WHAT'S WRONG WITH 'PLAYING THE HARLOT'?

THE MEANING OF זנה IN JUDGES 19:2

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Summary

The story of the Levite's concubine in Judges 19 arouses horror—and very mixed scholarly interpretations. The silent concubine is cast in many shades, from silent victim to shady character on a par with the morally troubled Levite. Characterisation hinges on understanding the nature of the concubine's actions in verse 2. Was she unfaithful, literally or metaphorically? Or simply angry, as in the Greek text? Despite a long tradition of exonerating the concubine from sexual misconduct, the debate has been reopened, unexpectedly, by feminist critics asking why we should automatically assume she is innocent of all wrongdoing, in a text where virtually all characters are morally ambiguous at best. This paper will argue that the Masoretic Text offers the best reading of the story, consistent with subtle narration and moral complexity.

1. Introduction

The story of the concubine of Gibeah in the book of Judges is relatively well-known among scholars, but seldom preached on or referred to in popular worship; even among scholars, it is often subsumed into a discussion of the civil war that follows,[1] dissolved into intertext,[2] or even treated dismissively as part of an appendix to the main body of

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[1] E.g. R.B. Chisholm, *A Commentary on Judges and Ruth* (Kregel Exegetical Library; Grand Rapids, MI: Kregel Publications, 2013).

[2] E.g. S. Frolov, *Judges* (Grand Rapids, MI: Eerdmans, 2012).

the book.[3] Feminist scholars have revived interest in the text as a 'text of terror',[4] one that highlights the plight of women in biblical times. It is an uneasy, ambiguous text, which has lent itself to many interpretations, depending on how it is seen to fit—or not—with the rest of the book, and what its moral message may be, given the conspicuous absence of God in this chapter.

Ambiguity sets in right from the start: who exactly is this nameless man? What is the significance of his being a Levite (following the sorry tale of Micah in chapters 17–18)? What is the exact status of the woman he takes as a פילגש (wife-concubine)?[5] When we reach verse 2, what is the cause of their separation? MT reads: ותזנה עליו פילגשו. Many translations reflect MT with 'she played the harlot against him' (ASV, NASB), 'she played the whore against him' (KJV), 'she did fornication against him' (Wycliffe Bible), or 'she was unfaithful to him' (ESV, NIV), in an echo of the phrase used about Israel's desertion of Yahweh. Others (NRSV, GNB) follow one of the two versions of the Septuagint, either 'she left him' in LXX[B] or she 'became angry with him' in LXX[A]. A number of emendations of MT have been proposed, alongside debate on whether the meaning is literal or metaphorical. Commentators, from early Jewish commentators on-wards, have often shown unease with the verse, and made textual, narrative and moral arguments for a different base text.

In contrast, this paper will argue that the Masoretic is both probable and likely; that the use of זנה fits with the literary, lexical and theological context and narrative stream. As such, while the different textual options are possible, I would argue that they are not *necessary*. This paper will first provide a short analysis of the meaning of זנה, survey textual options and probe the reasons underlying the unease of interpreters, before setting forward an argument for keeping the un-comfortable ambiguity of the Masoretic Text.

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[3] See R.G. Boling, *Judges* (Anchor Bible Commentaries; New York: Doubleday, 1975) and C.F. Burney, *The Book of Judges* (New York: KTAV, 1918).

[4] P. Trible, *Texts of Terror. Literary-Feminist Readings of Biblical Narratives* (London: SCM, 2002).

[5] A discussion of the precise meaning of פילגש is beyond the scope of this paper. I will use the word concubine as it is the most frequently used translation. For a full discussion see S. Ackerman, *Warrior, Dancer, Seductress, Queen: Women in Judges and Biblical Israel* (New York: Doubleday, 1998); M. Bal, *Death and Dissymmetry. The Politics of Coherence in the Book of Judges* (Chicago: University of Chicago Press, 1988); M.L. García Bachmann, *Women at Work in the Deuteronomistic History* (Atlanta: SBL, 2013).

2. זנה in the Hebrew Bible

זנה occurs 138 times in the Hebrew Scriptures as a verb, though this includes the nominal use of the participle, זוֹנָה. In addition, we find three derived nouns, זְנוּת, תַּזְנוּת and זְנוּנִים. The two main clusters of use are in the Deuteronomistic History and in the prophets. Out of 16 uses in the Deuteronomistic History, we find 6 of those in Judges, half of them metaphorical, regarding Israel's cavorting with other gods, two substantive uses of the participle in the phrase אִשָּׁה זוֹנָה, which we will return to, and the verb at hand in 19:2. The frequency of use in Judges shows it is part of the normal lexical range of the writers, over and against some of the emendations proposed.

זנה has a wide semantic range, and covers a number of improper sexual behaviours, mostly on the part of women, including prostitution. Translating זנה has become difficult partly because the cluster of uses in prophetic texts (Ezekiel, Jeremiah and Hosea) has tended to be read back into narrative texts. So in Jeremiah, זנה and its derivations is used primarily to signify infidelity, in its metaphoric use in the Israel-Yahweh relationship. In Jeremiah, Ezekiel and Hosea, we find a strong drift towards זנה as prostitution, often associated with other religions (though the notion of sacred prostitution as an institution is highly contested[6]). It is at times unclear whether the primary meaning is prostitution, which is then extended to any other type of female sexual behaviour considered deviant, or whether the primary meaning encompasses a whole range of acts that differ from the norm, which then narrows down into prostitution with the prophets, because any unusual behaviour is considered as bad as prostitution. The problem is illustrated in the different 'dominant usage' argued for in lexicons— BDB has 'fornicate' whereas DCH has 'to prostitute oneself'. In either case, an underlying issue is the difficulty of conceiving of female behaviour that does not fall into one of three categories—virgin, wife, or prostitute.

The basic, wide meaning thus appears to be 'to engage in sexual relations outside of marriage'—an activity normally understood as illicit.[7] It is often associated with, though not reduced to, committing

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[6]   For a full analysis of prostitution in the Hebrew Bible, see P.A. Bird '"To Play the Harlot": An Enquiry into an Old Testament Metaphor', in *Gender and Difference in Ancient Israel,* ed. P. Day (Minneapolis, MN: Augsburg Fortress Press, 1989) and Garcia Bachman, *Women at Work.*

[7]   Bird, *To Play the Harlot*, 76.

adultery (נאף). The fact that זנה is wider should lead us to think carefully before translating as 'she committed adultery' or 'was unfaithful to him' (ESV, NIV). In addition, נאף can be used of both men and women, and implies a breach of covenant. זנה on the other hand is almost exclusively limited to female behaviour, 'since it is only for women that marriage is the primary determinant of legal status and obligation'.[8] In the two cases (Ezekiel 23:43 and Numbers 25:1) where the subject is male, the use is figurative in describing straying from Yahweh: the male here is cast in the 'female' position within the metaphorical Yahweh-Israel marital covenant. As regards men more generally, their actions are judged depending on the status of their female partners, and penalised only when they therefore violate the rights of another man (whether husband or father—those who negotiate the bride price). So a woman who belongs to another (father or husband) and sleeps with a man is said to זנה, and brings condemnation on both herself and the man; a prostitute's activity, זונה, on the other hand, violates no man's right, and therefore her actions are not illicit, though still outside the realm of respectability.[9]

The participle is a specific use of the word to designate a prostitute, yet that use is reversed in the usual translation, 'played the whore/the harlot', making prostitution the dominant image. Though the figurative usage of זנה in the Hebrew Bible invites this to a degree, the translation skews meaning in narrative texts. Even the use of the participle is open to challenge. Garcia Bachman[10] makes interesting observations on different patterns of use between זוֹנָה and אִשָּׁה זוֹנָה. The notion of payment is never present in texts using the latter. זוֹנָה alone is more likely to be used for sex workers, whereas אִשָּׁה זוֹנָה tends to qualify a woman living outside of the patriarchal household, or perhaps erring from the household, including some single mothers. Here we come to the breadth of meanings that include prostitution, promiscuity, and unexpected or deviant female behaviour. In relation to the text in consideration, it is worth noting that the woman/concubine is said to

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8   Bird, *To Play the Harlot*, 76.
9   The distinction is seen most clearly in the shift from זוֹנָה to זָנָה in Genesis 38. While Tamar is an anonymous prostitute (זוֹנָה), there is no indication in the text that her behaviour is reprehensible. When she is found to be pregnant, she is accused of being unfaithful/a harlot (זָנָה), and threatened with death.
10 García Bachman, *Women at Work*, 25.

leave her husband, but there is no mention of any 'other'. She does not go to another man, but back to her original patriarchal household.

Bal,[11] following Patai,[12] argues that זָנָה was not always a negative term but initially referred to independent women within a matrilineal structure, or living with their fathers in patrilocal marriage. As virilocal marriage became more prominent, their behaviour became stigmatised and the word for it, זָנָה, came to designate socially unacceptable female behaviour. While this later theory has become quite popular with a strand of feminist criticism[13] and informed their interpretation of Judges 19:2, there is little evidence for it within the biblical corpus, and the argument rests almost solely on Patai's anthropological study of later Bedouin tribes and what he perceives to be their practice of sexual hospitality.[14]

A key text to enable a discussion of the meaning of זָנָה and illustrate its breadth of meaning is Deuteronomy 22, a major law text dealing with the boundaries of acceptable female behaviour. García Bachman[15] has noted echoes of Deuteronomy 22 in Judges 19, with the repetition of אֲבִי הַנַּעֲרָה, 'the young woman's father', a term rarely used elsewhere. The echo alerts us to the number of possible scenarios behind the word זָנָה, scenarios which, in the contemporary world, would not necessarily yield moral condemnation for the woman involved; those scenarios are not predicated on modern notions of consent and bodily integrity but on patterns of social relationships within which the basic unit of belonging is not the self but the father's household.

Despite a range of literal meanings however, together with meta-phorical meanings, echoes within Judges itself and of another key text using זָנָה, the Masoretic Text has been under scrutiny from the earliest times.

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[11] M. Bal, *Death and Dyssymetry*, and 'Dealing/with/Women: Daughters in the Book of Judges', in *Women in the Hebrew Bible*, ed. A. Bach (New York: Routledge, 1999): 317-34.

[12] R. Patai, *Sex and Family in the Bible and the Middle East* (Garden City: Doubleday, 1959).

[13] E.g. T. Gur-Klein, *Sexual Hospitality in the Hebrew Bible: Patronymic, Metronymic, Legitimate and Illegitimate Relations* (London: Equinox, 2012).

[14] While the language of patrilocal *vs* virilocal marriage is ubiquitous in Bal and those who follow her arguments, the two terms are often used interchangeably in the field of social anthropology, and what she describes as patrilocal is there termed matrilocal.

[15] García Bachman, *Women at Work*, 153 n. 102.

3. Textual Issues

A number of alternative readings have been suggested for the unacceptable זָנָה of verse 2. Attention to textual matters has driven scholars to make arguments for following the Greek, or for emending the Hebrew. One of the most frequent arguments is to change זָנָה to זָנַח. This would involve a relatively minor and plausible emendation on the grounds of scribal mistake, and give the meaning 'spurn, reject'. Burney[16] argues this could explain LXX[A] and the Old Latin translation—ὠργίσθη and *irata est* (she was angry [with him]). He does however need to appeal to a cognate equivalent (Babylonian *zenû,* to be irritated) to circumvent the different shade of meaning between 'spurn' and 'be angry'.

One must note that even though זָנַח appears 19 times in the Hebrew Bible, none of these appear in the Deuteronomistic History. This could of course be a case of emending an unusual verb, זָנַח, for a more common one, זָנָה. However, זָנַח is *never* used with the preposition עַל, which is ironic given that an argument often touted for refuting זָנָה is that it is *almost* never constructed with עַל. Indeed, out of 19 uses, זָנַח is *never* used with a preposition *at all*. In its 16 uses in the Qal, it refers only to rejection between Israel and Yahweh, or rejection of what is good or right by Israel, and therefore would not easily fit into the context of Judges 19. In addition, the construction usually translated ὠργίσθη is חָרָה אַף, and it is difficult to see how this could have become corrupted to זָנָה. There does not therefore appear to be a clear case for choosing זָנַח over זָנָה on purely textual grounds. If זָנָה was the original, the emendation in the Greek text would be most likely based on theological, moral, or narrative ground.

To make matters more confused, LXX[B] reads ἐπορεύθη (travel, journey); this could easily be a corruption of ἐπορνεύθη, which would then reproduce MT (and, incidentally, possibly point to the fact that זָנָה was considered problematic already).[17] The probability of such an emendation adds to the credibility of MT as original.

The different versions introduce doubt as to what the text should be. The unusual construction adds an additional level of textual

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[16] Burney, *Judges*, 460.
[17] See S. Niditch, *Judges: A Commentary* (The Old Testament Library; Louisville, KY: Westminster John Knox Press, 2008) 185, and M. Biddle, *Reading Judges: A Literary and Theological Commentary* (Macon, GA: Smith and Helwys, 2012) 184.

uncertainty. As commentators are fond of pointing out, זָנָה is not usually followed by עַל as the person against whom the offence is committed.[18] Commentators often overstate the case, however, as Butler[19] and Webb[20] do in arguing the specific construction is unparalleled. It actually appears in Ezekiel, though the meaning is different, indeed, radically opposite: עַל introduces the person with whom the offence is committed. A much more similar construction however is found in the compound preposition מֵעַל in Ezekiel and Hosea, introducing the offended party. Interestingly, Ezekiel 16:15 uses the same construction exactly with a causative meaning: because of… It is not entirely far-fetched to think that the concubine's actions may have been caused by the Levite, given his subsequent behaviour.

This cursory look at textual issues suggests that textual problems only are not enough to either cause the level of discomfort with the word (which after all still makes sense), or solve the problems raised in the first place about the concubine's unusual behaviour. While the alternatives to the MT proposed are possible, they are not necessary on textual grounds. What motivates debate between those readings is primarily contextual. Let us turn therefore to examine how each reading makes sense within the overall shape of the book.

4. Explaining the Unexplainable

4.1 She left…

A number of fairly recent studies[21] choose to follow LXX[B] and argue that the concubine left her husband. As a woman, she could not have initiated divorce (a male prerogative): walking out was her only option. This then brings her out of the patriarchal household, in a territory where she is neither virgin, nor wife or mother, and therefore falls under the third category of women—זוֹנָה, which neatly ties in LXX and the MT (interestingly, commentators who choose to follow LXX often still feel the need to argue that זָנָה can be an interpretative

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[18] Burney, *Judges*.

[19] T.C. Butler, *Judges* (World Biblical Commentary; Nashville/Dallas: Thomas Nelson, 2009).

[20] B.G. Webb, *Judges* (NICOT; Grand Rapids, MI: Wm. B. Eerdmans Publishing Co, 2012).

[21] Bal, *Death and Dissymmetry*; Gur-Klein, *Sexual Hospitality*.

comment of the concubine's leaving[22]). The argument turns the concubine into זוֹנָה—the participle, a prostitute, rather than someone who *did* something, which is quite different from the exact words of the MT. In addition, while admittedly זָנָה has a wide semantic range, as seen in Deuteronomy 22:13-21, and can be used figuratively, this interpretation would still fall outside of average interpretations of the term, especially in a book where women do display a degree of autonomy— such as Achsah going back to her father (Judges 1).

More convincingly, Aschkenasy[23] points out that traditional Jewish commentators (who can hardly be accused of being biased towards women, and are sensitive to linguistic issues) argued for a secondary root meaning of 'turning away, leaving', which would fit in with the Septuagint's somewhat blander translation. They went as far as suggesting her leaving was prompted by the Levite's behaviour.

For those commentators who suggest it, this translation has the advantage of explaining the Levite's action going after his concubine as if he was at fault, or at least equally at fault, rather than the offended party.

4.2 She became angry with him…

Other commentators, such as Boling[24], Soggin[25], Block[26] and Chisholm[27] choose to go with LXX[A]: 'she became angry with him'. This rests either on the argument that זָנָה is a scribal error for זָנַח, or a derivation from an unevidenced Akkadian root (Block), or that LXX[A] is primary and the MT interpretative: she became a prostitute *as* she ran away (Boling). For all of them, the argument centres on the Levite's going after the concubine, and her father's being happy to see him. Soggin even goes as far as saying the concubine herself is happy to see him, even though we are never allowed into her subjectivity. Had the concubine committed זָנָה, however we choose to define it, this would have been so serious that her husband would never have wanted her

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[22] E.g. Webb, *Judges*.

[23] N. Aschkenasy, *Woman at the Window: Biblical Tales of Oppression and Escape* (Detroit, MI: Wayne State University Press, 1998) 165 n. 28.

[24] Boling, *Judges*, 273.

[25] J.A. Soggin, *Judges* (Old Testament Library; London: Westminster, 1981) 283.

[26] D.I. Block, *Judges, Ruth* (The New American Commentary, An Exegetical and Theological Exposition of Holy Scripture, Vol. 6; Nashville, TN: B&H Publishing Group, 1999) 521.

[27] Chisholm, *Judges*, 467.

back, and her father would not have accepted her. Therefore this must have been a minor quarrel. Chisholm[28] adds that this foreshadows the civil war: a minor quarrel with disproportionate consequences.

There are a number of issues to pick out here. First, as Bal[29] points out, speaking of a quarrel and the concubine walking out implies an anachronistic degree of equality, though this needs balancing by the fact that this understanding has not emerged recently[30]). Secondly, we know very little of the Levite's motives. The narrator is terse, and keeps much important information back. Sometimes the information appears later, sometimes it does not. A number of interpretations rely on filling the gaps the narrator has left open. For all we know, the Levite could have sent the concubine away. Or he could be coming after her to demand punishment. Or he could be so in love that he decided to forgive, as we see in early uses of the text, in Pseudo-Philo, for instance.[31] Equally, we know little about her father. Given that he lives a fair distance away, there is no guarantee he knows the reasons for his daughter's estrangement from her partner. Or he may be keen to see the family honour salvaged. Or he may actually love his daughter and want to see her set on the right path, socially speaking. Or, indeed, in a book that depicts the gradual breakdown of law and order, it maybe that no one pays much attention to what the law says must be done in cases of adultery. Furthermore, the objection that she should have been put to death and therefore cannot possibly have committed adultery presupposes both that the law applies to concubines as well as wives, and that the maximum penalty suggested in law be applied in practice.

A further point to note is divergence between commentators in how far the scene integrates with the rest of the book. Soggin and Boling see chapters 17–21 as an appendix, distinct from the rest of the book and of lesser value; within those chapters, they downplay 19 as a minor domestic scene. Soggin even terms it 'irrelevant'[32]. The tendency to treat the scene in isolation has yielded interpretations that either underplay the horror of the chapter and its value as social and

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28 Chisholm, *Judges*, 489.
29 Bal, *Death and Dissymmetry*.
30 Aschkenasy, *Woman at the Window*, 62-70.
31 J.A. Schroeder, *Dinah's Lament: The Biblical Legacy of Sexual Violence in Christian Interpretation* (Minneapolis, MN: Augsburg Fortress, 2007) 104.
32 Soggin, *Judges*, 279.

theological commentary on a disintegrating nation, or overplay one perspective (recently, the concubine's) at the expense of all others. Conversely, Chilsholm argues for a mirror structure, with a minor 'quarrel' having disproportionate consequences, both in chapter 19 and in 20–21. There is an assumption that what happens in the latter part of the chapter is a consequence of what happens at the beginning, in the same way that the civil war, decided upon in revenge and punishment, is a consequence of the disagreement over how to deal with assailants. While there is merit in noting the escalating pattern—trouble between man and concubine, between man and crowd, between tribes, the implied causal links are disturbing.

4.3 Disloyalty and Metaphor

Many scholars argue for a metaphorical understanding of זָנָה, with or without dismissing the MT. If the MT stands, זָנָה depicts a type of behaviour that is so unexpected and against cultural norms for a woman that there is no other way to explain it than to put it out of the sphere of womanly respectability. Mullner[33] argues that the second part of the sentence is a subordinate clause that explains the first half: 'she was unfaithful *inasmuch* as she left'. Because it is a gendered transgression, the appropriate descriptor is זָנָה. Yee[34] concurs:

> Anthropological studies of women's resistance to male authority provide a helpful model. For example, disrupting the household by vacating it abruptly is one of a number of strategies women adopt to exercise autonomy in androcentric societies… In a society that so rigorously supervises the sexuality of its women, the daring act of leaving a husband would be judged, as the Deuteronomist does in this case, as a metaphoric act of fornication… Besides bringing dishonour upon herself, the woman brings dishonour upon her husband, since it becomes apparent that he cannot control her actions.

There are, of course, a number of assumptions here; one, that the narrator is explicitly passing judgement, in a text where the narrator's presence is unobtrusive. Second, the notion of leaving in order to

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[33] I. Müllner, 'Lethal Differences: Sexual Violence as Violence Against Others in Judges 19' in *Judges. The Feminist Companion to the Bible, ed.* A. Brenner (Sheffield: Sheffield Academic Press, 1999): 126-141.

[34] G.A. Yee, 'Ideological Criticism: Judges 17–21 and the Dismembered Body' in *Judges and Method: New Approaches in Biblical Studies,* ed. G.A. Yee, (Minneapolis: Fortress Press) 163.

'exercise autonomy', rather than as an act of survival, sounds anachronistic, though this is echoed by others.[35]

Exum[36] argues that ultimately, whether זָנָה is metaphorical or not does not matter. What the concubine has done still belongs to the realm of sexual transgression, the kind of behaviour that disrupts social order and therefore must be punished. The concubine has therefore placed herself beyond the realm of male protection (what women exchange their autonomy for), which creates the conditions for what happens in Gibeah. I think this takes the point too far; the concubine clearly seeks out her father's protection, and then follows the Levite back. In addition, arguing that a woman exchanges autonomy for protection is, again, an anachronism that considers persons as independent, singular entities. Finally, whilst I do think Exum's point has validity in considering sexual transgression as a whole, one still needs to bear in mind that in all other narrative accounts that use זָנָה, excluding those commenting on the Yahweh/Israel relationship, transgression is specifically and literally sexual. A physical boundary is crossed; physical integrity matters.

4.4 Different Forms of Marriage

Finally, a substantial strand of interpretation, mostly feminist, follows Patai[37] and Bal[38] in keeping the MT but completely changing its meaning. They comment extensively on the nature of the Levite-concubine relationship, and argue that the conflict between Levite and concubine which spreads to others, is a conflict between different forms of marriage, patrilocal *versus* virilocal. Bal argues that the older institution of marriage in Israel was patrilocal, that is, a wife remained within her father's household, and her husband visited her there. By the time of the Judges, two different forms of marriage co-existed, and came into conflict. In Judges 19, the concubine's father expects a patrilocal marriage, but instead she follows the Levite into a virilocal marriage. When the text states that she was unfaithful to him, this means she was unfaithful to her father's household, not to her husband.

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[35] R. Ryan, *Judges* (Sheffield: Sheffield Phoenix, 2007); A. Brenner, *The Intercourse of Knowledge: On Gendering Desire and Sexuality in the Hebrew Bible* (New York: Brill, 1997).

[36] C.J. Exum, *Fragmented Women: Feminist (Sub)versions of Biblical Narratives* (Sheffield: Sheffield Academic Press, 1993) 179.

[37] Patai, *Sex and Family*.

[38] Bal, *Death and Dissymmetry*.

The tension between the two institutions explains the father's reception of his daughter, and his joy when his son-in-law comes to visit—he is finally behaving in an expected way—and his reluctance to let them *both* go.

Undergirding Bal's argument is the premise that the word פִּילֶגֶשׁ represents a different word for wife, from a different institution. She argues that secondary wives are called maidservants or slaves, not פִּילֶגֶשׁ, and quotes the story of Samson's first wife as a proof-text. In the same way, זָנָה would be a word that originally applied to the situation of a husband who does not live with his wife's tribe: therefore he 'turns away' (arguing for an Akkadian root). Suspicion towards this form of marriage led to a later understanding of unfaithfulness and prostitution. For her, the conflict between the two forms of marriages and the transition between two forms of patriarchy is the central point of the chapter. She extends her point by arguing that we read later concepts of זָנָה back into the word; instead, we should read later texts with the earlier meaning in mind: so when Israel whores after other gods, this is the woman turning away from the father towards the husband.

Bal's argument has been taken up remarkably often,[39] despite very scant evidence to support it. Her analysis of the status of a פִּילֶגֶשׁ ignores the majority of texts where wives and concubines co-exist; it is based mostly on one interpretation of one story (Samson's first wife); she does not acknowledge the scarcity of information available on the institution, nor the varied picture within the Deuteronomistic History itself, for a relatively little-used word. There is plenty of evidence for virilocal marriage, in texts set in an older context (Genesis), and very little for patrilocal marriage. Whilst Bal argues her theory explains the difficulties of the text away, it relies almost entirely on conjecture, and it is difficult to see how a polemic on forms of marriage fits within the overall pattern of the book, or the rest of the chapter itself.

4.5 To Play the Harlot

While the verse has vexed scholars for centuries, there is a renewal of interest in taking MT literally—though it is generally accepted that a translation that moves away from prostitution is probably more accurate (this is about loose behaviour, likely to entail adultery, not prostitution, even by extension). Hence to say she was promiscuous, un-

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39 Biddle, Reading *Judges*; Gur-Klein, *Sexual Hospitality*.

faithful, or use the old-fashioned 'fornicated' is more accurate. The mention of the Levite in 'against him' adds weight to the translation 'she was unfaithful', though this may stray from the essential meaning—after all there is a word for adultery, not used here.

There are two strands of reasons for this return to MT. Broadly speaking, many feminist scholars question why we assume a woman of the time could not possibly have committed adultery or been pro-miscuous. They often point out that a central reason for rejecting the MT is that the woman goes back to her father. Schneider[40] counters that in a world controlled by men, she would have had no other option. This seems weak—women could be cut out of a family, and, indeed, end up in literal prostitution. Others seek to read the story within the broader context of Judges and argue the book shows a topsy-turvy world in which law is set aside. So Brettler[41] argues that the man and father are so far from orthodox life that they do not care about adultery and it shows the text as a 'fanciful narrative', intended to highlight the evils of the world before Saul, evils Saul will be unable to correct. Frolov[42] is more measured, but agrees that in an era of general lawlessness, the lack of apparent concern about the concubine's promiscuity fits the context. While those arguments have the merit of considering the overall text, contending that neither Levite nor father are concerned with punishment for adultery may be taking this too far. Application of the laws of Deuteronomy is one thing; but questions of honour, shame, and normal human behaviour such as wounded pride and feelings would be expected to intervene.

A much darker side to the choice of following the MT explains some of the unease of many commentators in translating זָנָה as being promiscuous or unfaithful. Given the Greek and early Latin version had eliminated sexual transgression from the account, there was little commentary on the matter up until the Reformation. At this point, interest in the Hebrew text resurfaced, and Reformation commentators, keen to find a moral to the story, cast the rape and mutilation of the concubine as a form of capital punishment on an adulteress.[43] Meanwhile, this allowed them to exonerate the Levite, who merely

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[40]   T.J. Schneider, *Judges* (Berit Olam; Collegeville, MN: The Liturgical Press, 1999) 251.

[41]   M. Brettler, *The Book of Judges* (London: Routledge, 2002) 90.

[42]   Frolov, *Judges*, 301.

[43]   Schroeder, *Dinah's Lament*, 103-151.

allows her to be punished for her crime by handing her over to the crowd. Having escaped human punishment, she meets gruesome divine punishment.

Contemporary commentators eschew such a stark reading, but none-theless, some of those who choose a literal reading of the MT often comment on the 'irony' underlying the fate of the concubine. So Klein[44] argues that both concubine and Levite have acted in accordance with what they see as right in their own eyes; both act outside the prescriptions of the covenant, one by leaving or committing adultery (Klein does not consider that either matters) and so 'the consequences of her actions are an implicit judgement of her as well as her husband'. Webb[45] concurs and argues the tale is part of a pattern of grim irony that sees Samson, who did right in his own eyes, have his eyes gouged out; Abimelech who killed his brothers on a stone, die from a stone dropped on him. And the concubine who was promiscuous, gang-raped, dismembered and distributed to the men of Israel. One may cringe at the thought, but those commentators see the story as fitting the moral framework of the book. At this point, I would make two remarks. One, that there is a disproportion here not quite present in the other examples Webb mentions; two, there is a difference between the presence of irony, and the contention that what happens is just deserts. Finally, the narrative drive of the passage seems to tell a different tale in terms of moral characterisation and eliciting reader sympathy, which prevents obvious parallels.

5. Why Such a Problem with Fornication?

Going beyond 'likely possibilities', one needs to consider the reasons for unease with MT. Those seem to concentrate on explaining other details of the chapter, on judgements about likely and unlikely behaviour, and questions about the moral message of the text.

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[44] L.R. Klein, *The Triumph of Irony in the Book of Judges* (Sheffield: The Almond Press, 1989) 163.

[45] Webb, *Judges*, 456.

5.1 Assumptions about the Morality of Characters

Many of the objections to the use of זָנָה seem to derive from what commentators judge to be likely, or possible, within the world of the text—or their own preconceptions.

Schroeder's analysis of medieval and Reformation commentators is fascinating[46] in revealing their attempts to exonerate the Levite—showing both the need for certain type-characters, and for an overall acceptable moral message. The tendency has not fully vanished. Both Soggin[47] and Boling,[48] key texts often referenced, work hard to present the Levite in a good light. Unlike the Reformers, they choose to dismiss the MT, as they argue that the Levite could not have gone after an adulteress; instead, they must have had a minor argument, and his going after her 'elicits respect' for him[49] as someone who admits he is wrong (a quality not precisely evident in his subsequent actions!). Soggin[50] describes chapter 19 as 'novelistic and anecdotal', about a quarrel between husband and wife, in a slightly condescending, benign tone; after which he relates the incident as the young couple 'being assaulted', the stranger 'showing courage in offering hospitality' and the 'husband manages to escape but the wife dies'. In light of the Levite and the old man's actions, this reading seems a little off the mark in its attempt to cast the characters in a positive light. Müllner[51] argues differently, that all characters are given both positive and negative attributes, therefore 'the assumption that the victim is guiltless does not apply'. Here we may ask, what *are* the Levite's positive attributes? His portrayal by the narrator is dark, and comes straight on the heels of the story of another, highly questionable, Levite in chapters 17 and 18. As regards the concubine, there is little of her personality showing through. To say that no character is guiltless is not to say that they are all morally equal. Furthermore, the notion of a 'guiltless victim' is interesting: linking guilt and victimhood assumes a link between the concubine's behaviour and her eventual fate in Gibeah, as

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[46] J.A. Schroeder, 'Dismembering the Adulteress: Sixteenth-Century Commentary on the Narrative of the Levite's Concubine (Judges 19–21)', *Seminary Ridge Review 9.2* (spring 2007) 5-24.

[47] Soggin, *Judges*, 279-89.

[48] Boling, *Judges*, 271-79.

[49] Boling, *Judges*, 274.

[50] Soggin, *Judges*, 279.

[51] Müllner, 'Lethal Differences', 126-41.

if a 'real victim' must be 'guiltless'. A morally ambiguous concubine disturbs normal categories of thought that seek to find exemplars for action in the biblical text.

6. Contextual Conundrums

As mentioned frequently above, many objections to the MT centre on the father's reception of the woman and the Levite's pursuing of the relationship. I have already suggested some answers to those, such as lack of application of Deuteronomic laws in a morally dubious world; lack of clarity about the woman's status (as property, the man may want to 'recover' her); the possibility of an emotional link between them, as in Pseudo-Philo; a desire by the Levite to punish her. As for her father, he may have been unaware of the reasons behind her journey, or simply morally compromised.

In addition, commentators often make assumptions, filling in gaps, which make the context more problematic than the text warrants. So, for instance, Aschkenasy[52] argues that had the husband been the wronged party, he would have talked harshly to the concubine and to her father. We do not actually know the content of either conversation. We are told he went after her to 'talk to her heart'—but as the heart is the seat of thinking and moral judgements in Hebrew, a better translation would be 'to persuade her'.[53] This is not necessarily a sentimental appeal.

Regarding the legal issue of lack of punishment, many have pointed to the fact that the characters of Judges are not always that concerned with applying the law (see Jephthah and Samson). In addition, narrative texts are almost always far less severe than legal texts about adultery—see Sara and Pharaoh, Reuben and Bilhah, Absalom and David's concubines… It is worth noting here that many of the commentators who worry about this lack of punishment at this point shift from considering the woman a concubine, and apply the legal expectations of a married wife. The law, however, has nothing to say about

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[52] Aschkenasy, *Woman at the Window*, 67.
[53] The expression is often translated 'speak tenderly', which does not sit comfortably with the usual connotations of 'heart' in Hebrew. At the very least, there is a degree of ambiguity about the word.

concubines, and therefore we cannot actually say that a law has not been followed when she is not put to death.

The Levite may therefore be perfectly within his rights to go and retrieve the woman. The issue of his waiting for four months to go after her (a puzzling statement for many, who think this shows *him* as guilty rather than her) could neatly be solved with a literal rendering of זָנָה. Had the concubine been unfaithful, and the Levite wanted to keep her as a concubine, he may have wanted to ensure first that she was not pregnant with a child potentially not his. Waiting for four months is the right time to ascertain whether the woman is likely to be pregnant and the pregnancy viable.

Some of the problems with MT therefore seem to come from what commentators view as possible or impossible, and the moral judgements attached to those. However, the story of Judges is the story of a nation descending into inconceivable chaos and violence, so that the extraordinarily violent end portrays an increasingly grotesque, unthinkable and, at times, unspeakable, series of actions.

6.1 The Root of the Problem: The Assumed Causal Link

Beyond all these judgements, however, there seems to lie an often unvoiced assumption around the status of the concubine as victim. How can we show sympathy to the concubine if she is guilty? How can we get round the notion of a causal link between her behaviour and her fate? The link is often either affirmed, or the MT is rejected. But somehow, the underlying assumption seems to be that if she has committed adultery/been unfaithful or promiscuous, then the rest of the chapter presents a narrative judgement over her behaviour.

Why do we make this assumption? There is actually nothing in the text itself that passes judgement on the concubine. Collocation does not necessarily imply causation. The Reformers were keen to make that link, as are those who want to see grim irony. Yet even grim irony does not equate to a direct causal link. For others, if she has not behaved well, then this damages her status as a victim.[54] Why should it? If victims are persons, then they are never perfect. The concept of an 'innocent victim' seems to have been broadened from a meaning of 'there is no justification to what has happened to her' to 'she must have been sexually exemplary otherwise she is not innocent'. Studies on

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54 Müllner, 'Lethal Differences', 126-41.

rape show that rape is largely independent of the actions of the victim.[55] The text here, in chapter 19, does not indicate any fault on the part of the concubine at the point of the rape. Nor does it do so subsequently, in the account given of it later and in the retribution against Benjamin (however edited the Levite's account may be at that point). The only reason for bringing those two actions together is the fact that they both concern sexual transgression—albeit very different types of sexual transgression.

Linking unfaithfulness and rape causally prompts a dilemma: do we condemn the text as one that is utterly insensitive and callous, oppressive to women, and therefore either discard it or amend it, or do we condemn the concubine as guilty and therefore deserving her fate—thereby risking legitimising monstrous behaviour? The dilemma is unnecessary.

Part of the problem here is the metaphorical use of זָנָה in the Yahweh/Israel relationship. Israel strays, Yahweh punishes. Even this is an overstatement of the Deuteronomic principle, which forgets mercy and Yahweh's relenting and sending deliverers. But the use of the same word prompts comparison. However… the Yahweh/Israel relationship is always phrased in terms of a husband/wife relationship, never man and concubine. That relationship, and the infidelity/ punishment sequence is then worked out at the level of the *nation*, not of individuals. And even more crucially, when punishment occurs, it is clearly said to be effected by Yahweh, the offended party. Here in Judges 19, God is absent. Attributing the fate of the concubine to God's punitive action would be contrary to the pattern in Judges; furthermore, texts that could be considered as parallels in the Deuteronomistic history, such as David's adultery with Bathsheba, are very explicit about *God's* judgement—and not nearly as disproportionate, gruesome, or horrifying.

Punishment may indeed be meted out in anger by the offended party, the Levite (in an act of anger, pushing her to the crowd, and in the dismemberment); but this is no punishment meted out by Yahweh. Furthermore, there is an essential difference in positing punishment *versus* this kind of narrative comeuppance. In punishment, there is recourse to a third party—whether Yahweh, or the law, or a moral code

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55 S. Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975).

of some sort. Here, in this text, punishment would be summary, an unthinking action-fate link, which again, does not fit the pattern of moral commentary in other texts.

The narration of Judges is subtle. The text probes and questions characters and their actions, and the community's responses. Here the text probes readers' instinctive responses too, and their readiness to judge in response to situations that may not be quite as clear-cut as they first appear—as indeed Israel find out in chapters 20 and 21.

7. A Tale of Ambiguities

7.1 The Concubine as a Moral Subject

So what do we make of the concubine and her actions? Why introduce this note at the beginning? And can we narrow the meaning of זָנָה, whether literally or figuratively?

First, as Trible[56] argues, what the concubine did or did not do matters, because it positions her as a subject. More specifically, I would add that MT as opposed to LXX positions her as a *moral* subject in a tale concerned with the breakdown of morality. How she is positioned —offending or offended party—defines the Levite's position with respect to her and shapes an evaluation of his conduct, and others' reaction to her.

The woman's position as subject or object, however, is not static. She is active in verse 2. Something happens that prompts her to leave (or be driven away—we do not know), and embark alone on a not inconsiderable journey. When the Levite comes after her, we have a choice to make about her reaction with the *Kethiv-Qere* of verse 3. Does he want to 'bring her back' (*Qere*), or is it up to her to 'take him back' (*Kethiv*)? The *Qere* removes her agency. The *Kethiv* gives her choices. The dilemma points, once again, to the difficulties of early readers with unusual gender behaviour. At this point though, readers are still unsure of who their sympathies should lie with. When the woman slides out of subjectivity and becomes the object of the men's discourse and the body which they use and abuse, her narrative and psychological position shifts dramatically, and so may the sympathies of readers. What verse 2 does is give her agency within a tale of

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56 Trible, *Texts of Terror*, 46.

disempowerment. It positions her precisely as a subject, a person, a violated subject rendered voiceless and disempowered, rather than a mere passive victim. As such, the narrative demands she be taken seriously as a fellow human being, rather than a narrative foil, there to facilitate the progression of a plot about men. And if she is a *moral* person, her character will not be a one-dimensional, victim-only portrayal. She will be an ambiguous character, a flawed personality.

It is necessary then to sever the causal link between the concubine's actions and her horrendous victimisation; this removes an instinctive barrier to thinking about her sexual behaviour, and makes space to think about her within the wider framework of the book of Judges. If the book is seen not so much as political commentary but as a holistic commentary on the descent of Israel into chaos, a chaos that affects the political, the social, the religious, in public and in private, then the concubine and the Levite fit within a sequence of increasingly dysfunctional characters interacting with an increasingly dysfunctional community. Just as the male judges and community leaders become progressively morally dubious, so do the women, from upright, confident Achsah, down to the concubine. In the Samson narrative, and in Judges 17–21, characters behave in a way which is atypical, unexpected and at odds with religious and moral expectations. The private lives of the nameless Levite and concubine stand for the moral and social chaos that pervades the whole of Israel.[57] In this context, Judges as a whole and the last few chapters in particular, are a prophetic message (in keeping with the classification of Former Prophets), which speaks into a specific situation. Block[58] sums it up neatly in arguing that it depicts the canaanisation of Israel: 'in all areas the life of Israel is increasingly looking like that of the people they are trying to displace. In political leadership, in the religious sphere, and in the way people relate, particularly the way men relate to women'.

7.2 The Importance of Ambiguity

Choosing to keep the MT therefore fits neatly with the overall purpose of the book, and does not have to be a narrative problem, though whether the meaning is purely literal or holds a sense of sexual trans-

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[57] F.M. Yamada, *Configurations of Rape in the Hebrew Bible* (New York: Peter Lang, 2008): 74 n. 5; Niditch, *Judges*, 190.

[58] D. Block, 'Unspeakable Crimes: The Abuse of Women in the Book of Judges', *Southern Baptist Journal of Theology* 2.3 (Fall 1998) 47.

gression or transgression of social boundaries remains open. We do not know what the concubine has done, just as we do not know many other details of the story. The narrator leaves gaps in many places: we do not know why the father behaves the way he does, we do not know why the men of Gibeah accept the one woman instead of either a man or two women, we do not know exactly what the Levite feels needs to be avenged. Interpretive responsibility is placed on the reader. Ambiguity serves a vital purpose here in discouraging early judgement. Readers are given a little information, but their early judgement is challenged by later information. Their perception of the concubine, initially negative through the use of זָנָה, is challenged by the Levite's atrocious behaviour, and can prompt them to go back and ask, what exactly did she do? And why? And who actually is in the right in this story? Who can be trusted? An initial assumption of what should happen to an adulterous woman actually morphs into exposing the treatment of women by the men of Israel. The same process is at work in chapters 20–21, when the men of Israel are outraged, believe themselves in the right, yet end up re-enacting, on a mass scale, the violation of women through the abduction and forced marriage of the daughters of Shiloh and Jabesh-Gilead.

Traditional categories slowly collapse, so that judgement becomes difficult. And the woman who will lay on the threshold, neither in, nor out of the house, embodies a space for ambiguities: is she wife or concubine? Is she guilty or innocent or both? Is she alive or dead? Right from the start, the use of זָנָה positions her as a character on the threshold, one who is on the margin, who does not belong, who destabilises expectations. From then on, the entire text cascades into a series of ambiguity, as Lefkovitz points out, 'As a mediating figure, the girl threatens the story's polarities of difference and opens the space for sustained ambiguity.'[59] We do not know who is friend of foe, who is right or wrong or both, who fights whom, whether Israelites are any better or safer than foreigners, who should win our sympathy and who should not. The reader is pulled into the complex web of relationships of the text through artful narration. Preserving the ambiguity of זָנָה, the uncertainty as to whether the meaning is literal or figurative, the uncertainty about the moral character of all protagonists, is a key part

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[59]   L. Lefkovitz, *In Scripture: The First Stories of Jewish Sexual Identities* (Plymouth: Rowan and Littlefield Publishers, 2010) 139.

of the portrayal of the breakdown of social, political, ethical, and religious life. In a text riddled with ambiguities and impossible judgements, readers are forced to ask, 'how do you make just and compassionate moral judgements in a world where everyone does "what is right in their own eyes"?'