

Love, Marriage, and Business in the Book of Ruth: A Chapter in Hebrew Customary Law

Hesed AND *Hokhmah* IN RUTH

For two millennia, the book of Ruth has charmed readers by its idyllic beauty. Goethe described it as *das lieblichste kleine Ganze das uns episch und idyllisch ueberliefert worden ist*. In this charming tale, the tragedies of life are muted, being bathed in a gentle melancholy, with evil being virtually nonexistent. The *Midrash* succinctly epitomizes the book as a tribute to the practice of loving-kindness (*gemilūt ḥasādīm*).¹ The word *hesed* in biblical Hebrew has been rendered by a variety of terms: "goodness," "kindness," "favor," "love," and most commonly by "loving-kindness." Recently, translators have sought to approximate its essence more closely in the rendering "steadfast love."² As the book of Ruth makes clear, *hesed* includes a broad spectrum of family piety, friendship, loyalty, and love, both Divine and human. Within the confines of this small book, *hesed* represents the basic attribute of God in dealing with his creatures, which Naomi invokes for her daughter-in-law (1: 8) and of which she finds evidence in Boaz's kindness to Ruth (2: 20). It is the quality that Boaz praises in Ruth's turning to him rather than to younger and more attractive men (3: 10). When this loyalty is suffused by deep emotion, it becomes virtually

It is a privilege to extend warmest felicitations and best wishes to Professor Jacob M. Myers on the occasion of his sixty-eighth birthday, and to join with his colleagues, students, and admirers everywhere in paying tribute to his distinguished career as a biblical scholar and teacher. Because of Professor Myers' lifelong interest in Ruth, which found expression in his monograph *The Linguistic and Literary Form of the Book of Ruth* (Leiden, 1955) I am happy to contribute this paper to the Festschrift being issued in his honor.

identical with love, as in the formula of betrothal in Hos (Hebrew) (2: 21–22): “And I will betroth you to me forever; I will betroth you to me in righteousness and in justice, in steadfast love and in mercy. I will betroth you to me in faithfulness; and you shall know the Lord.” So too, in the words of his spiritual descendant Jeremiah (Jer 2: 2): “Go and proclaim in the hearing of Jerusalem, Thus says the Lord, I remember the devotion (*hesed*) of your youth, your love (*’ahabhat*) as a bride, how you followed me in the wilderness, in a land unsown.”³ At its ultimate, *hesed* represents the blending of man’s love and loyalty toward God (Hos 6: 6). It is characteristic of the gentle and relaxed atmosphere of the book of Ruth that the verb *’ahabbh* does not occur; all the passion may have well dwelt in Boaz’s breast. It is *hesed*, steadfast loyalty, faithful love, that Ruth feels for her mother-in-law, which she then manifests toward Boaz and which impels her to seek refuge under the wings of the God of Israel (2: 12).

That *hesed* triumphs over the tragedies of life in the book of Ruth is due to another highly prized virtue in ancient Israel, that of *hokhmah*. The old tradition which places the book of Ruth after Judges is of course self-explanatory. The opening phrase, as well as the entire background of the tale, associates the events with the period of the Judges.⁴ However, as we have suggested elsewhere, the present position of the book within the Hagiographa is not accidental. Its precise place among the five Megillot, after the Song of Songs, is of course due to its position in the synagogue liturgy as the reading for the Feast of Shavuoth.

However, its position in the Hagiographa generally is, I believe, thoroughly justified by the fact that the Hagiographa is basically the repository of Wisdom Literature.⁵ This includes both the lower, conventional *hokhmah*, which sought to inculcate the practical qualities needed for success in life, and the higher, speculative *hokhmah*, which wrestled with the ultimate issues of human existence, the purpose of creation, the goals of human life, the nature of death, the inaccessibility of truth, and—above all—the agonizing problem of evil. The book of Psalms is a great collection of religious poetry, most of which was chanted at the Temple service with musical accompaniment. Both the composition and the rendition of the Psalms in worship required a high degree of that technical skill which is *hokhmah*. Moreover, in point of content, many Psalms (like 37, 49, 112, 128) have close affinities with the proverbial lore of the Wisdom teachers. The Song of Songs is included, not merely because it is traditionally ascribed to King Solomon, the symbol and traditional source of Hebrew Wisdom, but because these songs, whether sung at weddings or at other celebrations, were also a branch of technical song. It may also be that the Song of Songs entered the Wisdom collection because it was regarded as an allegory of the re-

lationship of love subsisting between God and Israel. From this point of view, it would be a *māšāl*, the basic literary genre of *hokhmah*, which means “allegory” and “fable” as well as “proverb.” The book of Daniel, the wise interpreter of dreams, obviously is in place among the Wisdom books.

The chanting of Lamentations required a special expertise described as *hokhmah* (Jer 9: 16). The three closing books of the Bible, which survey history from Adam to the Persian period, are really parts of one larger work, Chronicles-Ezra-Nehemiah. It is possible that they owe their position in the Hagiographa to the fact that they serve as an appendix to the Bible as a whole. It is also possible that Chronicles (with its adjuncts) is regarded as an appendix to Psalms, since one of its principal concerns is to describe in detail the establishment of the musical guilds and priestly orders in the Temple in Jerusalem.

The books of Ruth and Esther are narratives, showing how *hokhmah* operates and succeeds in human affairs. They belong to the same genre as the Joseph saga in Genesis. The same kind of practical wisdom that helped Joseph rise to power and influence was utilized by Mordecai and Esther to save their people, and was displayed by Naomi and Ruth on the more limited stage of domestic affairs. Without Naomi’s practical wisdom, which Ruth obeyed, the young woman would not have come to the attention of Boaz; and without his shrewdness during the transaction with the kinsman, he would not have been able to marry her.

Frequently described as an idyll, the book of Ruth is by no means a simple tale. Its apparent simplicity has often prevented a full appreciation of its high literary artistry.⁶ It has also served to obscure the complexity of the problems the book contains.

THE PURPOSE AND DATE OF RUTH

There is a wide disparity of views regarding the background of the book. It has been suggested that Ruth is a polemic against the exclusion of Moabites from the community of Israel, which is enjoined in Deut 23: 4. More often, the book has been described as a tract against the campaign of Ezra and Nehemiah to exclude mixed marriages from the post-Exilic Jewish community,⁷ and contrariwise, as a possible defence of their policy.⁸ But nothing could be further removed from the polemic spirit than the irenic tone of our book. It is this characteristic which also rules out the possibility of its being propagandistic in any sense. It does not agitate for the enforcement of the duty of levirate marriage,⁹ even if the transaction in Chapter 4 be regarded as an instance of this rite. It does not preach benevolence toward the heathens,¹⁰ for, be it noted, Ruth accepts the faith of Naomi

long before any kindness is shown her in Bethlehem. It surely cannot be construed as a protest against intermarriage or indiscriminate proselytization.¹¹ That the book praises the piety of Ruth¹² and her loyalty as a widow¹³ may be true, but this can scarcely be regarded as its purpose. Naomi may share the honors of being the heroine of the book with Ruth,¹⁴ but this too supplies no purpose for the book.

It has been suggested that the function of Ruth is to supplement the account in 1 Sam 22: 3, which informs us that David sought a refuge for his parents in Moab, by supplying him with a Moabite ancestry in that country.¹⁵ But even for those, who, like the present writer, regard the genealogy at the end of the book as integral to it and possessing a good claim to authenticity, this idea plays no part in the book and hardly qualifies as its purpose. Finally, the theory, propounded a few decades ago, that we have here a liturgical text of a fertility cult centered in Bethlehem,¹⁶ has few, if any, defenders today. By a process of elimination, we are therefore left virtually only with the view that the book of Ruth is a story told for its own sake.¹⁷ This conclusion does not necessarily rule out the possibility that there may have been an authentic tradition of David's being partly descended from Moabite stock.

Divergences with regard to dating are of course common in all biblical research.¹⁸ Talmudic tradition assigns the book to the authorship of Samuel.¹⁹ It has been variously assigned to the early Monarchy,²⁰ to the period between David and the Exile,²¹ to the days of Hezekiah,²² to the Exilic period,²³ and to the post-Exilic age.²⁴ In spite of this wide disparity of views, I am convinced that the lines of evidence converge on the period from the middle of the fifth to the early fourth century B.C.E.

The testimony from language and style must be used with caution.²⁵ On the one hand, the classic style of the book includes such formulas as *kh y'sh Yhwh ly wkh ysyp* (1: 17) and *'glh 'znk* (4: 4). The popular speech probably preserved such older forms as the second person singular of the imperfect with *Nun* (originally the energeticus) *tidbāqin* (2: 8, 21), *léd'in* (3: 18)²⁶ and the archaic form of the second person feminine of the perfect with *Yod*, *wyrdty* (3: 3) and *wškbty* (3: 4).²⁷ The Divine name *šdy* (1: 20) is ancient, but it reappears frequently in Job.

On the other hand, there are such late locutions as *wyś'w lhm nšym* (1: 4; cf 1 Chron 23: 22), where the older classic idiom was *lqh 'sh* (Gen 4: 4; 6: 2; 11: 14; Deut 24: 1). We may note also the use of *'syt* in the meaning "to spend (time)" (2: 19), which occurs biblically only in Eccles 6: 12 but is common in Rabbinic Hebrew, as is the root *'gn* "to be chained" (1: 13).²⁸

In Mishnaic Hebrew, the *tertia* Aleph verbs coalesce with *tertia* Yod, under the influence of Aramaic. The orthography and vocalization of 2: 9

reflect this tendency.²⁹ *mrglwt* (3: 4, 7, 8, 14) occurs elsewhere only in Dan 10: 6, but the parallel form *mr'swt* is early (Gen 28: 11, 18; 1 Sam 19: 13, 16).

Elsewhere, we have called attention to the four categories of Aramaisms in biblical Hebrew and the care that must be exercised before invoking them as evidence of late dating.³⁰ However, it is clear that a large concentration of Aramaisms, as in Ps 139, does point to the post-Exilic period, when Hebrew writers knew and used Aramaic, the *lingua franca et scripta* of the Middle East from the sixth century B.C.E. onward. This concentration of Aramaisms does obtain in Ruth. *Hlhn*, "therefore" (1: 12), occurs in Dan 2: 6, 9; 4: 24 (*lāhēn*). The verb *tšbrnh*, "hope" (1: 13), is an Aramaism (*šbr*) occurring only in such late passages as Is 38: 18; Ps 104: 27; 119: 116, 166; and Esther 9: 1. The *Piel* (4: 7) *lqym*, "attest, confirm," is a clear Aramaism, occurring only in Ezek 13: 6, Ps 119: 28, 106; Esther 9: 21, 27, 31, 32. On the other hand, the root *lpt*, "twist turn" (3: 8), which appears in biblical Hebrew in Job 6: 18, cannot be invoked, since it occurs also in Judg 16: 29.

There is only one adequate explanation for these superficially contradictory phenomena, the occurrence of both early and late Hebrew usages in Ruth: the author was a late writer who was consciously archaizing and using colloquial speech, in order to give an antique flavor to his narrative, which he set in the period of the Judges.

Substantive considerations agree with the linguistic evidence for a post-Exilic date for Ruth. The author finds it necessary, from the vantage point of a later period *wz't pnyim byśr'l* (4: 7), to explain the use of the sandal for the transfer of rights and obligations. Moreover, the period of the Judges is pictured as idyllic and peaceful, a situation radically at variance with the conditions of war, cruelty, and insecurity realistically reflected in the book of Judges. More specifically, Moab is no longer an actual enemy on the borders of Israel, as was the case during most of the pre-Exilic period, including the age of the Judges (cf Judg 3: 13 ff; 11: 15 ff; 1 Sam 12: 9).

It is admittedly difficult to fix a precise date for the book within the Second Temple period. A *terminus post quem* may be found in the fact that there is no echo of the agitation or of the activity associated with Ezra and Nehemiah, for which the date of 444 B.C.E. is generally assigned, though the problems of Ezra chronology are massive and perhaps insoluble.³¹ This consideration would bring the time down to the second half of the fifth century. A *terminus ante quem* may be advanced with greater assurance. There is no echo in Ruth of the widespread upheavals in the Middle East caused by the incursion of Alexander the Great into western Asia (334 B.C.E.) and no trace of Hellenistic influence, either in style or in substance.

The book would seem to emanate from a period of relative tranquility, such as the post-Exilic Jewish community experienced under Persian suzerainty. Above all, the spirit of universalism and broad humanity which the book breathes belongs to the same spiritual climate as do the book of Jonah and the great masterpieces of wisdom literature, Job and Ecclesiastes.

As is often the case, the evidence is cumulative in character rather than decisive in detail. All in all, the most appropriate *Sitz im Leben* for the book of Ruth is the early Second Temple period, when the Jewish community enjoyed a substantial measure of autonomy under the Persian rule, about 450–350 B.C.E.

RUTH AND THE LEVIRATE

Neither the problem of the purpose of the book nor its date, important as these questions are, is crucial to understanding the narrative itself. There are, however, two major difficulties in the closing chapter which fundamentally affect our comprehension of its contents. In Rowley's words, "Unexpectedly we find Naomi possessed of land, and we are left to guess how it came into her possession, and what had happened to it during the years of her sojourn in Moab. . . . That the story of Ruth's marriage must be linked with the question of levirate marriage is generally agreed, though this is clearly not strictly a case of levirate marriage, since Boaz is not a brother-in-law or levir."³²

It is to these two basic problems that we should like to address ourselves: the nature of the transaction involving Boaz and his unnamed kinsman, and the role of Naomi in these negotiations.

Undoubtedly, many scholars and probably most readers have linked the events in Ruth, Chapter 4, to the levirate, regarding it as a rather unorthodox instance of the rite. When, however, the details of Ruth are compared with the biblical law in Deut 25: 5–10 and with other pertinent data, it becomes clear that there is virtually no similarity between them.

In Deuteronomy, the rite is obligatory upon "brothers dwelling together." Here, both Boaz and his kinsman are such distant relatives that the possibility of the levirate does not occur to Naomi, even in the extremity in which she finds herself upon her return from Moab.

In Deuteronomy, the emphasis is upon "perpetuating the name of the dead man in Israel" by the birth of a son to his widow, and there is no reference to the transfer of property. In Ruth, the transaction revolves basically around the "redemption" of property, while the concomitant marriage and the support of Ruth and her future offspring are secondary consider-

ations. Nor can this be dismissed as part of Boaz's strategy vis-à-vis the kinsman. For even in Boaz's official avowal of his acceptance of the obligation, the property transaction is primary, and the marriage to Ruth is secondary:

Then Boaz said to the elders and all the people, "You are witnesses this day that I have bought from the hand of Naomi all that belonged to Eli-melech and all that belonged to Chilion and to Mahlon. Also Ruth the Moabitess, the widow of Mahlon, I have bought to be my wife, to perpetuate the name of the dead in his inheritance, that the name of the dead may not be cut off from among his brethren and from the gate of his native place. You are witnesses this day" (4: 9–10)

In Deuteronomy there is a clear stigma attaching to the brother who does not fulfill his duty as a *levir*. The elders therefore seek to persuade the recalcitrant brother-in-law (vs 8). If they fail, the widow "pulls his sandal off his foot and spits in his face" (vs 9). His family is henceforth called "the household of the cast-off sandal" (vs 10). In Ruth, we have a straightforward business transaction without the shadow of any discredit falling upon the kinsman when he declines to participate.

"The pulling off of the sandal" in Deuteronomy (*wthlš n'lw*) and "the drawing off of the sandal" in Ruth (*šlp 'yš n'lw wntn lr'hw*) (4: 7), which seems at first glance to represent an identical act, are totally different in both instances.

First, a different verb is used in each instance: *halaš* and *šalaph*. Technical terms are not used indiscriminately.

Second, in Deuteronomy, it is the widow who draws off the shoe of her recusant brother-in-law. In Ruth, it is the unwilling kinsman who draws off his own shoe and transfers it to his fellow relative who does undertake the obligation.

Third, in Deuteronomy, the widow's removal of her brother-in-law's shoe is a symbolic representation of the cutting of the link binding her to him. On the other hand, in Ruth, the act of removing one's own shoe is a general procedure, commercial in character, as is clearly indicated: "Now this was the custom in former times in Israel concerning redeeming and exchanging: to confirm a transaction, the one drew off his sandal and gave it to the other, and this was the manner of attesting in Israel" (4: 7). Evidence from such varied cultures as those of India,³³ Egypt³⁴ and the Nuzi texts,³⁵ as well as the biblical passages, Ps 60: 10; 108: 10, demonstrate that the interpretation given in Ruth is valid. The shoe symbolizes power and authority, and its use in a transaction marks the transfer of some right and obligation from one party to another.³⁶

Fourth, in Deuteronomy, the woman plays a central role in the rite. In Ruth, there is no evidence that Naomi or Ruth was present at all. In fact, the reference to them in third person suggests that they are absent; they surely do not participate in the proceedings.

Fifth, that we are not dealing with the levirate, even in its broadest sense, in Ruth is clear from Boaz's statement in 3: 10: "May you be blessed by the Lord, my daughter; you have made this last kindness greater than the first, in that you have not gone after young men, whether poor or rich." In the levirate, the obligation falls upon the male relative, primarily the brother, and the woman has no freedom of choice whatsoever. Here, Boaz expresses his gratitude to Ruth for preferring him to younger and presumably more attractive swains whom she might very well have married.

Finally, these far-reaching differences between the levirate in Deuteronomy and the transaction described in Ruth become even more impressive when we seek to relate the latter to the origin and purpose of the levirate in general and to its history in Israel in particular. As is well known, the levirate is one of the most widely diffused aspects of marriage custom in primitive and ancient society, one that is to be met with in Indo-European, Semitic, and Melanesian culture areas.³⁷ Anthropologists have suggested that it is a survival of polyandry or that it is a consequence of ancestor worship. These factors may have played a part in the levirate in other cultures, but there is not the slightest evidence for these elements as factors in Israel.

It is possible that in some societies the levirate rite may have reflected the concept of the woman as being part of the family property, so that she is inherited by the dead man's kinsman along with his estate. This is emphatically not the case in Israel. The active role played by the woman in the levirate in Deut 25 militates against this view of the woman as a passive chattel being passed from hand to hand. The only reason for the rite assigned in Deuteronomy is "to perpetuate his brother's name in Israel" (Deut 25: 7). On the other hand, it is noteworthy that the child born to Ruth, Obed, is called the son of Boaz (4: 21) and not of Mahlon, Ruth's first husband.

There is one more general consideration that supports these arguments against identifying the transaction in Ruth with the levirate. Contemporary scholarship has legitimately veered away from postulating unilinear lines of evolution in the history of human culture and institutions. In the case of the levirate in Israel, however, a clear process of development can be traced from our earliest biblical sources to the post-talmudic period, each step being marked by a consistent tendency to contract the rite and limit its exercise until it is virtually eliminated.

The first, and indeed the only, instance in the biblical narrative of the levirate is the highly unconventional encounter of Tamar and Judah (Gen

38). The narrative, which is assigned by Higher Criticism to the J Source, and is generally dated in the ninth or eighth century B.C.E., clearly reflects a very ancient tradition. When Tamar is twice widowed of Judah's sons, Er and Onan, Judah refrains from giving his third son, Shelah, to her in marriage. Tamar then decides upon extreme measures. Disguising herself as a harlot, she waits upon the highway, encounters Judah, and becomes pregnant by him. When her pregnancy is revealed some three months later, Judah is prepared to have her publicly burned for her sin. However, she discreetly lets Judah know that he is the father of her child, to which Judah responds: "She is more righteous than I, inasmuch as I did not give her to my son Shelah" (Gen 38: 26).

There are two features in this familiar story that need to be underscored:

First, the rite of the levirate is here not limited to brothers, but extends to other kinsmen, including a father-in-law. Were this not the case, Perez and Zerah, the twins that are born her, would have been the illegitimate offspring of an incestuous union and would have been excluded from "the community of JHWH" (Deut 23: 3), instead of being honored eponymous heads of Judahite clans (1 Chron 2: 4 ff; 4: 1; 9: 4; 27: 3; Neh 11: 4 ff; Num 26: 20; Josh 7: 1; 18: 24; 22: 20). In the Middle Assyrian Laws (sec. 33), the marriage of a childless widow to her father-in-law is explicitly permitted. The extant tablets date from Tiglath Pileser I (twelfth century B.C.E.), but the laws may go back to the patriarchal period (fifteenth century B.C.E.). It is a reasonable inference that the obligation first fell upon a brother, but the lacuna in the text makes this less than certain.³⁸ In the Hittite Laws (sec. 193), the obligation to marry the dead man's widow falls successively upon his brother, his father, and his nephew.³⁹

Second, the fulfillment of the levirate rite is obligatory, and brooks of no exception. Hence, Judah's failure to have Shelah marry Tamar justifies Tamar's extreme measures, even if it includes an act of public immorality and sexual license which would normally be stigmatized as incest (Lev 18: 15; 20: 12). That marrying the widow is an obligation is clear in the Hittite Laws and is apparently the case also in the Middle Assyrian Laws.

The next stage of the levirate in Israel that we are able to document from our limited sources is described in Deut 25. Deuteronomy is generally dated shortly before the discovery of the Book of the Covenant in the Temple during the eighteenth year of Josiah (2 Kings 22), in the year 621.⁴⁰

In Deuteronomy, the rite has now been considerably constricted.⁴¹ It is now limited to "brothers dwelling together," with no hint that the obligation also falls upon other, more distant relatives. Moreover, even for the brothers, *yibbum* no longer is obligatory, though it is clearly the preferred procedure. A brother may avoid the duty, if he is willing to be exposed to

a measure of public indignity and have his family carry some stigma, the severity of which we cannot judge.

The next stage in the history of the rite may be documented in Leviticus in the Holiness Code, usually assigned to the sixth century B.C.E. It takes the form of the total prohibition of the marriage of a woman to her brother-in-law (Lev 18: 16; 20: 21).

This thoroughgoing contradiction between Leviticus and Deuteronomy did not escape the vigilant eyes of the talmudic rabbis. The theological problem they solved by declaring that both ordinances were revealed simultaneously: *'rwt 'št 'hyk l' tglh* "the nakedness of your brother's wife you shall not uncover" (Lev 18:16) and *ybmh yb' 'lyh* "her brother-in-law shall come in to her" (Deut 25: 5) were both pronounced in one divine utterance *bdbwr 'hd n'mr* (*Palestinian Talmud, Nedarim*, Ch 3, 5). The legal antinomy they met by establishing the prohibition in Leviticus as the general principle, applicable during the brother's lifetime, and by declaring the levirate to be the one specific exception, applicable only when a man leaves a childless widow after his death. The Samaritans⁴² and the early Qaraite authorities⁴³ solved the contradiction by ordaining (and permitting) the levirate only in the case of a *betroted* woman whose husband had died, but forbidding the rite to a *married* woman. Thus, they avoided the possibility of a violation of Lev 18: 16. In the Laws of Manu, the *levir* was permitted to approach the childless widow only once, until a child was born—a different practice for meeting the same dilemma.⁴⁴

It may be, as many scholars have maintained, that the talmudic reconciliation of both passages is in conformity with the original intent of the law and that the two passages were not opposed to each other. On the other hand, the resolution may represent a reasoned effort by the Rabbis at harmonizing two originally distinct and contradictory biblical laws which they regarded as equally binding.

A striking example of this harmonizing procedure is to be found with regard to the biblical laws of the tithe. In Num 18: 21–24, the tithe is a tax imposed upon the Israelite farmer for the exclusive benefit of the Levite. In Deut 14: 22–27, the tithe was to be spent by the farmer upon himself and his family, "in the place which God would choose to settle his name upon" (14: 14); only on the third year was the tithe to be left "at the gate," so that the landless Levite as well as the stranger, the orphan, and the widow might eat and be satisfied (Deut 14: 28–29). The clear-cut contradiction between Numbers and Deuteronomy was resolved by the rabbis through the creation of a complex system of double tithes.⁴⁵ The Jewish farmer was required to set aside two tithes each year: during the first, second, fourth, and fifth years of the sabbatical cycle, *ma'āsēr rišōn* "the

first tithe" went to the Levites and *ma'āsēr šēnī* "the second tithe" was to be consumed by the farmer and his family in Jerusalem. In the third and sixth years of the sabbatical cycle, *ma'āsēr rišōn* still went to the Levites and *ma'āsēr 'ānī* "the tithe of the poor" was to be made available to the needy.

To revert to the levirate, if the prohibitions in Leviticus are regarded as overriding the Deuteronomic levirate law, there is a clear and direct line of development of the rite from the ineluctable obligation in Genesis, through the preferred procedure in Deuteronomy, to its total prohibition in Leviticus. If, on the other hand, the prohibition in Leviticus is interpreted as being restricted to the lifetime of the brother, while the levirate remains operative after his death, the next stage in its history is to be sought in the post-biblical period.

In Rabbinic Judaism, the recognition of personal desires and the play of human likes and dislikes affecting both the brother-in-law and the widow increasingly came to the fore. The Mishnah declares: "*Yibbum* took precedence over *ḥaliṣah* in earlier times when men were concerned with fulfilling the Divine commandment. But now, that men are not concerned with fulfilling the Divine commandment, *ḥaliṣah* takes precedence over *yibbum*."⁴⁶ Undoubtedly, the rarity of polygamy, even in talmudic times, also militated strongly against the practice of *yibbum*, since most adult men were married.

All the resources of Rabbinic hermeneutics were mobilized to limit and, where possible, to prevent the consummation of the levirate.⁴⁷ On the basis of the phrase *ky yšbw 'hym yḥdw* (Deut 25: 5) "when brothers dwell together," the Talmud excludes half brothers on the mother's side as well as a younger brother born subsequent to the death of the widow's husband.⁴⁸ Even more revelatory of the Rabbinic attitude is the broad interpretation given the biblical phrase "*wbn 'yn lw*" (Deut 25: 8). Quite at variance with the general practice in Rabbinic exegesis, *bēn* is construed broadly to mean "child," and not merely "son," and the phrase understood "if he left no offspring." Hence, if the dead man has an illegitimate child or a daughter or a grandchild, the brother-in-law is forbidden to marry the widow.⁴⁹ Similarly, the LXX renders *bēn* in Deut 25 by *sperma*, "seed," thus encompassing both male and female offspring and limiting the rite to a totally childless widow. The LXX rendering demonstrates that this restrictive process is substantially older than the later Mishnaic limitation.

In the tenth century, the *taqqānāh* of Rabbi Gershom Ben Judah of Mainz (born 960) and his synod forbade polygamy for European Jewry, so that henceforth *ḥaliṣah* became the only permissible mode of procedure in Western countries. *Yibbum* continued to be permissible only in Muslim countries, where polygamy was not prohibited.⁵⁰

In sum, it is clear that the transaction in Ruth cannot be integrated into any stage of the history of the levirate in Israel. We have already noted above the substantial discrepancies between the transaction of Ruth and the law in Deuteronomy. The task becomes totally impossible in the post-Exilic period, when the practice of the levirate was increasingly restricted both by law and by custom. We conclude that the marriage of Ruth to a distant kinsman cannot be regarded as an instance of *yibbum*.

THE REDEMPTION OF THE LAND

It is true that as a result of the transaction in the closing chapter of the book, Ruth is married to Boaz, and that this goal undoubtedly was uppermost in his mind. But the negotiations themselves revolve around property which belonged to Elimelech, the acquisition of which by a kinsman (*ge'ulāh*) would entail support for the destitute feminine members of his family—his widow Naomi, and her nubile daughter-in-law Ruth.

This redemption of land was of course only one of the functions of the *gō'el*. The execution of blood vengeance on behalf of a murdered member of the family or clan (Num. 35: 9 ff; Deut 19: 1 ff) had been progressively restricted by the establishment of the cities of refuge. This process of attrition of the blood-avenging function was undoubtedly accelerated by the establishment of the Hebrew monarchy with its own organs of justice. What remained for the *gō'el* was the more pacific duty of preventing the alienation of land from the family. This function survived longer, since it did not compete with the structure of government. Yet, it too ultimately disappeared with the erosion of tribal distinctions and the later weakening of group solidarity. This process went hand in hand with the emergence of a new sense of individualism in the closing days of the Monarchy and in the Exilic and post-Exilic periods.

When the institution of land redemption was in force, a man suffering economic distress had four courses of action open to him:

First, he might seek out a kinsman and ask him to buy his landholdings directly from him, thus preventing its alienation from the family. He stood a better chance of repossessing it later if it was in the hands of a relation. Second, he might sell the land to an outsider and later appeal to a kinsman to "redeem" it by repurchase. Third, he might sell the land and later "redeem" the land from its alien owner himself. Fourth, if none of these methods was available to him, the impoverished seller could wait until the Jubilee Year, and it would revert to him without payment.

The second procedure is described in Lev 25: 25: "If your brother becomes poor, and sells part of his property, then his next of kin shall come and

redeem what his brother has sold." The third procedure is described in Lev 25: 26–27: "If a man has no one to redeem it, and then himself becomes prosperous and finds sufficient means to redeem it, let him reckon the years since he sold it and pay back the overpayment to the man to whom he sold it; and he shall return to his property." The fourth possibility is set forth in Lev 25: 28: "But if he has not sufficient means to get it back for himself, then what he sold shall remain in the hands of him who bought it until the Year of Jubilee. In the Jubilee it shall be released, and he shall return to his property."

The extent to which these regulations were actually operative in character is not our present concern. In this connection, it should be noted that the Edict of *Ammisaduqa* and other Mesopotamian sources concerning the remission of debts, the freeing of slaves, and the reversion of landholdings suggest that the biblical laws may not have been merely utopian.⁵¹

It should be noted that only the last three procedures, all set forth in the Holiness Code in Leviticus, are, properly speaking, instances of redemption, that is to say, the restoration to its original owner of land sold to an outsider. The first procedure, which does not involve either the removal of the land from the possession of an alien purchaser or its restoration to its original owner, is not an instance of redemption, and is therefore not included in the laws of *ge'ulah* in Leviticus.

An examination of the biblical root *gā'al* makes it clear that its basic meaning is "the restoration of an object to its primal condition."⁵² In the ordinances of the Jubilee (Lev 25), as has been noted, *ge'ulāh* represents the process of restoration to the *status quo ante*. Since a kinsman was charged with this obligation, the participle *gō'el* develops the secondary meaning of "relative" pure and simple (Ruth 2: 20; 3: 9, 12) and is a synonym for *mōda'* (2: 1), and the verb gets the meaning "act the kinsman's role" (3: 13).

The root *gā'al* is frequently associated with the Exodus from Egypt (Ex 6: 6; 15: 13; Ps 75: 2: 77: 16; 78: 35; 106: 10), representing the return of Israel to its earlier condition of liberty. Deutero-Isaiah uses the root to describe Israel's restoration from Exile (Is 43: 1; 44: 23: 48: 20; 52: 9). It is applied to the promise of God to redeem man from death by restoring him to the status of the living (Hos 13: 14; Ps 103: 4; Lam 3: 58).

When Job curses the day of his birth (Job 3: 5), he prays: *yg'lw hšk wšlmwl*, "May darkness and gloom redeem it." There is more than a trace of irony in Job's use of the verb "redeem"; he is referring to the recapture of the day by the primordial darkness and chaos out of which the light emerged at Creation. Similarly, the *gō'el haddam*, "blood avenger" (Num 35; Josh 20: 3, 5; Deut 19: 8, 12; 2 Sam 14: 11), redresses the cosmic balance upset by the pouring out of innocent blood.

In Job's famous affirmation of faith *w'ny yd'ty g'ly hy*, "I know that my *Gō'ēl* lives," both nuances are to be found. Earlier he had wished that his cause could be adjudicated by an impartial arbiter (*mōkhiah*, 9: 33). He then moves forward to the conviction that the witness prepared to testify on his behalf (*'ēdh, sahadh*, 16: 19) is already on hand in the heavens. In his crescendo of faith, Job now declares that he has more than an arbiter or even a witness—he has a *gō'ēl*. God is his kinsman who will defend him against injustice; he is his redeemer who will restore him to his earlier, far happier state.

The first of the four procedures outlined above is documented in our biblical sources as well, in Jer 32: 8 ff. It is clear that the transaction described in Jeremiah is not an example of land redemption, but rather of land purchase by a kinsman to keep the land of a distressed relative from being sold to an outsider. The prophet is visited by his cousin Hanamel, who says to him: *qnh n' 't šdy 'šr b'ntwt ky lk mšp' hg'wlh lqnwt*, "Buy for yourself my field that is in Anathoth, because the obligation-right of redemption by purchase is yours." Or, more fully in vs 8, *ky lk mšp' hyrsh wmšp' hg'wlh*, "for the right of inheritance and the obligation of redemption is yours." As a kinsman, Jeremiah has the obligation to redeem the land if it is being sold to an alien, and he has the right of inheritance after Hanamel's death. As the ensuing narrative makes clear, Jeremiah does not "redeem" the land from an outsider; he purchases it directly from Hanamel, pays him for it, and prepares the papers attesting to the sale. He does not return the field to Hanamel, which would have been the case had Jeremiah purchased it from an "outside" buyer. The term used throughout is *qānāh*: *qnh lk* (vs 8), *spr hmqnh* (22: 11, 12, 14). The prophet's purpose is clearly indicated in vs 15: *'wd yqnw b'tym wšdwt wkrmym b'rš hz't*, "Houses, fields, and vineyards will yet be sold in this land." The Jeremiah incident is a bona fide example of the first procedure open to a farmer threatened with loss of his land to an outsider—its sale to a kinsman.

The situation in Ruth is completely different. When Naomi and Ruth return from the fields of Moab, they are completely destitute, and therefore Ruth goes out into the fields to glean with the poor. There is not the slightest indication that Naomi possesses any land, fertile or otherwise, available for sale from the past or that she has acquired any before or since her return, as Rowley seems to imply in his statement, "Then unexpectedly we find Naomi possessed of land, and we are left to guess how it came into her possession, and what had happened to it during the years of her sojourn in Moab."⁵³ Rowley has evidently overlooked the clear statement that the land had belonged to Elimelech (4: 3) and his sons (4: 9). It has also been proposed that Naomi was merely the executor or the trustee for the successors

to the legal heirs.⁵⁴ The idea has been advanced that Naomi had property from her own family, which Elimelech had administered during his lifetime.⁵⁵ Another suggestion is that Elimelech had willed Naomi a life contract in the property.⁵⁶ But if Naomi were a landowner, or even the administrator of land, no matter what the circumstances, she would be guilty of greed and deception in sending her foreign-born daughter-in-law to glean in the fields among the poor. To turn the force of this argument, it has been suggested that the property was too slight to support Naomi and Ruth,⁵⁷ or that Naomi was unaware that she had property,⁵⁸ but neither suggestion finds the slightest support either in the letter or in the spirit of the book—Naomi is totally destitute.

Moreover, as our analysis of the root makes clear, the term *gā'al* (4: 6) could not properly be applied to the purchase of land *from Naomi* by her kinsman. Nor, indeed, is there any indication that she receives any money in the transaction or even that she is present at the proceedings.

The crucial verse 4: 3: *hlqt hsdh 'šr l'hynw l'lymlk mkrh n'my hšbh mšdh mw'b* is rendered by LXX: "And Boaz said to the kinsman: 'The portion of the field which was our brother Elimelech's which was given to Naomi [*ē dedotai noemin*] returning out of the land of Moab.'" This rendering seeks to achieve two purposes: it offers the "explanation" that Naomi received the land as a gift, and eliminates the difficulty of her "having sold" (*mkrh*) any land. However, LXX cannot possibly represent the original Hebrew. Aside from its complete graphic divergence from MT, the sentence in LXX is grammatically defective since it has no principal clause. It cannot therefore be described as a successful solution of the substantive difficulty. The LXX rendering is, in a word, a midrash. Peshitta translates the verse: "The portion of the field of our brother Elimelech, Naomi sold me." This preserves the perfect of the verb, to be sure, but gratuitously adds an all-important pronoun and omits the remainder of the verse. Even this radical procedure does not solve the difficulties either of the text or of the incident being narrated. For obviously at this point in the proceedings Boaz has bought nothing!

How is the perfect tense of *mkrh* to be construed? Many scholars vocalize it *mōkrāh*, but the change is unnecessary. We suggest that the perfect serves to affirm the act in the present, being similar in psychological motivation to the perfect of prophetic certitude.⁵⁹ The verb *mkrh* means "she is definitely selling" (cf 4: 5). Instances of this use of the perfect in a legal-commercial context occur in the transaction between Abraham and Ephron (Gen 23: 11): *hsdh ntty lk*; and 23: 13: *ntty ksp hsdh*.

I suggest that what Naomi is disposing of is the obligation-right to redeem the land which originally had belonged to her husband and her sons. Under

the pressure of the famine which finally drove him and his family out of his native land, Elimelech would surely have disposed of all his holdings before leaving for Moab. Consequently, Naomi upon her return is completely without means. In view of the death of her two sons, she is the only living heir of Elimelech. As such, she has the right to redeem the alienated property of her husband by repurchasing it from its buyers. However, lacking any resources of her own, she is unable to do so. What she therefore does is to call upon her kinsman to "redeem" the land by repurchasing it from its present owners. At first, the unnamed kinsman is willing to expend some of his financial means on the redemption, because the cost will be balanced by the increased landholdings he will henceforth possess. But Boaz then informs him that the obligation will also include the marriage and support of Ruth, with the probability that she will bear children, who will then claim the land that had originally belonged to Elimelech. The kinsman will have expended some of his money, with no permanent addition to his land holdings. He now declares himself unable to proceed with the redemption, "lest he impair his own inheritance," which he is guarding for his children. The kinsman then removes his shoe in order to confirm his transference of this obligation-right to Boaz, the next of kin. Boaz willingly accepts these obligations both vis-à-vis Elimelech's former holdings as well as vis-à-vis Ruth, undertaking her support and that of the children that will be born to her as well as of Naomi, who is part of the household (4: 16).

In order to place the transaction in perspective, it is important to recognize that by the side of the official codified family laws laid down in the Pentateuch there was a body of customary law often quite different in spirit and substance. Evidence for this customary law, affecting the status and rights of women, is growing, and the subject deserves careful study and analysis.

Our extant biblical law codes give no indication that a woman possessed such legal rights as land redemption. But the point need not be labored that in ancient times, as in our own, codified law, particularly in such areas as the rights of women, lagged behind life and custom. According to the Book of the Covenant (Ex 21: 7-11), a woman was virtually rightless, being under the power of her father until her marriage and subsequently under the authority of her husband. Any vow she took could be abrogated by her father or her husband (Num 30: 6, 9). She had no rights of inheritance, since only sons shared in the estate of their father (Deut 21: 15 ff). If a betrothed girl was caught in adultery, her execution was mandatory, with no provision for forgiveness or reconciliation with her husband (Deut 22: 20 ff). Manifestly, the penalty for a married woman could be no less (Lev 20: 10).

The records of biblical life that have come down to us, however, disclose that, notwithstanding these legal liabilities, women were by no means chattels in the hands of the males but vital personalities to their own right. The gallery of sharply etched, powerful characters among the women includes Sarah and Rebecca, Rachel and Leah, Deborah and Abigail, Bath-Sheba and Esther. If nothing else, the ability to make family life a heaven or a hell, to which the Proverbist refers time and again (Prov 21: 9, 19; 25: 24; 27: 15), placed substantial power in women's hands. As the Rabbinic dictum puts it, "A woman carries her weapons in her own person" (*'sh kly zynh 'lyh*).⁶⁰

Even in codified biblical law, a few breaches in the rightlessness of women are discernible. When Zelophehad died without male issue, his daughters were given the right to inherit from him, though, to be sure, a special Divine dispensation was required (Num 27: 1-11). A widow or a divorced woman could not easily be made totally subservient to her father again, as the law of oaths makes clear (Num 30: 10).

According to customary law, as distinguished from the official codes, women enjoyed a substantially higher status. The marital tragedy of Hosea, however interpreted, makes it clear that a woman guilty of adultery could be forgiven and restored to her husband's home (Hos 1, 2, 3, esp. 2: 16 ff; 3: 3). This attitude is entirely congruent with the fact that Hosea is the first figure in history to insist on a single standard of sexual morality for both sexes: "I will not punish your daughters when they play the harlot, nor your brides when they commit adultery; for the men themselves go aside with harlots, and sacrifice with cult prostitutes, and a people without understanding shall come to ruin" (Hos 4: 14).

The "woman of valor" in Proverbs, who undoubtedly belonged to the upper levels of society, engaged in buying and selling, and did not content herself with her household duties (Prov 31: 14). Job, after his restoration, gives his daughters an inheritance "among their brothers" (Job 42: 15). The Elephantine papyri document the elaborate business activities of the redoubtable, thrice-married property owner Mibtahiah, daughter of Mahseiah.⁶¹

It is one of the major achievements of talmudic law that it substantially extended the rights of women, particularly in the areas of marriage, divorce, and property.⁶² The final step was taken in the post-talmudic era, when the synod of Rabbi Gershom of Mainz made the consent of the wife mandatory when the husband issued a divorce.⁶³

The most radical extension of women's rights, the power to initiate a divorce, has not become normative in traditional Judaism, at least not yet. But there is mounting evidence that at various periods and in different com-

munities a woman was able to demand and receive a divorce when she found her marriage intolerable. This right seems to have been widespread in the Elephantine Jewish colony of the fifth century B.C.E.⁶⁴ It also held true of Palestine in at least three different periods. This is clear from a second-century text found in Murabā'at,⁶⁵ from the Palestinian Talmud a few centuries later,⁶⁶ and from at least three documents in the Cairo Genizah, dating from the tenth or eleventh century.⁶⁷ This virtual equalization of the sexes with regard to divorce, which contravenes the clear intent of Deut 24: 1, was achieved either by a special prenuptial arrangement,⁶⁸ or by the court's compelling the husband to issue the divorce,⁶⁹ or by the rabbis' annulling the marriage retroactively by invoking their fundamental authority in domestic law.⁷⁰

To revert to Ruth, it is reasonable to assume, on the basis of the data adduced, that, in the late biblical period at least, when there were no male survivors a woman would inherit from her husband and succeed to his rights and privileges. Naomi inherited no land from her husband and sons—only the right to redeem the family property that her husband had sold. Because she is unable to exercise this right, in view of her poverty, she transfers (*mkrh*) this obligation-right to her nearest kinsman. When he declines, Boaz, a somewhat more distant relative, accepts (*qnty*) this obligation-right, which brings him Ruth as a wife. His subsequent redemption of the land from the original purchaser from Elimelech, is not described in the book, because it is Ruth who is the focus of interest.

The verbs *mākhār*, "sell," and *qānāh*, "buy," must therefore carry a special nuance of their basic meaning "sell" and "buy." In our context, *mākhār* means "to transfer the obligation-right of redemption" and *qānāh* "to accept, acquire the obligation-right of redemption." It is this power which the kinsman transmits to Boaz by taking off his sandal and giving it to Boaz. The practice of a buyer's taking hold of some movable object (*mēṭallēlin*) like a cloth-band or kerchief to confirm the transfer of property (*qabbalat qinyan*, lit. "the acceptance of ownership") is operative in Rabbinic law to the present day.⁷¹

This special usage of the verbs *mākhār* and *qānāh* cannot now, as far as I know, be attested elsewhere in our extant sources. The fact is perhaps explicable by the fact that we have very few descriptions of commercial transactions in biblical times. However, partial analogies for this usage may be found. The verb *mākhār* is used in a noncommercial context to "hand over to enemies" (Deut 32: 30; Judg 2: 14; 3: 8, 4: 2, 9, 10; 7: 1 Sam 12: 9; Is 50: 1; Ezek 30: 12; Ps 44: 13), a sense which embodies the nuance of "transfer," which we postulate for Ruth 4: 3. In Mishnaic Hebrew, the *Qal* of *qānāh* means "acquire," and the *Hiphil*, *hiqnāh* means "to cause

to acquire—empower to acquire." Thus, *šh hqnw lw mn hšmym* (B. *Kethubot* 82a) "Heaven gave him the power to acquire a wife," *yn 'dm mqn dbr šl' b' l'wlm* (B. *Baba Metzia*) "A man cannot empower the sale of something not yet in existence," *lyhwh h'rš wml'y'h 'l šm šqn whqn hšlyt b'ylnw* (B. *Roš Hašānāh* 31a) "The earth is the Lord's and its fullness—because He acquired it and empowered its inhabitants to take possession and He rules in His world."⁷² The verb *mākhār* in Ruth is equivalent to the Mishnaic *hiqnāh* "cause, empower to buy." For this meaning, we may also note the Aramaic root *zbn*, which in the *Pe'al* means "buy" and in the *Pa'el* has a causative sense, "cause to buy, hence, sell."

What we have in Ruth is therefore a classic tale from the Silver Age of biblical literature that tells a moving story of a distant and idealized past. The transaction described is not an instance of the levirate, but a genuine example of the redemption of land, which had been sold under the stress of economic want to an outsider. The land is redeemed and restored to the family by a kinsman who finds his reward in the love and devotion of the destitute woman whom he has befriended and sheltered.

NOTES

¹ Cf *Midraš Ruth Rabbah* 2: 14: "This scroll is concerned neither with the laws of purity or impurity, of permitted or forbidden actions. Why, then, was it written? To teach you how great is the reward for the practice of loving-kindness." Cf also *Midraš Leviticus Rabbah* 34: 8.

² Cf Nelson Glueck's well-known study, first published in German in 1927, translated into English by A. Gottschalk under the title, *Hesed in the Bible* (Cincinnati, 1967).

³ *Hesed* is used for "love" even in its transitory and superficial sense, as in Hos 6: 4: *mh' 'šh lk 'prym mh' 'šh lk yhw dh wšdkm k'nn bqr wkł mškm hlk*, "What shall I do with you, O Ephraim? What shall I do with you, O Judah? Seeing that your love is like a morning cloud, like the passing dew of the morning." For *wēkaṭṭal* in MT, read the construct *ūktal*. On *maškim*, lit. "rising (time), morning," cf the usage in post-biblical Hebrew: M. Bikkurim 3: 2: *wlmškm hmwwnh 'wmr*, "In the morning the official says." This usage occurs also in *Seder Olam* (ed. Marx), p. 31, and *Damascus Scroll* (S. Schechter, *Zadokite Sect*, p. 10), and see R. Gordis in *Sepher Tur-Sinai* (Jerusalem, 1970), p. 158.

⁴ This tradition is found in the LXX and in the versions dependent upon it and is reflected in the talmudic statement: "Samuel wrote the book bearing his name, Judges and Ruth" (B. *Bathra*, 14b).

⁵ Cf R. Gordis, "The Bible as a Cultural Monument" (in L. Finkelstein, *The Jews*, New York, 1949), p. 809, now in idem, *Poets, Prophets and Sages* (Bloomington, 1970), p. 34), and in *Koheleth: The Man and His World* (New York, 1955), p. 18 f.

⁶ For an excellent recent treatment of the literary motifs in Ruth, cf D. F. Rauber, "Literary Values in the Bible: The Book of Ruth," in *JBL* 89 (1970), 27-37.

⁷ So Berthold and Graetz, who are followed by Bertholet, Cornill, Meinhold, Hempel, and many moderns.

⁸ Suggested as a possibility by H. H. Rowley, "The Marriage of Ruth" in *The Servant*

of the Lord and Other Essays on the O.T. (London, 1952), p. 164. This important paper, rich in bibliographical references, will henceforth be cited as RMR.

⁹ So S. R. Driver, A. Kahana (*Peruś Mada'i*), *ad loc.*

¹⁰ So S. R. Driver.

¹¹ S. J. J. Slotki in Soncino Bible, *Five Megillot* (London, 1946), p. 39a.

¹² So Humbert.

¹³ So Gunkel.

¹⁴ So Haller, *Die Fünf Megillot* (Tübingen, 1940), p. 2.

¹⁵ So Budde, Oettli.

¹⁶ Cf W. E. Staples in *AJSL* (1937), 147–57.

¹⁷ So R. H. Pfeiffer, *Introduction to the OT* (New York, 1941), p. 719; O. Eissfeldt, *The OT: An Introduction* (New York, 1965), p. 480 f.

¹⁸ See the useful conspectus of views in RMR, p. 164, n. 1, and the OT Introductions of Driver, Pfeiffer, and Eissfeldt.

¹⁹ Cf B. Baba Batra, 14b, cited in n. 4 above.

²⁰ So Keil, Wright, Albright, and Myers.

²¹ So Wright, Oettli, Driver, Fischer, Haller, and Kaufmann.

²² So Davidson, Reuss.

²³ So Ewald, Jepsen.

²⁴ So Wellhausen, Bertholet, Cornill, Steuernagel. The fourth century is preferred by Jouon, Meinhold, Sellin, Oesterley-Robinson, Eissfeldt, Pfeiffer.

²⁵ In his careful study of the language of our book, *The Linguistic and Literary Form of the Book of Ruth* (Leiden, 1955), pp. 8–32, Jacob M. Myers concludes that Ruth belongs to the period of the early Monarchy. He categorizes the language as belonging "to the same broad category as JE in the *Pentateuch*, *Joshua*, *Judges*, *Samuel* and *Kings*" (p. 32). Our reasons for being unable to accept this view are indicated in the body of this paper.

²⁶ Thus, by the side of the early *štkryn* I Sam 1: 14, note the later *lthmqyn* Jer 31: 21, and *thlygn* Is 45: 10.

²⁷ On these forms, which occur not only as *Kethibh-Qere* readings but in the MT with no variants, and the implications of this fact for the Masorah, see Gordis, *The Biblical Text in the Making* (Philadelphia, 1937), pp. 101 ff; augmented edition (New York, 1971).

²⁸ Thus *rby sm'wn š'šh šlš 'srh šnh bm'rh*, "R. Simeon, who spent thirteen years in the cave" (*Midraś Tehillim* on Ps 17: 14) and often. On *gwnh*, lit. "chained," the technical term for a deserted wife who has not received a religious divorce (*gēt*) from her husband, cf B. *Gittin* and often.

²⁹ In spite of this usage and other linguistic phenomena adduced in the text, W. F. Albright declares "Neither vocabulary nor syntax suggests any Aramaic influence in the writer's [sc. of Ruth] Hebrew" (in his review of R. H. Pfeiffer's *Introduction to the Old Testament* in *JBL*, 61 [1942], 124). Even if Aramaic influence be discounted in this instance, the well-attested tendency of *tertia* Aleph forms to become *tertia* Yod in "late" OT and Middle Hebrew (cf e.g., B. Margulis in *JBL* 89 [1970], 300, n. 14) would still point to a later rather than to an earlier date for Ruth. The current tendency to deny altogether the existence of Aramaisms in biblical Hebrew is an overreaction to the earlier propensity to exaggerate their extent. It has happened in the history of biblical scholarship more than once that the pendulum has swung from one to the other extreme. What is obviously needed is a balanced position. A fuller discussion of the tendency toward *tertia* Yod forms instead of *tertia* Aleph would also need to reckon with the problems of Biblical orthography and the evidence of Mishnaic Hebrew.

³⁰ See our discussion of the four categories of Aramaisms, real and alleged, in *The*

Book of God and Man: A Study of Job (Chicago, 1965), pp. 161–63, 334, and "On the Methodology of Biblical Exegesis" in *JQR* vol. 61, 1970, 93–118.

³¹ Cf Rowley's summary of the various views in "The Chronological Order of Ezra and Nehemiah," *op. cit.*, pp. 131–59.

³² See RMR, p. 163.

³³ Cf R. T. H. Griffith, *The Ramayan of Valmiki* (1915), p. 265 f.

³⁴ Cf J. Scheffelowitz, *Archiv für Religionswissenschaft* 18 (1915), 255.

³⁵ Cf E. R. Lacheman in *JBL* 56 (1937), 53 ff; E. A. Speiser, in *BASOR* 77 (1940), 15 ff, who adduces Akkadian evidence and argues for the use of the shoe to validate special transactions. It may be added that the reason for the use of the shoe to confirm a transfer of property was probably a practical one. In ancient society, men possessed few movable objects that could be used to symbolize a transaction. The only article of major clothing was the garment worn by day and used as a covering by night (Ex 22: 25–27; Deut 24: 11), which could obviously not be removed in public. Hence, the sandal was used. In Rabbinic Judaism, acquisition was validated by taking hold of a scarf (*qinyān 'agabh sūdār*). This practice is still in vogue, in the validation of the Kethubbah "marriage contract" at weddings and at *m'khirat ḥameš*, the fictive "sale of heaven" before Passover, the possession of which is forbidden to householders by Rabbinic law.

³⁶ On the other hand, the passage in Amos 2: 6: *'l-mkrm bksp šdyq w'bywn b'bur n'lym* (see also 8: 6) which is often cited in this connection (so Speiser, *loc. cit.*) is not an instance of this usage. Note that the *na'alāym* are not the instruments but the object of the evildoers' activity. It is important to note: a) the parallelism in Amos, b) the textual evidence from 1 Sam 12: 3: *w'lm 'yny bw* (cf LXX, which read *wn'lym 'nu by*), c) the Hebrew text of Ben Sira 46: 19 *kpr wn'al'm* (cf *Pešitta*, "ransom and bribe" as well as d) the use of the noun *n'lmym* in the Qumran Thanksgiving Scrolls (Tablet XIII, 1.3) and Ps 26: 4; on the basis of this evidence, we have postulated a noun *na'alām*, "bribe," lit. "covering, hiding material," in all these passages. In Amos 3: 6; 8: 6, read: *'l-mkrm bksp šdyq w'bywn b'bur n'lm*. Note the parallel with *ksp*. In 1 Sam 12: 3, read: *umyd my lqhty kpr wn'lm*. In Ben Sira, read similarly: *kpr wn'lm*. See R. Gordis, "Na'alām and Other Observations on the Ain Feshka Scrolls," in *JNES* 19 (1950), 44 ff. In Ps 26: 4 and in the Thanksgiving Scrolls, the plural *n'lmym* is a synecdoche for "men of bribes"; cf the parallelism with *mtg šw'*. The form *na'alām* is a Nun-preformative noun, derived from the *Niphal*. On this formation, cf the biblical form *naptāl* (Gen 30: 8) and see Ges.-Kautzsch, *Grammatik*, 28 ed. sec. 85, par. 49. The form is more common in Mishnaic Hebrew, as, e.g., *naḥtōm*, "baker" (B. *Baba Batra* 20b.), *nḥšwl*, "crushing wind" (B. *Baba Kamma* 116b.), cf also *nṣph*, *nṣoq*, *ndbkḥ*, and see M. H. Segal, *Diqduq Lešon Hamašnah* (Tel Aviv, 1936–1936), sec. 129. The existence of feminine Nun-preformative nouns in Mishnaic Hebrew such as *nibrešet* and *nibreket* suggests that in Ps 37: 38 *nkrth* may also be a noun meaning "destruction," similarly in Prov 15: 6 *wbtu't rš' n'krt* "but for the income of the wicked, there is destruction" (note the Beth).

³⁷ On the levirate in general, cf E. Westermarck, *The History of Human Marriage* (5th ed., New York, 1922), vol. 3, pp. 207–20, 261–63. On the biblical institution, cf J. G. Frazer, *Folklore in the OT*, vol. 2, pp. 266–303; D. Jacobson, *The Social Background of the OT* (Cincinnati, 1942), pp. 290 ff; T. H. Gaster, *Myth, Legend, and Custom in OT* (New York, 1969), pp. 447 ff. For the levirate in post-biblical Judaism, cf L. M. Epstein, *Marriage Laws in the Bible and the Talmud*, (Cambridge, 1942).

³⁸ Cf T. J. Meek in *ANET*, p. 182, who supplies in brackets the crucial words, reading: "[If] she has no [son, her father-in-law shall marry her to the son] of his choice . . . or, if he wishes, he may give her to her father-in-law."

³⁹ Cf A. Goetze in *ANET* p. 196b; E. Neufeld, *The Hittite Laws* (London, 1951), p. 55. It is worth noting that there is no explicit reference here to the widow's childlessness. This is, however, probably the circumstance to which the levirate applied. On the other hand, it is possible that the levirate marriage in these Middle-East cultures was concerned not with "preserving the name of the dead man" but with economic factors, either providing for the widow's maintenance or, as would be more likely, with retaining her as property within the circle of the family. See E. M. MacDonald, *The Position of Women as Reflected in Semitic Codes of Law* (Toronto, 1931), pp. 45, 63 ff, who stresses the element of property in the levirate, as do other writers.

⁴⁰ The considerably earlier date we assign to the composition of Deuteronomy (the evidence for which we hope to present shortly) does not affect the development of the levirate discussed in the text. The later date proposed by some scholars would not militate against the relative antiquity of the rite. See also n. 41.

⁴¹ Thus, Rowley correctly observes that Deuteronomy "reflects a limitation of something that was once wider in Israel, as is clear from the other duties of the *gō'el*" (RMR, p. 170).

⁴² The Talmud (B. *Kiddušin*, 7b; B. *Yebamot*, 6: 1) explains that the Samaritans arrived at their conclusion by treating *hūwsh* in *P' thyh 'st-hmt hūwsh P'yš zr* (Deut 25: 5) as an adjective modifying 'st: "hence a woman outside, not yet living in his house, i.e., a betrothed woman." They then interpret the passage to mean that this category of woman, i.e. a betrothed woman, may not be married to a stranger (but must marry her brother-in-law), but a woman "inside," living in his house, i.e., a married woman, may be taken by a stranger (and must not marry her brother-in-law). The Samaritan Targum renders *hūwsh* as *br'yth* "one outside." The Talmud interprets *hūwsh* similarly, as a reference to a betrothed woman. It therefore requires *yibbum*, both for an engaged and for a married woman (B. *Yeb.* 13b).

⁴³ So Benjamin ben Moshe of Nehawend (ca 830), Joseph ben Jacob Qirqisani (tenth century), and Elijah Bashyazi (ca 1420). Later Qaraite practice permitted the levirate only to cousins of the dead husband. Other authorities forbade the rite, even in the case of a betrothed woman. For a succinct summary of Samaritan and Qaraite views, see J. D. Eisenstein, *Osar Yisrael*, vol. 5, p. 47.

⁴⁴ Cf W. Max Müller, *The Sacred Books of the East* (1886), vol. 25, p. 335.

⁴⁵ Cf the Mishnah tractates *Ma'aserōt* and *Ma'asēr Šēni* for the detailed provisions.

⁴⁶ M. *Bekhorot* 1: 7.

⁴⁷ The great variety of views in the Talmud cannot be set forth here. For a conspectus of these views, associated with the biblical text, cf Barukh Halevi Epstein, *Torah Temimah*, (New York, 1922), vol. 5, pp. 384-404. One classic statement cited in the Babylonian and the Palestinian Talmud will suffice: (*Tosefta*, *Yebamot*, Ch 6; B. *Yebamot* 39b; 109a; J. *Yebamot* 13: 2). "Abba Saul says: He who marries his sister-in-law for the sake of her beauty or because of desire, or any other ulterior motive [*Tosefta*—for the sake of property], is guilty of incest and I am inclined to regard the offspring as illegitimate. The Sages say, "The Biblical statement 'her brother-in-law shall come into her' means no matter what the circumstances or the motive."

⁴⁸ B. *Baba Batra*, 109b.

⁴⁹ Cf Barukh Halevi Epstein, *op. cit.* p. 386, n. 52, who calls attention to this unusually broad interpretation of *bēn*.

⁵⁰ Levirate marriage is forbidden by the Franco-German school of Tosafists like Rabbi Jacob ben Meir Tam (1100-1171), the grandson of Rashi (1040-1105). The levirate is permitted by Rabbi Isaac ben Jacob Al-Fasi of North Africa (1013-1103), Maimonides

(1135-1204), and Rabbi Asher ben Jehiel (1250-1328), who lived in an Islamic environment.

⁵¹ For the fullest text of the *Edict of Ammisaduqa* (seventeenth century B.C.E.), cf J. J. Finkelstein in *ANET*, Supplement, (Princeton, 1969), pp. 526-28. This is the most extensive document extant dealing with the proclamation of an act of "equity" (Sumerian *nig. si. sa.*, Akkadian *mišarum*) by a Babylonian king, a practice in vogue at the accession of a king to the throne and on succeeding intervals of seven or more years. Ammisaduqa, the tenth ruler of the Hammurabi dynasty, ruled from 1641 to 1626 B.C.E. Finkelstein, who cites other, less complete references to this usage in Near Eastern texts, speaks of *mišarum* as encompassing "the remission of debts and the reversion of land-holdings to their original owners" (*op. cit.*, p. 526a). It may be noted that the Edict of Ammisaduqa is very detailed only with regard to the remission of debts, but is much less explicit on the freeing of those sold into slavery for debt. I am unable to find any reference in the Edict to the restoration of land to the original owner. Nor is there an enunciation of any cosmic religious principle, such as is set forth in Lev 25: 23.

It is noteworthy that the differences in the degree of attention given in Mesopotamia to the various features of the *mišarum* have their parallel in biblical and post-biblical experience. The principle of the remission of debts (Deut 15: 1 ff) during "the year of release" was operative as late as the Second Temple Period. Its observance created grave economic problems in the more advanced, urbanized society which required access to credit. Hence, Hillel's *taqqānāh* of the *prošbāl* (first century C.E.), (M. *Shebiith* 10: 2, 3), which utilized a legal fiction to make it possible to collect unpaid debts after the *šemittāh*. On the other hand, Rabbinic tradition declares that the biblical provision for the restoration of land in the Jubilee Year was not enforced after the early exile of the Trans-Jordanian tribes of Reuben, Gad, and half of Manasseh (*Sifra*, *Behar* II, 3) or thereafter, during the Second Temple (B. *Arakhin*, 32b.).

⁵² After the paper was completed, I was pleased to find that D. Daube, in *Studies in Biblical Law* (Cambridge, 1944; reprint edition New York, 1969), pp. 39-62, who treats the role of the *gō'el* in detail, presents a similar interpretation of the primary meaning of the root *gā'al*.

⁵³ *Op. cit.*, p. 163.

⁵⁴ So E. Neufeld, *Ancient Hebrew Marriage Laws* (London, 1944), pp. 240 f.

⁵⁵ So J. A. Jepsen, *Theologische Studien und Kritiken*, 108 (1937-38) 419 ff; and W. Caspari, *Neue Kirchliche Zeitschrift*, 19, (1908) 115 ff.

⁵⁶ So, apparently, Rowley, *op. cit.*

⁵⁷ S. M. Burrows in *JBL* 59 (1940), 448.

⁵⁸ So Haller, *ad loc.*

⁵⁹ So also Haller. On this usage, cf S. R. Driver, *A Treatise in the Use of the Tenses in Hebrew* (Oxford, 1892), pp. 17 f, sec. 13 f.

⁶⁰ B. *Yebamot* 115a.

⁶¹ See E. Sachau, *Aramäische Papyrus und Ostraka* (Leipzig, 1911) and A. Ungnad, *Aramäische Papyrus aus Elephantine* (Leipzig, 1911) for the texts discovered earlier; and for those found later, E. G. Kraeling, *The Brooklyn Museum Papyri* (New Haven, 1953). From the extensive literature we cite M. L. Margolis, *The Elephantine Documents* (*JQR*, 12 [1912], 419-43); and B. Porten, *Archives from Elephantine* (Berkeley and Los Angeles, 1960), who treats of Mibtahiah's life and career in pp. 235-63.

⁶² On the content and development of talmudic law with regard to women and the family, cf L. M. Epstein, *The Jewish Marriage Contract* (New York, 1927); *Marriage Laws in the Bible and the Talmud* (Cambridge, 1942); L. Finkelstein, *Ākiba: Scholar,*

Saint, and Martyr (New York, 1936), L. Finkelstein, *The Pharisees*, 3d ed. (Philadelphia, 1962), and see vol. 2, p. 837, n. 52. For the post-talmudic period, cf. A. H. Freimann, *Seder Qidduṣin Unesu'in* (Heb) (Jerusalem, 5705=1945).

⁶³ Salo W. Baron, *A Social and Religious History of the Jews* (New York, 1958), vol. 6, pp. 135 f.

⁶⁴ Cf B. Porten, *op. cit.*, pp. 209 f, 261 f for the divorce formula in Elephantine and its relationship to other evidence for this practice.

⁶⁵ For this as yet unpublished document, see P. Benoit, J. T. Milik, R. de Vaux, *Discoveries in the Judean Desert II* (Oxford, 1961), p. 108.

⁶⁶ Cf J. Ketubot 30b, v, 8; also J. Ketubot 31c, VII, 6; and see L. M. Epstein *The Jewish Marriage Contract* (New York, 1927), pp. 197 ff.

⁶⁷ Cf the brief discussion of these texts and their implications in M. A. Friedman, *Bittul Hanesu'in 'al pi Baqqaṣat Ha'ishah*, "The Termination of a Marriage on the Wife's Request," in *Ha'arets*, Oct. 1, 1968, p. 19, and his more extensive treatment of the subject in *PAAJR*, 1969, pp. 29-55.

⁶⁸ This was an optional procedure practiced in Palestine, according to the Palestinian Talmud.

⁶⁹ The formula used to validate the practice was: *kwpyn 'wtw 'd šy'mr rwṣh 'ny*, "The husband is placed under duress until he says 'I am willing!'" (B. *Yebamot* 106a.)

⁷⁰ The far-reaching principle laid down in the Talmud is: *kl hmqṣ 'd'p drbnn mqṣ*, "Whoever marries does so by the authority and consent of the Sages." (B. *Kethubot* 3a.)

⁷¹ Cf n. 35 above.

⁷² Cf Rashi *ad loc.* *klwmr qwnq wmqnh*, "He acquires and transmits the right to it." Jastrow: "He gave His creatures possession of His world."