiah certainly parallels the straightforward account at the beginning of Chapter 4 in the Book of Ruth. The גואל is responsible for pre-empting a land sale by Naomi.

Many commentators become bogged down in the fact that readers are unaware of this land sale until Chapter 4. But one must remember

that the book's contemporary audience was located in a primarily oral culture--a very different culture from ours.

One way to understand the plot is as follows: As a destitute widow, just returned from a distant country, Naomi did not possess the means to work the land. Certainly, as is clear from the way that she was greeted upon her return to Bethlehem (1:19b-21), the people of the city were aware of Naomi's dire situation. She announces it herself in 1:21: "I went away full, and the LORD has brought me back empty." One would assume that they also became aware of the fact that her daughter-in-law began gleaning in the fields to provide food for the household. She could perhaps be likened to someone who is "land-poor." These could have been assumptions common to an ancient culture.

Commentators assert that when פלוני אלמוני accepted the responsibility to redeem the land, a levirate or "levirate-type" obligation also ensued. He was averse to accepting this second responsibility, whereas Boaz was willing to step in and "do the levirate's duty." Such a supposition cannot be supported. Our discussion above about the levirate challenges this view. Moreover, as we have seen, written laws in ancient cultures usually recorded, fixed and perhaps dignified rules that were generally *unaccepted* by the community. Adding a levirate-type responsibility to the role of redemption would have created a more

onerous ruling than that which has been retained in the law codes--an unlikely situation.

iv. Conclusion

As this thesis has shown, many biblical scholars persist in claiming that the Book of Ruth provides narrative evidence of the law of the levirate, and weave that assumption into their interpretation of redemption. Westbrook himself asserts that the law of land redemption is intermingled with the law of the levirate in the Book of Ruth and that the narrative presents both institutions in a working form, allowing us a clearer picture of Israelite conceptions of inheritance and family property (63). As noted in Chapter II, Campbell claims that the situation in the Book of Ruth refers to a different stage in the historic development of inheritance customs than what is delineated in Deuteronomy 25, but reflects normative law at some time, in some place in Ancient Israel.

Hubbard maintains that the role of redemption was far broader than outlined in the legal material, and was typical of the levirate. The purposes of redemption and levirate marriage overlap in the Book of Ruth since, he claims, both aimed to furnish heirs for deceased males lacking them (57).

Bush maintains that the purpose of the marriage proposed by Boaz to the nearer redeemer was very similar to a "levirate-type" situation. He creates his own legal fiction which allows him to designate a "levirate-type responsibility" by stating that it conformed to a communally recognized moral responsibility.[73]

I do not agree with these assertions. Rather, I believe that while the Book of Ruth may provide us with a broader picture of the role of the גואל in Israelite society, we should not immediately jump to the conclusion that it can be directly connected to either the levirate obligation of Deuteronomy 25:5-10 or the land redemption responsibility of Leviticus 25:25. The levirate law is a very specific inheritance issue, whereas the institution of redemption should be understood in a far broader context than that offered by the laws in Leviticus alone. Although many commentators maintain that the levir is a subset of redemption, the evidence that we have does not necessarily support such a conclusion.

The fact that so many scholars jump to such unsubstantiated conclusions underscores the paucity of materials relating to inheritance that can be found in the biblical text. In an effort to more fully understand life in ancient Israel, scholars tend to move directly from written legal information on inheritance and familial responsibilities to narrative materials, to social reality, stretching to make them appear connected

beyond the scope of the law. Such maneuvers, though tempting, are a disservice both to the narrative and to the legal material in the Torah. Blending the two into a homogenized form dilutes and distorts the description of ancient life that each has to offer on its own merit.

Fewell and Gunn's more creative approach to the situation is suggestive and in my judgement more appealing, although I do not agree with their cynicism: It may be possible that Boaz was attempting to invoke a "levirate-type" situation in order to make it easier for the townspeople to accept his marriage to a Moabite woman. Announcing the marriage in tandem with the field redemption was merely a means by which to further the illusion. Yet why would Boaz go to such lengths? One would surmise that the townspeople were more sophisticated than Fewell and Gunn are willing to give them credit. A more nuanced approach, which draws upon insights from a number of different sources perhaps holds the keys to some answers. Turning to the conclusion, some such answers will be attempted.

V.

Conclusion

Just as Ruth does not force Boaz into a single, particular action by calling him a גואל, so the Book of Ruth as a whole does not force readers into a single interpretation. Instead, it offers several possibilities, some of which have been expressed in the literature we have surveyed, others remain to be articulated.

Like Zornberg (see page 1 above), I do not intend to reduce the reading of Ruth to a single explanation. As Landy has suggested, the book operates on different levels at once, with the symbolic, metaphorical and pragmatic (among others) all brilliantly intertwined. Each adds a layer, the perception of which highlights yet another dimension.

In challenging several interpretations of the Book of Ruth, my purpose has not been to dismiss them. Rather, I have attempted to show that the genre and the cultural realities that gave rise to the book imply that some scholarly certainties are misplaced. I have sought throughout to suggest elements missing in earlier readings and to propose other angles of vision that supplement what has been seen.

As is now clear, the Book of Ruth has been subjected to diverse readings. Many of the differences among them have been shaped by the

degree to which readers depended on a legal-historical lens or a literary one in their response to certain key problems presented by the book.

It is my position that a refocusing of these assumptions in light of the issues of orality and literacy offers a reading that enhances our understanding of the book and that is more nuanced. Moreover, such a lens is able to acount more adequately for some of the contradictions that have caused scholars to resort to these hypotheses that have little support.

In each of the preceding chapters I have shown how a clearer grasp of orality, literacy and genre, together with material from Babylonia and Greece, help challenge some common perceptions of the Book of Ruth and offer additional insights. There is no need to repeat all of these observations.

It is time to return now to the four questions that shaped the review portion of this thesis and see how they can be addressed in light of the analysis undertaken in the previous chapters. In so doing, I will draw further upon the insights about orality, literacy and folklore, as well as on marriage and inheritance traditions from Babylonia and Greece.

The Book of Ruth was created in post-exilic Ancient Israel, a region and culture which possessed literate means of communication but was primarily an oral culture. The book itself was communicated, perhaps performed and most certainly read--as it is even to this day on the חג of

שבועות--to audiences who delighted in the subtle (and sometimes not so subtle) twists and turns of its plot, while recognizing a larger, more meaningful purpose to the book. Whether the work was orally composed is impossible for us to know, and is not of primary concern. A fuller awareness of the world in which it was created, and the traditional nature of the work are more important for understanding the book.

A more nuanced approach to the genre of folktale was elucidated in Chapter III. This allows us to consider the Book of Ruth as a folktale without detracting from its importance as a sacred and meaningful work. This approach also does help to remind us that the book was created and shaped with an eye towards contemporary societal concerns and expectations. The Book of Ruth presented familiar ideas in fresh and new combinations to its ancient audience, in a manner that resonated in the collective memory. In the person of Ruth, one recognized the underdog motif of marginal-status/exercise-of-wit/demarginalization that called to mind the narrative about our patriarch Jacob or Joseph in Egypt. Naomi and Boaz represented the threat-to-status/exercise-of-wit/status-maintained pattern which echoed aspects of the narratives of Abraham, Sarah, Jacob and Rachel.

What is particularly important to remember is the nature of the oral society in which it was composed. It was a society that understood law

and legal customs very differently from the way we do. In general, marriages were contracted verbally. If there was an associated written document, it generally served to record the woman's new status (and the associated marital rights and obligations) and transfers of property. Marriage and other agreements were considered valid whether orally concluded or committed to writing. Witnesses mattered more than documents.

We have reason to believe (as Thomas has indicated) that with respect to early jurisprudence, writing was used to record and fix laws that were not generally accepted by the community. Just as verbal agreements were considered to have the same force of law as written ones, so unwritten law was respected and observed alongside that which was written.

Indeed, in chapter 4 of the Book of Ruth, we may be privy to a legal transaction, one of the few actual marriage ceremonies recorded in the Bible. There are echoes of this marriage in our own נישואין ceremony today--the calling together of a מניין to witness what, in ancient Babylonia and classical Greece, primarily represented the acknowledgement of a woman's change in status. So it was that Ruth, a Moabite woman and also, as all the people of Jerusalem conceded, an אשת חיל, became the wife of a respected member of the Bethlehem community.

This understanding can help shed some light on the scene at the threshing floor. The dialogue that night did not represent a marriage ceremony. It was, above all, a call to responsibility, although it may have represented Ruth overstepping the bounds of normal decorum in symbolically asking Boaz to marry her. Whether Ruth intended something so bold, or Boaz merely interpreted it as such, can only be surmised. It may have been a question that delighted and perplexed ancient audiences as well.

In any case, the marriage of Ruth to Boaz did not conform to a levirate marriage situation. The levirate obligation was enforced in response to a very specific inheritance issue within the immediate family, in which two or more brothers lived on property which had not yet been divided between them. Its purpose was to ensure that one brother would not lose that which he was entitled to; if he died prior to the land being divided, his brother was obligated to marry the widow and beget an heir to the inheritance of the deceased.

It is highly unlikely that a law as severe as the levirate obligation would be written down in any form but its most stringent. Indeed, in both Greece and Babylonia we see laws which obligated men much farther down the inheritance line with respect to what some might call a "levirate-type" obligation.[74] Yet in the Israelite law codes, we do not find a

levirate-type responsibility extending as far as the members of the outer

family circle, or משפחה.

What remains one of the marks of the brilliance of the author of the

Book of Ruth is the way that he or she ingeniously superimposed echoes

of the levirate responsibility upon a land redemption issue, thereby

"forcing the hand" so to speak of the nearer redeemer. Although not

legally required to redeem Ruth or Naomi, a moral demand was clearly

suggested by the plot's twists and turns.

A crucial term for interpreting the Book of Ruth is the *leitwort*, גואל.

The Book of Ruth provides us with the most extensive representation of

the mutli-faceted meanings of this word in Bible. It is important to note

that there are two different understandings of the word present in the Book

of Ruth. In the context of concerns which women would have had in the

ancient world, the term גואל refers to the general conception of a powerful

relative who comes to the aid of those who are in distress, restoring to

them certain rights. It is in the sense of "to restore or repair" that Naomi,

Ruth and the women of Jerusalem use the term. The clearest example, of

course is 4:14: "And the women said to Naomi, 'Blessed be the LORD,

who has not withheld a redeemer from you today!" On the other hand, in

the masculine, property-and-inheritance centered world of the men, גואל is

understood in a strictly legal context, as it relates to an issue of land

redemption (or in this case, as in Jeremiah, pre-emption). This is how the term is employed in 4:3-10. The two concerns are contrasting, yet complementary. No doubt an ancient audience understood the deft means by which the author underscored the differing agendas of the sexes.

This is where Trible's work is particularly helpful in that she notes the differences between men and women in the Book of Ruth in terms of goals and overriding agenda. But she does not go far enough, nor do Fewell and Gunn who pick up some of her insights, because their work remains lined to a kind of legalism not appropriate for an ancient audience.

Folklore studies allow us to tap into yet another element otherwise obscured in this multiple meaning of גואל. Goitein's work on Yemenite Jews (see Chapter III) suggests that the differing agendas of men and women are not merely a literary device, but also reproduce cultural dynamics in the world from which the text emerges. At the end of the Book of Ruth, the different agendas enhance one another, rather than compete.

The Greek material allows us to perceive yet another important element insufficiently noted in readings of the Book of Ruth. Chapter 4 is not so much a prelude to marriage that will take place off stage. It may be,

as I suggested earlier, the wedding itself in so far as Boaz's declaration has been made in public before formally assembled witnesses. The very public demand for the witnesses to voice their position as witnesses seals not merely or even primarily the land transaction. Rather, it establishes the wedding of a worthy man, a "man of ... valor" (איש גבור חיל) in 2:1[75] and the woman who is his counterpart, whom Boaz himself identifies as "a woman of valor" (אשת חיל) (3:11).[76] The expansion of the list of participants from the ten men at the gate (4:2) to "All of the people at the gate and the elders ... " (4:11) singifies the community's acknowledgement and blessing of the union.

But more may be communicated here. The sources from Greece suggest that a reference to land may function the same way that a reference to a diamond ring functions in a modern American society: a signal of matrimonial agenda, yet without legal document.

With a stroke of legal fiction, Boaz's reference to land has transformed Ruth from a poor, foreign widow (with no prospects) to a local "heiress." Boaz is presenting Ruth as an equivalent of what in Athenian culture would be called an *epikleros*. Following as it does the scene on the threshing floor, the drama echoes the romantic themes that often mark folk literature, whether ancient or modern TV sitcom. Fewell and Gunn call attention to the attraction of Boaz to Ruth but do not

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consider the romantic cast that Landy, in his later work, gives this relationship. In combining their insights and considering evidence from Greece, we witness a scene in which the seeming outcast turns out to be more blessed than anyone has envisioned: The pauper is really a "princess," as it were.

At the same time, the story also cleverly, knowingly and gently challenges the very tradition it upholds (hence Trible's "a Human Comedy" is more appropriate than Fewell and Gunn's cynicism). Here again, the field of folklore, combined with what we know of law in antiquity, helps unmask important elements. As Campbell already noted, the Book of Ruth shares elements with stories in Genesis. But the similarity it shares with them extends to the underdog motif that he does not explore. Niditch identifies the underdog tale as a major folk theme. In the Book of Ruth, the underdog, in a subversive role, comes more fully into view as a result of this study.

But there is a larger, more subtle and enduring issue of importance to the Book of Ruth, one that has not been outlined thus far but that comes more fully into view as a result of this study. Perhaps it holds the keys to why the Book of Ruth was placed in the biblical canon.

Let me suggest that the Book of Ruth, among its other meanings, also represents Nomi Stolzenberg's idea of constructive violation of the

law.[77] In making such an assertion, I do not imply that the authority of law is to be ignored. On the contrary, authority of law must be maintained, otherwise a state of chaos, or worse, would ensue. But the book suggests a *constructive* violation of the law. In order to be constructive, such violation

> must not just flatter some assumed moral position external to the law; the violation must *construct (or re-construct) law*. What is left after a constructive act of law-breaking is not no law but, rather, new law, or more precisely, renewed law (Stolzenberg, 8).

As Stolzenberg, a Professor of Law at the University of Southern California, maintains, a completely adequate law would not be a law. We need gaps, breaches and even violations to sustain and reform our most precious institutions.

In the Book of Ruth, a gentle revolution is launched in which the law about excluding Moabites is set aside in favor of including persons in need.[78] Eskenazi writes, "By the end of the story, Ruth, Naomi, Boaz and all the men and women of Bethlehem managed to turn a world upside down, to make room for the stranger, the other."[79] They knew that a law had been transgressed and they indicate so with a blessing. The clue is the reference in 4:12 to Genesis 38, "And may your house be like the house of Perez whom Tamar bore to Judah--through the offspring which the LORD will give you by this young woman."

As Eskenazi notes, it is not accidental that the concluding genealogy in the Book of Ruth (4:18-22), which culminates in David, begins with Perez, whose name means "breach." The narrator, like the people of Bethlehem in 4:12, complicitly acknowledges the transgressive aspect of these events. But the community is ready to accept such a breach because it represented a triumph of חסד. "What matters is not simply what the various persons in the Book of Ruth did (make a breach to include the outsider) but *how* they did it, namely, with solicitude (for and with the other in community) and solicitation" (17).[80]

Calum Carmichael notes with respect to the Genesis stories that

> There is a sophistication about every part of the book, an attention to detail, a consciousness of meaning, which should never be under-estimated. A consequence, which is important for research purposes, is that not just the sum of the parts but the parts themselves would have received ever recurring attention from the Ancient Israelites.[81]

One can expand his observation to encompass the entire תנך. Carmichael himself notes that Boaz contrasts with Judah, his ancestor. "The latter lay with Tamar when she used her sexuality in a public place to compromise him. He never lay with her again. Boaz in a similarly compromising situation, but in a private place, did not lie with Ruth; instead he attended to things properly and took her as a wife" (89).

Eskenazi offers a similar interpretation, but one that focuses on Ruth; the book can be read as a kind of literary תשובה, "Here the founder

Ruth is a foreigner whose חסד gradually infects everyone in the story" ("Terror and Hope," 14).

These multiple readings should not be approached as either/or propositions. Rather, they can be viewed as representing the fluidity of the world which created the Book of Ruth. There are many agendas present in the book, far more than can be contained in a single reading. Our role, as readers today, is to hear and accept the fluidity of the world in which the book was written. The enduring quality of the Book of Ruth is in its ability to offer redeeming insights even for us, today.

VI.

Endnotes

[1] Aviva Gottlieb Zornberg, *The Beginning of Desire: Reflections on Genesis* (New York: Doubleday, 1996).

[2] Frederic Bush, *Ruth/Esther*, (Dallas: Word Books, 1996) 48.

[3] A survey of all of the modern literature is well beyond the scope of this paper.

[4] All translations are from *Tanakh--The Holy Scriptures: The New JPS Translation According to the Traditional Hebrew Text* unless otherwise noted.

[5] Edward F. Campbell, *Ruth: A New Translation* (Garden City: Doubleday, 1975).

[6] Thomas Thompson and Dorothy Thompson, "Some Legal Problems in the Book of Ruth," *Vetus Testamentum* 18 (1968): 79-99.

[7] David Halivni Weiss, "The Use of קנה in Connection with Marriage," *The Harvard Theological Review* 57 (1964): 244-248.

[8] Phyllis Trible, *God and the Rhetoric of Sexuality*, (Philadelphia: Fortress Press, 1978).

[9] For an excellent explanation of literary criticism see Tamara Cohn Eskenazi, "Torah as Narrative and Narrative as Torah," *Old Testament Interpretation: Past, Present, and Future,* ed. J. Mays, D. Petersen and K. H. Richards, (Nashville: Abingdon, 1995).

[10] Tamara Cohn Eskenazi, "Torah as Narrative and Narrative as Torah, *Old Testament Interpretation: Past, Present, and Future,* ed. J. Mays, D. Petersen, and K. H. Richards, (Nashville: Abingdon, 1995) 19.

[11] Jack M. Sasson, *Ruth* (Sheffield: Sheffield Academic Press, 1979, 1995 ed.).

[12] Athalya Brenner, "Naomi and Ruth," *Vetus Testamentum* 33 (1983): 385-397.

[13] Donna Fewell and David Gunn, "A Son is Born to Naomi," *JSOT* 40 (1989): 39-43.

[14] Peter Coxon, "Was Naomi a Scold," *JSOT* 45 (1989): 25-37.

[15] Coxon does not address the parallel in II Samuel 12:20 where David acts in a similar manner upon hearing that his son is dead.

[16] Donna Fewell and David Gunn, "Is Coxon a Scold," *JSOT* 45 (1989): 39-43.

[17] Donna Fewell and David Gunn, "Boaz Pillar of Society," *JSOT* 45 (1989): 45-59.

[18] They note in a footnote that כנף has a range of meanings including wing, skirt (or sleeve?) of a garment, or euphemistically male genitalia.

[19] See the summary of Sasson, above, for a clarification of this argument. In an additional argument which Fewell and Gunn assert in a footnote, they speculate that perhaps the land, for whatever reason, was not a very

desirable piece of property for redemption. (This conjecture though does not address why the nearer redeemer changed his mind only after Boaz made his announcement.)

[20] Robert L. Hubbard, Jr., *The Book of Ruth*, (Grand Rapids: William B. Eerdmans Publishing Company, 1988) 1.

[21] In addition, resembling Campbell, Hubbard accepts Weiss's hypothesis concerning the use of קנה with respect to marriage.

[22] Landy asserts that this understanding is facilitated, in part, by the semantic proximity of the laws of the levirate and redemption.

[23] Frederic Bush, *Ruth/Esther*, Word Biblical Commentary 9 (Dallas: Word Books, 1996) 48.

[24] W. Humphreys, "Novella," *Saga, Legend, Tale, Novella, Fable: Narrative Forms in Old Testament Literature*, ed. G. Coates, JSOT Sup 35 (Sheffield: JSOT, 1985) 82-96; cited in Bush, 41.

[25] D.R.G. Beattie, "The Book of Ruth as Evidence for Israelite Legal Practice," *Vetus Testamentum*, 24 (1974): 251-67; cited in Bush, 168.

[26] See the discussions of Edward Campbell and Frederic Bush in Chapter II regarding this topic.

[27] Susan Niditch, *Underdogs and Tricksters*, (San Francisco: Harper & Row: 1987).

[28] For the importance of understanding Greek sources in the study of biblical texts, see, for example, Morton Smith, Palestinian Parties and Politics That Shaped the Old Testament (London: SCM Press, 1971). For a recent explanation of the value of Greek sources in the study of the post-exilic era in particular, see T. C. Eskenazi, "Current Perspectives on Ezra-Nehemiah," Currents in Research 1 (1993); 59-86, esp. 61-66.

[29] Rosalind Thomas, *Literacy and Orality in Ancient Greece*, (Campbridge: Cambridge University Press, 1992).

[30] Although orality and literacy are not mutually exclusive terms, such cannot be said for literacy and illiteracy.

[31] Although it is beyond the scope of this paper to attempt to establish patterns of literacy in Ancient Israel, the timeline that Thomas charts does point to possible parallels between Israel and Greece.

[32] Here the possible parallels with the Deuteronomic reforms (II Kings 22) in the 7th century BCE, and Ezra's Book of the Torah (Ezra 7-9; Nehemiah 8) in the 5th century BCE can be noted. In both instances, the written becomes authoritative. I would like to thank Dr. Tamara C. Eskenazi for bringing this to my attention.

[33] Once again, parallels with Israel can be noted.

[34] Susan Niditch, *Folklore and the Hebrew Bible*, (Minneapolis: Fortress Press, 1993) 1.

[35] See, for example, Dan Ben-Amos, "Comments on Robert C. Culley's 'Five Tales of Punishment in the Book of Numbers,'" *Text and Tradition,* ed. Susan Niditch (Atlanta: Scholars Press, 1990); 35-45.

[36] See, for example, Albert B. Lord "Characteristics of Orality." *Oral Tradition* 2. A Festschrift for Walter J. Ong, (Columbus: Slavica, 1987) 54-72. See also Niditch, *Folklore and the Hebrew Bible,* 4-5 for a summary of the two schools of thought.

[37] Although as far as I know Niditch and Thomas have not read each other's work, it is obvious from what Thomas says that she concurs with Niditch's observation on this point.

[38] S. D. Goitein, "Women as Creators of Biblical Genres," *Prooftexts* 8 (1988): 1-33.

[39] Obviously Goitein describes poetry. But as Susan Niditch notes, the line between prose and poetry in traditional-style literature is less clear than is often implied (*Underdogs and Tricksters,* 14).

[40] For an understanding of Bush's examination, see pages 18-30 of his commentary.

[41] In fairness to Sasson, some of the more sophisticated folklore studies appeared after his original commentary on the Book of Ruth.

[42] It is important to note that I accept Bush's thesis not because it is convenient, but because his analysis draws upon the latest research with

respect to the Hebrew language and is the most plausible linguistically. His position represents the view of other scholars as well. For a review of dating issues, see Bush's commentary, pp. 18-30.

[43] One notes, for example, how Raymond Westbrook turns to Babylonian legal traditions to fill in voids in the picture constructed by the Bible.

[44] Martha T. Roth, *Babylonian Marriage Agreements 7th-3rd Centuries B. C.*, (Germany: Verlag Butzon and Bercker Kevelaer, 1989).

[45] In one of them (No. 3), the child of the first marriage is to receive two-thirds of the estate, unless only the second marriage produces offspring, in which case the entire estate will be inherited by them. In No. 19 it appears that the offspring of both marriages would inherit equally (15-16).

[46] Samuel Greengus, "The Old Babylonian Marriage Contract," *Journal of the American Oriental Society* 89/3 (1969): 505-532.

[47] Greengus maintains that "To an appreciable extent, we are able to correlate the speeches of the gods with utterances from real life and, even more importantly, with formulas attested in OB documents" (517).

[48] Ancient Israel and Greece used the same Phoenician alphabet. In addition, Hebrew texts from pre-exilic Arad attest to the presence of Cypriots in Palestine in contact with Hebrews. I would like to thank Dr. S. David Sperling for calling my attention to these points, and Dr. Tamara C.

Eskenazi for painting the broader picture of Classical Greece and its relevance to a study of Ancient Israel.

[49] Another recent book, *Children of Athena* by Nicole Loraux (Princeton: Princeton University Press, 1993) is a highly theoretical work which serves more fully to delineate the particularity of Athenian culture at its deepest levels but does not give as much information about patterns of ordinary discourse. In other words, it says more about what the Athenians are really saying than about what they think they are saying. The latter seems more pertinent for our purposes, although *Children of Athena* does offer an interesting (if complex) analysis of Classical Greece. I would like to thank Dr. S. David Sperling for bringing this book to my attention, and Dr. Tamara C. Eskenazi for her insights into the book.

[50] Sue Blundell, *Women In Ancient Greece*, (Cambridge: Harvard University Press, 1995).

[51] *Demosthenes* 30 [Onetor]: 21; Loeb trans., modified. Cited in Roger Just, *Women In Athenian Law and Life*, (London: Routeledge, 1989) 49.

[52] Aristotle wrote in *Constitution of the Athenians*: 26.4, "In the archonship of Antidotos, because of the multitude of citizens, Perikles proposed and the law was passed that whoever was not of citizen birth on both sides was not to have a share in the polis."

[53] Raphael Sealey, *Women and Law in Classical Greece* (Chapel Hill: University of North Carolina, 1990) 16.

[54] Professor Lawrence Hoffman at HUC-JIR New York has noted ritualistic parallels between funerals and marriages in Jewish tradition as well.

[55] Sealey notes that we do not know what happened if a woman died leaving sons and daughters. He hypothesizes that the sons divided the dowry equally but contributed to the eventual dowries of the daughters (27).

[56] The term *oikos* can be likened to the Hebrew term בית as in "House of Jacob."

[57] Regarding female roles, "We have *hetairai* [courtesans] for pleasure, *pallakai* [concubines] to care for our daily bodily needs, and *gynaikes* [wives] to bear us legitimate children and to be faithful guardians of our households." (*Demosthenes* 59 [Neaira] 122; Loeb trans., modified.) Cited in Roger Just, *Women in Athenian Law and Life* (London/New York: Routeledge, 1989), 52.

[58] I was unable to find out the modern equivalency for this measurement, although I would expect that it was fairly small, allowing a woman to do the marketing for her household.

[59] Blundell hypothesizes that the growth of democracy may have parisdell the subordination of women to some degree. Democracy meant a growing dichotomy between public and collective versus private and individual. Men were increasingly defined by their involvement in the political state, an area from which women were excluded (129).

[60] For a thorough description of a woman's economic role, see Xenophon, *Oikonomikos*.

[61] For the purposes of this paper, I include Gortyn as a part of Greek civilization.

[62] Aristotle, *Politics*, 1270a; cited in Blundell, 155.

[63] It is interesting to note that of the three cities highlighted, Sparta, which had the most physically fit women, also seems to have had the most lax regulations as far as subordinating women within masculine domains.

[64] I would like to thank Dr. Tamara Eskenazi for calling my attention to this point.

[65] Victor P. Hamilton maintains that "Nowhere, for example, is there a law in the Detueronomic code (Deuteronomy 12-26) to the effect that it is the responsibility of a father to select a bride for his son. There is a law that outlines procedures for dealing with a rebellious son (Deut 21:18-21), a recently married son (Deut 24:5), and a deceased son with no son of his own (Deut 25:5-10), but not one for an unmarried son." "Marriage (OT

and ANE)," *The Anchor Bible Dictionary*, Vol. 4. (New York: Doubleday, 1992): 559-569.

[66] Raymond Westbrook, *Property and the Family in Biblical Law*, (Sheffield: JSOT Press, 1991).

[67] According to Wesbrook, the משפחה was "a group of persons linked by kinship, the connecting factor being a common, dead ancestor" (Pg. 20). The משפחה was formed when a father's house was divided into separate households. Their respective heads, being brothers, still belonged to the same family, but in a more abstract sense. Dr. Tamara C. Eskenazi called to my attention that Westbrook does not deal with the case of the family of Barzillai the Giladite where adoption may have ocurred (see Ezra 2:61 / / Neh 7:63).

[68] The word levirate comes from the latin, *levir*, referring to a husband's brother.

[69] Rabbinic sources refer to this as חליצה.

[70] Kutsch, "יבם," *Theological Dictionary of the Old Testament*, vol. 5 (Grand Rapids: William B. Eerdmans): 367-373.

[71] For a similar discussion of this reasoning, see Campbell, 133-34.

[72] H. Ringgren, "גאל," *Theological Dictionary of the Old Testament*, Vol. 2 (Grand Rapids: William B. Eerdmans, 1975): 351

[73] See Chapter II for my response to Bush's conjecture.

[74] With respect to these laws in Greece, see Chapter IV above. With respect to such laws in Babylonia, Martha Roth cites law no. 193 of the Hitite Code in her book *Law Collections from Mesopotamia and Asia Minor* (Atlanta: Scholars Press, 1995) 236.

[75] My translation. The JPS "man of substance" is acceptable only when one also translates אשת חיל in 3:11 "substance."

[76] My translation. The JPS " ... what a fine woman you are," does not catch the parity between Boaz and Ruth that is conveyed in the Hebrew.

[77] This analysis was eloquently developed, in a different context, by Nomi Stolzenberg in her unpublished "Marriage As a Legal Metaphor: Commentary on Rachel Adler."

[78] This notion was developed by Dr. Tamara C. Eskenazi.

[79] Tamara Cohn Eskenazi, "Terror and Hope: Reading Biblical Narratives Today," *Excellence in Education for Jewish Women*, ed. Irene Fine (San Diego: Women's Institute for Continuing Jewish Education, 1997; forthcoming).

[80] Eskenazi finds most congenial an archaic English use for the term solicitation, meaning "To draw out with gentle force."

[81] Calum M. Carmichael, *Women, Law, and the Genesis Traditions*, (Edinburgh: Edinburgh University Press, 1979) 2.

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