Achieving Justice Through Narrative in the Hebrew Bible: The Limitations of Law in the Legal Potential of Literature

Pamela Barmash (St. Louis, Missouri)

I. Law and Narrative

Essential Differences

Narrative does not mirror reality – it shapes reality. Narrative does not offer a transcript of legal activities but a viewpoint on law. A narrative account in the Bible touching on legal matters may distort law for the sake of plot or character development. It can reveal how a legal system was perceived to operate and, in so doing, it can provide a glimpse into whether a legal action was deemed to be just or unjust. Narrative offers us access to what were thought to be the flaws and loopholes in a legal system. Narrative can show how the legal realm served as an unbalanced playing field, manipulated by those with resources, financial and political. It can demonstrate how culpability could be avoided when power corrupted the legal process. Offenders may have gone unpunished because they exploited or luckily fell into a technicality that allowed them to evade the law. Narrative can reveal how hapless human beings were caught in the gears of a legal system and how human beings crushed others with injustice. This is the contribution of literary accounts to the study of law.¹

But I want to argue that there is another aspect to narrative that reveals something even more profound about justice. This aspect develops from a difference in the nature and character of the genre of literature in contrast to law. Narrative goes beyond displaying the flaws and corruption in a legal system. It exposes what the law lacks. Law deals with the external appearance of actions, while literature draws us into the back-story, into what lies behind the scene, the emotions, grievances, hurts, disappointments.² It reveals the internal workings behind actions.

This is the critical difference between law and literature. Law simplifies, while literature urges complication. Law organizes human actions in a limited number of pathways, while literature refuses to confine human beings into a fixed set of patterns. Law aims for the predictable, for the achievable, for repeatable results. It has to make order out of a morass of events. It has to reduce the complexity of a given situation in order to fit categories,

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¹ For a more detailed analysis of other approaches to law and narrative, see my article, The Narrative Quandary: Cases of Law in Literature, Vetus Testamentum 54, 2004, 1–16. My article, Law and Narrative in Genesis, ZAR 16, 2010, 211–223, applies my methodology to other texts in Genesis, focusing on two methodological questions: 1) whether their setting in the patriarchal period justifiably or erroneously allows us to assume that they reflect earlier law and 2) how to reconstruct legal matters for which we have only narrative texts as evidence.

² A significant part of my analysis of the differences between law and narrative was inspired by T. Rosenbaum, The Myth of Moral Justice, New York 2004.
principles, and remedies. It organizes behavior into patterns and classifications. It provides
prescriptions and proscriptions. It tries to produce predictable outcomes.

By contrast, narrative embodies the human drama. It portrays the messy, sometimes incoherent and oftentimes unpredictable side of human nature. It is populated by human beings with grievances who hope that the law will relieve them of the harm they have experienced and the resentment that festers within. Narrative exposes the mitigating and extenuating circumstances that the law strains to recognize. It unveils emotional texture and focuses on moral dimensions. It reveals (revels in) the fragility and strength of the human spirit.

This is so, even though there are literary conventions that would appear to restrict literary freedom. Type-scenes, typical characters, and the like are the raw material that a biblical author works with, but the author’s skill lies in the manipulation of literary conventions, in breaking them and transcending them, in revealing unexpected dimensions of the human spirit.\(^3\) Law, by contrast, takes the manifold variants of real-life actions and tries to fit them into prescribed categories.

Narrative illuminates the moral dimensions of people engulfed by the law. It explores the emotional complexity of human actions, while law reduces human emotions and behavior into a limited number of set patterns. Narrative opens vistas into human nature, in sharp contrast to the monochrome vision of legal norms.

An Alternate Paradigm of Justice

The distinction between law and literature has consequences for the kind of justice they can envision. Narrative can go beyond the established and defined pathways of law in order to find a more just resolution to a dispute: It does not have to be limited by statute, precedent or custom. It can take a greater interest in the victim and survivors and their needs.\(^4\)

Justice provided by law can be inadequate, and it can fail outright. There can be a chasm between the legally correct and the ethically right. Narrative offers an alternate paradigm of justice: It can take into account the emotional and personal dimensions of a dispute and offer a response. This allows it to overcome the narrowness and rigidity of legal procedures, institutions, and conventions.\(^5\)

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\(^4\) It is to be noted that this may not be the only theme of a narrative, but this approach illuminates a crucial aspect of the narrative.

\(^5\) Baruch A. Levine argues that the author of Ruth is addressing legal themes rather than applying statutes and therefore there is no need to resolve the contradictions between the book of Ruth and biblical statutes (In Praise of the Israelite Miṣpāḥā: Legal Themes in the Book of Ruth, in: Huffmon, H. B et a. [eds.], The Quest for the Kingdom of God: Studies in Honor of George E. Mendenhall, Winona Lake, IN 1983, 98). Levine contends that the author of Ruth was interested in policies, not in the static implementation of specific legislation, but in the goals and motivations that motivate legal actions. The author was concerned about assisting the widow and the poor, the acceptance of a foreign refugee, and the rewarding of wives who are devoted to their husbands’ family. These legal themes, Levine avers, are the concern of the writer, not the rigid application of specific statutes, and the author uses the narrative to extol the virtue of the spirit of the laws. My approach is similar to Levine’s: I am arguing explicitly for what Levine is implying, that the author is criticizing the limitations and loopholes of the law and is creating a narrative in which they are surmounted. The differences between the texts are not due to the his-
The scope of law and literature differs. A court case is focused on what happens in front of it, on the testimony, evidence, and claims and counter-claims of the parties to a lawsuit. Narrative reveals the entire plot, the totality of events, what brought the parties before the court, their grievances, motivations, hopes, and yearning for justice and relief.

Law protects tangible matters, whether an individual's body or property, and it evaluates human actions and determining their innocence or fault. Law prescribes remedies that are financial or punitive, damages paid to the victim and/or physical punishment for the guilty. Law operates in the concrete and tangible, the visible and external, when the victim and survivors may want a different kind of remedy, one that is far less tangible and concrete. The purpose of a court is to adjudicate, to offer a process to resolve grievances efficiently but not necessarily completely. The lives of the victims have been still disrupted: They are left damaged, and the harm they have experienced remains with them. The compensation and punishment may provide some satisfaction, but the emotional wound is still painful. Courts see the physical harm, not the broken spirits.

In contrast, narrative can provide vindication and emotional satisfaction to the victim. Narrative can expose emotional truths that may not, or even cannot, be explored during legal proceedings, and in so doing, narrative embodies the yearning that legal decisions should feel wise, right, and just, to the victims and the community. A court offers a chance at some relief, but it can produce an outcome that is wrong, even if legally correct. What is morally and legally correct may be leagues apart, but narrative affirms that injustice can be redeemed when the truth of actions and emotions is eventually revealed.

Narrative aspires to moral justice, a justice in which hurts are acknowledged, offenders acknowledge the fault of their actions, and relationships are restored. The goal of narrative is ethical and spiritual relief, and the concern is with the victim, rather than the offender. By focusing on the victim, narrative is concerned with the harm experienced rather than the identification and punishment of the offender. It has the aim of restorative justice, healing the harm experience by the victim, rather than disciplining the offender in the interest of retribution or deterrence.

If the actions of justice are focused only on the offender, then half the equation is missing. The legal process threatens to stifle the injured party, who has experienced emotional devastation as well as the physical and/or financial harm. The injured party should be the focus of justice, not just an afterthought or marginal consideration. Narrative can make the victim the central figure of the drama and seek a just remedy for the indignity inflicted. Narrative can provide vindication to the victim.

This narrative model of justice seeks a just outcome, rather than what is legally determined by precedents, custom, and statutes. When narrative reflects on the flaws in the functioning of a legal system, it reacts by offering an alternative path to justice. At times, the flaws are so great that they cannot be overcome by human effort. Naboth suffers capital punishment, and his family loses title to patrimonial property (1 Kings 20). Uriah is killed in war, and his wife marries another man (2 Sam 12–13). In both cases, influence and pow-
er triumph. The monarchy manipulates the legal system to condemn Naboth, and King David orders the military administration to put Uriah in the thick of battle. In both cases, divine punishment provides a measure of justice by exposing the offense and punishing the royal household. The harm remains, but narrative affirms the victim and exposes the truth of events and actions.

Narrative can also show how problems in the legal system can be overcome by human action. Human beings can act to provide justice to the victim, and they can maneuver to heal the crushed human spirit beyond the limits of a legal system. Narrative can portray them finding a more just resolution.

The narrative paradigm of justice acts as a corrective to law. It demonstrates that it is unjust to minimize the focus on a victim and immoral to minimize the seeking of truth. Justice should not be limited to quantifiable injury punished in quantifiable ways according to a restrictive scheme of offenses. Justice should seek to cure the wounded spirits of the victims and survivors, and in so doing, narrative offers a distinct perspective on justice. The paradigm of justice offered by narrative supplies what the law lacks.

To illustrate this capacity of narrative, I will examine two narratives addressing the plight of widows, the book of Ruth and the story of Tamar in Genesis 38. In the book of Ruth, justice is achieved through the extraordinary intervention of a benevolent individual and the reshaping of legal institutions for the benefit of victims, while in Genesis 38, the extraordinary actions of the injured widow allow her to achieve justice for herself. The back-story presented in the narratives is complex and multi-dimensional, and the narratives focus on the victims and their eventual vindication.

II. The Book of Ruth

The book of Ruth is shaped as a long prelude to the legal action undertaken in the final chapter. Naomi’s circumstances are portrayed in dire terms, and the path to the resolution of the straits in which she has fallen is depicted as convoluted. Legal institutions are re-shaped and redefined for the benefit of the widows Naomi and Ruth.

The Back-Story

The narrative exposes the back-story to the legal action that will be recounted later. It draws us into the hurt and grief experiences by Naomi. It places the emphasis on Naomi’s loss, yet at the same time the narrative sets up matters for her eventual vindication.

The flight to Moab by Naomi’s family is portrayed in negative terms. The motive for the move, the famine in Judah, paints a somber tone onto the family’s initial situation, and the names of the sons, Mahlon and Chilion, “illness” and “wasting away”, reinforce that negativity with an ominous portent for the future. The death of the sons seems predetermined, and even though the family fled famine, there was no escape from death. All the men, father and son alike, die anyway.

The straits of Naomi’s family are furthered intensified by the narrative in an oblique way, by the omission of any mention of a third generation. Naomi’s sons married Moabite women, and the text notes that they lived in Moab for about ten years. The placement side-by-side of the information about their marriage and the duration of their sojourn would
The omission reflects how deeply bereft the family was—even the sons could not father children of their own.

All is bleak for Naomi, seemingly through and through. Her life is full of hurt and grief, but human nature is unpredictable. She has gained an unexpected source of hope and strength, her daughter-in-law Ruth, as will become apparent as the narrative continues. The benefit to her is conveyed in the shift in tone of the narrative. The low-key and emotionally distant recounting of the move to Moab is in sharp contrast with the vivid portrayal of the emotional interaction between Naomi and her daughters-in-law. The most personal feelings are revealed at length, as the narrative unveils the emotional texture of the relationship between the women. When Orpah and Ruth insist that they wish to return with their mother-in-law to her people, Naomi attempts to dissuade them by ignoring the issue of nationality. She emphasizes the personal issues of childlessness and marriage—the young widows cannot count on Naomi’s providing them with new husbands. She avers at length:

“Turn back, my daughters. Have I any more sons inside me who would be husbands to you. Turn back, my daughters, for I am too old to be with a man. Even if I thought there would be hope for me, even if I were to be tonight with a man and I would bear sons, should you wait until they grew up? Should you withhold yourselves from a man on their account? Oh no, my daughters. My lot is far more bitter than yours, for the hand of the LORD has struck out against me.”(Ruth 1:11–13)

Naomi’s argument succeeds with Orpah, and she turns her back on Naomi, echoing the meaning of her name. Only when Ruth refuses to be convinced by personal concerns does Naomi stress the difference in nationality. She urges Ruth to be like her sister-in-law and return to her nation and god. But Ruth responds by pledging her allegiance to Naomi’s people and the God of the Israelites. She responds to Naomi’s argument that she is too old to spend the night with a man by promising that she will lodge wherever Naomi lodges, pledging that she (Ruth) will rest with her (Naomi) at night. Naomi may have lost her husband and sons, but a foreign woman will remain loyal to her. The remedy of Naomi’s bleak family situation is prefigured in the emotional conversation between the bereft mother-in-law and daughters-in-law. There is a ray of hope in the tragic sojourn in Moab, the loyalty of Ruth to Naomi. It is through Ruth that Naomi will eventually be vindicated, and her humiliation undone.

Like Naomi’s interaction with her daughters-in-law, her entrance in Bethlehem draws us into the disruption in Naomi’s life and the eventual relief she will enjoy. The depth of her misery is exposed by the astonishment and dismay of the townspeople of Bethlehem. When

6 See Gen 16:2; 25:21; 30:2; Judg 13:2; 1 Sam 1:5.
7 A. R. Davis suggests that the gender discord, the use of masculine forms for women, does not necessarily reflect vestiges of dual forms (from archaic biblical Hebrew) or gender neutralization (from later biblical Hebrew) but rather reflect the heightened emotions and discordant relationships between characters, especially between Naomi and Ruth (The Literary Effect of Gender Discord in the Book of Ruth, JBL 132, 2013, 495–513).
Naomi enters Bethlehem to the buzz of the townspeople, they ask one another in consternation and alarm whether the woman they see is Naomi. She reacts by answering in a play on words: When they wonder if she is Naomi, “pleasantness”, she replies that she should rightly be called Mara, “bitterness”, because God has embittered her life. She declares that she left full but has returned empty. However, the narrative has already shown that this is not true. The narrative has revealed what happened on the road back to Bethlehem: she has not returned completely empty. 

Ruth accompanies her, and it is Ruth who will enable Naomi to find relief.

Other elements in the back-story presented in the narrative are employed for the eventual vindication of Naomi. Her husband’s name, Elimelech, receives special treatment and is foregrounded. This maneuver makes both his name and the other names prominent so that when the names mentioned at the beginning are invoked at the conclusion of the narrative, there is a sense that the trauma has been reversed. The names at the beginning, Elimelech, Naomi, Chilion, and Mahlon (1:2), recur at the conclusion, Elimelech and Naomi (4:3), Elimelech, Chilion, Mahlon, and Ruth (4:9), and Ruth and Mahlon (4:10). The reappearance of the names of the deceased evoke the sense that all has been made right, and the devastation has been overcome.

The narrative concludes by portraying Naomi’s position as restored as much as possible to an earlier state. Naomi is returned to her position as mother (even though she is the grandmother). The tongues that wagged at her return acknowledge her vindication: The female chorus that greeted her humbled reappearance celebrates the birth of her grandson, and unusually, they name the child (who would undoubtedly be the subject of much discussion among them) (Ruth 4:14–17). Naomi’s sons died, but the women exclaim that Ruth is better to Naomi than seven sons. Naomi’s return home as a woman empty-handed is revealed by the grandchild: he is called a redeemer and is described as the one who restores to life (Ruth 4:15). Naomi is vindicated completely.

The inner life of the characters are exposed through their words. Tellingly, the feelings and motivations are expressed in dialogue, and of the eighty-five verses in the book, fifty-five include dialogue. The narrative is also shaped so that the story is seen through Naomi’s eyes. Characters are described by their relationship to her (1:3, Elimelech as Naomi’s husband; 1:2 and 5, Mahlon and Chilion as Naomi’s sons; 2:1, Boaz as Naomi’s kinsman; 4:17, the child as Naomi’s son). Emotions and events are focused through Naomi: It is her

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9 Perhaps the omission that Ruth has accompanied her is a sign of the seeming legal helplessness of a foreign woman, but as it turns out, the foreigner will be able to marshal the advocate needed for legal matters.

10 The linguistic formula, “There was a man from… (אישׁ ויהי) and his name was (ושׁמו...) and he did (an action)”, is characteristic of narratives set in the period of the judges in the books of Judges and Samuel (Judg 13:2; 17:1–2, 7–8 (a nameless Levite); 1 Sam 1:1–3; 9:1–2). The sequence of identifying the home and the name of the protagonist(s) is reversed in Ruth, emphasizing the names over the action mentioned (B. Porten, The Scroll of Ruth [see above note 8] 25).

11 The missing person in the narrative, the nearest kinsman, the one who should have been the one to help her as the redeemer, was publicly scrutinized and repudiated at the culmination of the narrative.

12 P. Jouon, Ruth, Rome 1953, 12 n.1.

13 A. Berlin, Poetics (see above note 3) 83–84.
bereavement and loss, her concern with Ruth’s future, her return to Bethlehem, her bitterness, her opinion of Boaz, and her vindication.

The narrative has drawn us into the backstory before the legal action takes place, the emotions and the grievances, the hurts and the disappointments. It has unveiled what the law cannot, the inner turmoil and misery, and in so doing, the narrative has shaped the plot and characters so that Naomi will be vindicated and her wounds healed. The narrative highlights the crucial role that Ruth’s loyalty played in the resolution of the tragedy. Her behavior reflects the illogic and incoherence of the human spirit: It would have made rational sense for her to return home, but she was drawn in another direction. The result is greater justice for her and Naomi.

The Convoluted Process of Resolving a Legal Matter

The path that leads to the resolution of the legal issues in the narrative is portrayed as convoluted. Nothing is straightforward, nothing is easy. From the time the text first mentions Boaz, the man who will be Naomi’s advocate, forty-seven verses elapse before the narrative reaches the happy conclusion to the legal process, before Boaz can announce that he has acquired the estates of Elimelech, Mahlon, and Chilion (Ruth 2:2–4:9). This delay signals how laborious the legal process was perceived to be. Moreover, many crucial episodes of the story end in tension, reflecting the uncertainties of human behavior. The harvest continues to its end without any resolution occurring, and even when Ruth reports back to Naomi after the night encounter with Boaz, we are left wondering how it will all come about to a conclusion in the morning.14 The path toward resolving legal matters can be torturous. The legal process can be a labyrinth.

When Boaz, the advocate for Naomi, appears on the scene, resolution of her legal troubles is far from immediate. This is so, even though she immediately realizes that he is the solution to her troubles. Naomi blesses the man who has helped Ruth even before she knows that he is Elimelech’s relative, and once she learns of his identity, she interprets his kindness as an expression of God’s ḥesed. Yet even then the vagaries of human intentions and actions remain. Naomi informs Ruth of Boaz’s identity as a redeemer that very first day, but then nothing happens. Ruth continues to glean in Boaz’s fields through to the end of the barley and wheat harvests, but during this period, he does not take any initiative to start the process of resolution.15 When Boaz speaks to Ruth when she first appears in his field, he fails to mention that he is Naomi’s relative and, therefore, is a possible redeemer. Boaz is gracious to Ruth, and his warmth toward Ruth is expressed in his actions: He invites her to share food with him and his workers, and he even serves her himself (2:14). He makes sure that she is accorded special treatment by the workers (2:15–16). Nonetheless, his interest in assisting Naomi and Ruth is limited to helping Ruth collect more grain while gleanin and making gleanin pleasant for her. His willingness to take responsibility for legal matters is dormant. Naomi and Ruth will have to impel him to act.

A straightforward appeal to Boaz by Naomi and Ruth would make rational sense, but life is messy and human nature unpredictable. A round-about approach to Boaz is required.

14 This is partially due to the fact that Ruth and Naomi are the subject of legal action but are not the actors.
The reasons for the delay are left murky. It could be speculated that Ruth’s loyalty and industriousness need to be confirmed over a longer period of time. Perhaps Naomi seeks to wait until the harvest is done, when Boaz will potentially have the leisure to take care of legal matters. Maybe Boaz assumes that Ruth would be interested in younger men. And indeed, Boaz might turn out to be less determined and more willing to let the matter slide, perhaps even wishing to ignore it, hoping that Ruth and Naomi waver and the matter fades away.

But once Ruth has made her extraordinary appeal to Boaz, the narrative portrays Boaz in completely different terms. His new-found attentiveness to the women is expressed in words and deeds, large and small. He promises that he will resolve the matter with the nearest kinsman that very morning, and he does not let Ruth leave in the morning without seeing her off. He sends her back to Naomi by stating that he does not wish her to return to Naomi empty-handed – his words may be a hidden message to Naomi, who declared upon her return to Bethlehem that she was empty-handed. No longer will that be the case.

When the narrative finally reaches the legal action, it reveals that even then nothing is straightforward. The parties may need to be manipulated in order for the legal issues to be resolved. Matters are not straightforward at all. Boaz initially approaches the nearest kinsman with an offer that does not mention marriage to Ruth. The nearest kinsman assumes that he can gain title to Elimelech’s field without any complication and sees the redemption as of benefit to him. But when Boaz restates the offer and specifies that the nearest kinsman would have to marry Ruth, the nearest kinsman demurs. He realizes that he may experience a financial loss: He will have to use his own means to redeem the property and then he may fail to gain title to it. If he were to beget an heir for Ruth’s deceased husband, title to the

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16 The comments of Boaz’s young man about Ruth’s diligence may reflect the youth’s own interest in her. He was asked only about her identity but responds enthusiastically about her diligence. The narrative obliquely signals that Ruth has another option to marital security, evoking apprehension that the youth and Ruth will become a pair, not Boaz and Ruth (B. Porten, The Scroll of Ruth [see above note 8] 33).

17 Naomi and Ruth are portrayed as adding a frisson to Ruth’s appeal to Boaz. The hint of sexual intimacy inherent in her appearance at the feet of a sleeping Boaz, sudden and surprising to him, is resolved by Boaz’s concern to safeguard her reputation. Why did she act as she did? Perhaps she thought a sexual flourish might be the enticement Boaz needed, but Boaz praises her for her loyalty to her deceased husband’s family rather than pursuing young men. The age difference between Boaz and Ruth reflected in his addressing her as “my daughter”, the same term used by Naomi. Porten suggests that Naomi sent Ruth on a romantic journey but that Ruth misunderstood and thought she was going on a mission to find a redeemer (J. M. Sasson, Ruth, Baltimore 1979, 82–83). Surely petitioning someone in the middle of the night to act as a legal intercessor is unusual and probably improper, but Boaz’s inaction needed to be undone by drastic action.


19 Ruth 4:5 presents a number of textual difficulties:

The verb קניתי is often emended to קכית or קכיתי (the duty) to perpetuate the name of the dead upon his estate.” – It is frequently proposed to emend the מות as רה מותא so that the verse reads: “When you buy the field from Naomi, also Ruth the Moabite woman, the wife of the deceased, you have acquired (חקית) the duty to raise up the name…” It is possible that the מ of מותא should be eliminated because it was caused by dittography from the placement nearby of Naomi (B. Levine, In Praise [see above note 5] 99). The verb is often emended to קכית or קכיתי.
field will be transferred to the child. Disappointed, the nearest kinsman recoils. This heightens the tension of the scene, making it more engaging to the reader, but this bickering is not just for narrative excitement. It illustrates how parties to a legal action need to be impelled to act. They may have to be manipulated into doing the right thing.\footnote{It can be speculated that Boaz has an ulterior motive in shaping the discussion as the narrative portrays: He wants Ruth for himself. Perhaps if the narrative had shaped the discussion differently: If the nearest kinsman were to have learned initially of the necessity to marry Ruth, social pressure might have impelled him to do so, but once his expectations have been raised, his self-interest may be likely to prevail when his expectations are dashed.}

The nearest kinsman should have been the first one to help Naomi, yet the narrative conveys a different story. The kinsman is resistant when Boaz finagles him into court, and Naomi does not even bother to approach him. The shortcomings of the nearest kinsman are the impetus behind the story, but the narrative does not even mention him until the third chapter. This signals just how difficult it is to call upon those responsible to fulfill their legal duties.

It is not only the legal process of inheritance, redemption and levirate that is portrayed as convoluted – other legal matters can be just as torturous. Even the seemingly straightforward law about leaving the gleanings for the poor can be problematic. Ruth goes out to the fields to glean in accordance with the law, but the reality was that women gleaning might be harassed. At the very least, this made taking advantage of the opportunity to glean unpleasant, and at times the harassment would have been severe enough to stop the needy from glean ing altogether. Coarse and nasty harvesters will make gleaning difficult, if not impossible.\footnote{Yet a compassionate harvester can intentionally leave more behind, as Boaz so orders his men.} The law may have prescribed that the gleanings were to be left behind for the poor, but there was more to the reality of the process than indicated in statutes.

\textit{Inheritance, Redemption, and Levirate}

The narrative touches on the legal institutions of inheritance, redemption, and levirate. These institutions did not necessarily operate for the protection of widows, but the narrative shapes them and weaves them together in order to provide justice for Naomi and Ruth.\footnote{A. Siquans argues that the narrative reshapes the institution and legal status of \ldots, “resident alien”, so that Ruth can be accepted into Israelite society (Foreignness and Poverty in the Book of Ruth: A Legal Way for a Poor Foreign Woman to Be Integrated into Israel, JBL 128, 2009, 443–452).}

An interpretive puzzle has been the indication in the text that Naomi was selling her husband’s field. The statute on inheritance in Numbers 27:8–11 mandates that the nearest male relative would inherit property if the deceased did not have children, brothers or uncles.\footnote{Inheritance devolves along the agnate line.} It omits any mention of the widow and implies that the widow has no claim of any kind on her husband estate – the widow is bypassed – but if this were the case, how does the narrative portray Naomi as having the right to sell Elimelech’s field?\footnote{This field could not have been an inheritance from her father since the text specifically states that the field was Elimelech’s.}

A number of scholars have argued that the Ruth and (other) late texts\footnote{Is Ruth also a late text? One type of definitive evidence for the late date of a text is the use of late language, and the idiom נעל שלף in Ruth is late language that may serve as an indication of the late date of} offers evidence for a different inheritance scheme from Numbers, one in which widows did inherit.
D. R. G. Beattie contends that the text in Ruth 4:3 must be taken as determinative—widows took precedence over her husband’s male relatives and did inherit from their husbands. Frank Frick suggests that the book of Judith offers evidence proving that widows did inherit since Judith is described as inheriting a great deal of wealth from her husband (Judith 8:4, 7). Frick also points to the documents about Babatha found in a trove from the end of the Bar-Kochba revolt: Babatha files many legal actions over the course of forty years in which she battles for control of her husband’s estate with her sons’ guardians.

Judith and the documents about Babatha serve as evidence for a later situation than that portrayed in Ruth, and while the date of the composition of Ruth is likely to be during the early Second Temple period, it is unclear when the change in a widow’s right to control and inherit her husband’s property may have occurred. The book of Judith dates from two stages of composition. The first stage dates to the Persian period because the international rebellion of Satraps’ Revolt in 360 BCE tallies with international character of invasion. The Babatha documents, dating from such a period so much later than the biblical canon, are suggestive but far from conclusive, and the hostilities over the late husband’s estate do indicate the widow’s authority over her husband’s estate was far from secure.

At the same time, there is no hint in the text of Ruth that there was a dispute over Naomi’s right to sell the land, and the nearest kinsman and Boaz wrangle over redemption and levirate, not Naomi’s right to sell her late husband’s field. It may be possible that Naomi is portrayed as having some kind of title over her late husband’s estate, even if it may have been limited. Ownership of land may be divided into different types of rights to use land in particular ways, and different people can possess different types of title to the same piece of land.

If the situation depicted in the book of Ruth where the owner of the land was deceased were to conform to the law of inheritance in Numbers 27:8–11, this consequence of this is that the nearest kinsman and Boaz would have inherited the property in any case. But since Ruth and Naomi must impel Boaz to pressure the nearest kinsman in proceedings for redemption, this does indicate that the narrative holds that Naomi does inherit. In any case,
Naomi has title to the field with the right to sell it. The narrative does not indicate how Naomi received title to the property, whether she received it as a direct inheritance from Elimelech or perhaps as a special bequest from Elimelech. However, Naomi has title to the property, and therefore she can take advantage of the institution of redemption. The redemption of land came into operation when an owner of patrimonial land was forced to sell it due to economic distress.

Naomi is far from having financial security, even though she does have title over the field. She is forced to send her daughter-in-law Ruth out to glean, indicating that there was nothing to harvest in the field belonging to Elimelech. Presumably, it has been left abandoned and untilled since the family fled Bethlehem during the famine, a famine that may have been caused by crop failure. Naomi and Ruth also appear to have a home to live in, and the narrator does not offer an explanation.

It is not only inheritance and redemption that the narrative reshapes. If levirate were limited to what was described by the statutes, the situation of Naomi and Ruth would not be ameliorated because levirate would not apply to the situation of Naomi and Ruth. There is no brother left in Ruth to fulfill the levirate, and if the institution of levirate follows Genesis 38 where the father may perform the levir’s duty, that would be of scant help. Naomi’s husband is dead. Naomi and Ruth are out of luck.

The narrative of Ruth, however, has fashioned a legal world in which the legal issues of inheritance, redemption and levirate are interconnected for the welfare of widows. The author has shaped the narrative so because the welfare of widows should be paramount in the author’s viewpoint. If the nearest kinsman or Boaz were to act as a redeemer, the land would be acquired for the benefit of the widows, not those who would be heirs by inheritance. Acquiring title to the land through redemption eases the plight of the widows. The narrator applies the law of redemption to a situation where only the law of inheritance should apply, where the widows would be left bereft of any recourse.

31 The redemption law in Lev 25:25–28 implies that the redeemer returns the land to his relative, the original owner, that the relative had already sold without gaining ownership of the land himself, while in Jer 32:6–15, Jeremiah takes ownership of land in acting as the redeemer for his uncle in order to keep the land within the family lineage. In the first case, the original owner benefits by regaining ownership of the land, and in the second, he receives the proceeds from selling his land to the redeemer. According to Lev 25:47–53, redemption also came into play when a person was in debt without sufficient resources and had to sell himself into servitude to a resident alien.

32 B. Porten, The Scroll of Ruth [see above note 8] 32.

33 M. Burrows, The Marriage of Boaz and Ruth, JBL 59, 1940, 447.

34 The statute in Deut 25:5–10 deals with a situation in which brothers are still dwelling together while their father’s patrimonial estate is still intact, but it is not clear what the consequence of the specific situation stipulated in the statute is. E. Davies argues that it is a restriction limit in levirate marriage to that particular circumstance (Inheritance Rights and the Hebrew Levirate Marriage, Part 2, VT 31, 1981, 264), while R. Westbrook understands this description to be one possible circumstance in which levirate marriage would occur but there could be other circumstances in which it applies (Westbrook, Property and Family, Sheffield 1991, 78). In regard to Gen 13:6 and 36:7, J. H. Tigay argues that the parties were dwelling together only means that they were only close enough to be using the same pasture, and so the possibility exists that the estate had already been divided (Tigay, Deuteronomy, The JPS Torah commentary, Philadelphia, 1996, 231).

The narrative also weaves the institution of levirate into redemption and shapes the marriage of Ruth along levirate lines. The language used in Deuteronomy in the statute on levirate, יקום על שמם, יקם על שם אדוני, is mirrored in the words placed in Boaz’s mouth in Ruth 4:5, יקם נחלתו על‑נחלתיה. The author has created a situation in which levirate does not apply but where it should apply. The author is arguing that the situation of a widow without any living brothers-in-law or father-in-law should involve levirate with more distant family members.

This is so because levirate provides security for widows. Naomi and Ruth are portrayed as destitute and economically forlorn. Naomi’s self-description and actions reflect the straits in which she finds herself: She calls herself as bitter and afflicted by God and sends Ruth off to partake in what was left for the poor and economically precarious, the gleanings from a field. The admonitions in the Bible to protect widows and not oppress them does indicate the economic plight of widows in general, even if it cannot be assumed that every widow was in that situation. It may be that the author of Ruth has extrapolated from the admonitions to protect widows – the author does not limit levirate to the paradigm found in the legal texts that address levirate but applies a principle from the statutes protecting widows that do not deal with levirate to the institution of levirate. He does so in order to protect widows from economic insecurity and portrays them as eagerly pursuing levirate.

While levirate provides economic security for widows, the men who are possible levirs see only the harm it might do to their estates. The nearest kinsman to Ruth refuses to perform the function of levir because he would be acting against his own interests. He would be providing a son who would inherit an estate that would otherwise be his to possess: He is disinherited by his own action. This son might also gain a share of his own estate, a double loss. Levirate poses great harm to the levir’s estate in financial terms. Moreover, levirate threatens paternity by shifting it from the male who has procreated to the deceased.

The men are reluctant to fulfill their duty as levir, while the women are not only willing but eager to enter into levirate unions. The one man who is an exception to this is Boaz. The book of Ruth apparently tries to reshape what usually happens by having a man who is willing to fulfill his function as levir. In general, men view levirate negatively, while women view it positively. Men see levirate as a threat to their interests, while women see it as security. This is the case, even though there were benefits that could accrue to the levir. As administrator of his brother’s estate, he would be able to enjoy the usufruct of the estate during the years when the son would be a minor. The levirate marriage might not produce an heir, and then he would inherit the estate permanently. Nonetheless, levirate is seen negatively by men. Women, by contrast, see it as ensuring family continuity and providing them with security.

36 This is not a claim that the author of Ruth is dependent on Deuteronomy for the terminology of levirate. Deuteronomy offers an example of levirate terminology, but this is not evidence that the narrative of Ruth has borrowed the language of the statute formulated in Deuteronomy.


38 It cannot be argued that this is wishful thinking on the part of the authors’ projecting women to have positive feelings about levirate because it benefits men: The men are portrayed as having negative feelings.

39 E. Davies, Inheritance Rights (see above note 34) 259–260.
In so doing, the narrative highlights a woman who remains loyal to her husband’s family. This is all the more remarkable since there is no male to tie Ruth to her late husband’s family: Her husband’s only brother had died childless, and her father-in-law is dead. Ruth is free to marry whomever she wanted (3:10). The narrative, however, portrays an enduring relationship. Marriage establishes a relationship between husband and wife that continues after death. The wife becomes more closely related to his family than her own. Her status as part of his family is confirmed by levirate marriage.

That the purpose of levirate has been shifted is no surprise. The phrase that describes levirate, "to perpetuate (the deceased husband’s) name on his estate," bears no link to the reality of levirate and should not be taken at face value: neither Ruth nor Tamar, as we shall see, call their sons by the patronymic of their deceased husbands. The term שׁם used in the phrase describing levirate most likely refers to a man’s property, not his name, and the evidence for this comes from a number of texts. The daughters of Zelophehad in Num 27:4 contend that they should be given the right to inherit their father’s property: “Why should our father’s name (שם) be taken away from his family because he has no son? Give us a possession among our father’s brothers?” The woman of Tekoa pleads for the life of her son from the persecution of the kinsmen, implying that by killing her son, the heir to her husband’s property, the kinsmen were seeking to secure the inheritance for themselves. She expresses her alarm by warning that if the relatives were allowed to do so, her husband would be left without a name (שם) or remnant on the earth (2 Sam 14:7). If the goal of levirate were to literally raise up a name for the deceased husband, then why would the son be named after the biological fathers (Boaz), not the deceased (Mahlon)? It seems that whatever obligation there was to the deceased was shunted aside and the legal institution shifted for the benefit of the widow.

This tendency, to reshape levirate for the benefit of the widow, is extant in other formulations of the law of levirate. Deuteronomy 25:5–10 prescribes that when a man dies childless, his brother must marry the widow, and if they have a child, the child is called by the deceased brother’s name (i.e. X the son / daughter of Y). If the brother refuses, the widow summons him to the local court and forces him to undergo an apparently humiliating ceremony. Recourse to a court rather than the father of the deceased confers a more effective means of guaranteeing that the levirate marriage will take place. In the narrative of Tamar and Judah that will be dealt with later in this essay, a reluctant father and a recalcitrant brother with an interest in obstructing levirate marriage are depicted. To whom in her husband’s family can a widow seek recourse? A local court allows a widow more equitable treatment than relying on a father’s or brother’s willingness. Deut 25:5–10 also provides for that a dead person continued to exist in an eventless way after death in Sheol and that having a child could sustain the dead by keeping the dead’s name present among the living (Deuteronomy [see above note 34] 482–483). There still may be a vestige of the importance of a name. The use of אלמונו פלונית rather than the actual name of the nearest kinsman has intrigued scholars, and is to be speculated that because the near kinsman refused to raise up the name of the deceased, therefore his name, too, is obscured and left unremembered (B. Porten, The Scroll of Ruth [see above note 8] 44).
the widow to spit in the face of the brother-in-law who refuses to perform the levir’s duty, a punishment of humiliation, the only case in the Bible where the remedy is the public shaming of the offender.

Evidence from elsewhere in the ancient Near East shows a similar concern. Hittite Laws 193 provides for the widow to be married to a surviving male relative, and it has a humanitarian interest in providing the widow with a home.\(^{42}\) This is in sharp contrast to MAL A 33, which is concerned with the interests of living males from her late husband’s family.\(^{43}\)

The legal institutions of inheritance, redemption, and levirate are correlated in the narrative of Ruth in order to protect the widow. Elsewhere in biblical texts, inheritance was not even a possibility for a widow, and the redemption of property by a relative and levirate marriage were two separate and independent legal institutions. There was no statute that requires the redeemer to marry a childless widow. The levir marrying a childless widow would not be involved in redeeming land: he would have guardianship of the deceased husband’s property until the child was of age. But narrative does not present the law as an actualization of statutes. Rather, the narrative is realization of justice as it should be, whether it is based on actual events or not. The narrative is an articulation of what justice ought to be, rather than what it may actually have been. In the case of two forlorn widows, the ultimate end of the narrative trajectory is their protection and ultimate vindication. With this consideration, it is understandable that the narrator has woven together legal institutions otherwise separate.

The narrative of Ruth has gone beyond the established and limited pathways of the law and has reached a more just resolution. It has taken the personal and ethical dimensions of the legal problem into account. It has focused on the injured party than in the offender. The truth of the neglectful relative is revealed, the grievance is acknowledged, the opportunity is given to the victim to feel relief. In so doing, the narrative has promoted a paradigm of justice that differs from legal norms. It has provided a cure for the intangible harm, not just the property loss or the physical measure of an assault, but the unquantifiable and intangible loss, the humiliation and the despair. It has expanded the remedies beyond that of physical punishment or financial penalties for the sake of the ultimate goal, the healing of the human spirit.

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42 A. A. Anderson, The Marriage of Ruth, JSSt 23, 1978, 176. Hittite Laws 193 may be found in M. T. Roth, Law Collections from Mesopotamia and Asia Minor, SBL Writings from the Ancient World, Atlanta, GA 1995, 236.

43 Middle Assyrian Laws A 33 is found in M. Roth, Law Collections (see above note 42) 165. Middle Assyrian Laws A 33 and Hittite Laws 193 prescribe that a brother is the primary levir and the father-in-law as the contingent levir, in agreement with Genesis 38. Extrabiblical evidence is also suggestive of a solution to the quandary posed by the laws against incest in Lev 18:16 and 20:21: Do these laws prohibit levirate marriage? Hittite Laws 192 prohibit intercourse with a brother’s wife while the brother is alive but allows the marriage after the brother’s death. Perhaps the laws in Leviticus likewise prohibit intimacy between a man and his brother’s wife during the lifetime of his brother but permit it after the death of the brother.
III. Genesis 38: Tamar and Judah

The narrative of Tamar and Judah portrays the extraordinary and unprecedented action that was undertaken by the injured party in order to obtain justice. It presents the back-story, the grievances that Tamar suffered, her innocence, and the extraordinary lengths to which she must go to be vindicated.

Passivity and Initiative

Tamar is portrayed as passive until she takes a surprising action against Judah. She is depicted as failing to take any initiative in her first marriage. This behavior continues in her levirate union with Onan — it was his decision to avoid impregnating her, and the narrative omits any reaction from her. She exhibits only passivity. Finally, when Judah makes the decision to delay her levirate marriage with his youngest son, she waits and continues to be passive. The narrative again omits any response from her.

Tamar’s extreme passivity reflects the limited options available to women in the legal realm. She is at the mercy of others, and if no man will be her advocate, then she is at a loss. Her passivity intensifies the drastic nature of her actions. When she does take initiative, it will be an act that is unexpected and startling. Her extreme docility is contrasted to her radical assertiveness. Only if she undertakes an act that puts her at extreme peril can she hope for vindication.

Retarding elements shape the narrative so as to intensify the extent of Tamar’s predicament and provide added darkness to the back-story of her desperate act. Her plight is compounded by the length of the time she must wait for the fulfillment of her marriage in the birth of a child. Sexual partner after sexual partner dies, and her father-in-law, Judah, delays bringing her his third son, so much so that his wife dies in the meantime. Her father-in-law commits a wrong against her by sending her back to her father’s home, while she waits patiently for little Shelah to grow up. The suspense builds, and finally the duration compels a hitherto docile Tamar to take action. She has been powerless for a long, long time, and so she must take extreme measures to coerce Judah into fulfilling the requirements of the levirate union.

Yet even when she has been sexually intimate with Judah, the narrative does not reach its denouement. Her vindication is still delayed. Tamar’s union with Judah is presented in the narrative as justified by Judah’s inaction, but the justification for Tamar’s extreme and ostensibly forbidden act remains unknown to the community. That Judah is capable of acting rightly is reflected in his attempt to pay the supposed prostitute, but when he believes the same woman to be his daughter-in-law, he is unwilling to fulfill what is just. The suspense builds and builds. When Tamar is showing signs of pregnancy, her blamelessness is still not revealed, and her vindication is still postponed. Only when she is taken out for execution does the narrative have her reveal that the father-to-be is Judah himself. She has postponed her vindication to the last possible moment. She is depicted as deferring discl-

44 It may be that the reason for narrating that Judah’s wife has died is to remove from the scene any complication that might prevent Judah’s marriage to Tamar (C. Westermann, Genesis 37–50, translated by J. J. Scullion, Minneapolis, MN 1985, 23).
sure in order to achieve the most intense indictment of Judah because she has suffered an immense psychic wound. She has been left with pent-up and festering emotions. Animated by fury and emotional agony, she seeks relief by humiliating Judah in the most extreme way.

The rightness of Tamar’s cause is matched by Judah’s speedy admission that she is in the right, an act surprising in its alacrity compared to the delays otherwise depicted in the text and ascribed to Judah.\(^{46}\) He does not attempt to evade his responsibility but publicly and without hesitation acknowledges his fault.

Tamar is depicted as extremely passive, and her docility marks a sharp contrast with the drastic act she must undertake to obtain justice. The narrative intensifies her extreme act with retarding elements, and even when she has finally been intimate with Judah and becomes pregnant, the narrative delays her vindication until the last possible moment. At that point, another side of Judah’s character is revealed: he immediately acknowledges his fault and the justice of her actions.

**Not Just an Offender but an Injured Party, Too**

The narrative reveals another side to the back-story to the union of daughter-in-law and father-in-law: The grievances are not Tamar’s alone. Judah has suffered greatly as well, and his misdeeds receive a measure of justification. The rapid demise of Judah’s older sons, followed by the death of his wife, amplify the magnitude of Judah’s loss. The only acts the narrative discloses about Judah’s sons is their relationship to Tamar, a relationship that ends in sorrow, and his wife’s only appearance is the report of her death. Judah has suffered severe loss, and his misbehavior toward Tamar is thereby mitigated.

The social position of Judah as the pater familias should not be overemphasized: The extent of his power and authority is limited.\(^{47}\) He does comply initially with the law of levirate and dispatches one son to Tamar, yet he delays sending a second son, his youngest. At the conclusion when Tamar brandishes his staff, seal, and cord, Judah immediately acts to formally recognize the validity of her claim, and one wonders whether a pater familias with more power and independence of action would have attempted to cover up his misdeed? Would a pater familias with fewer scruples have denied the reason she had his personal items?

Judah’s limited power is no different from that of other patriarchs in Genesis. The patriarch as the head of the family may be able to dispense blessings and curses, yet he is portrayed as helpless when one son steals the birthright from the other (Gen 27). He has the right (and responsibility) to offer his son as a sacrifice, but whether a patriarch would perceive this as a voluntary act on his part is doubtful. He has the right and duty to commission

\(^{46}\) In 1 Chr 4:21, Shelah’s son is named Er: If this genealogy has a historical connection to the narrative in Genesis, and if the son is named after his grandfather, this may indicate that a tradition held that Judah did release him to Tamar in a levirate marriage.

\(^{47}\) In Roman law, a prime example of a legal system where the pater familias had extensive power, there were still a handful of limits on his power – a son, for example, was emancipated from the power of his father if his father sold him three times. (This subsequently developed into a legal fiction used when a father wished to emancipate a son from his authority.) Judah is depicted as the head of his family / lineage, operating independently of his brothers and father. They no longer constitute a single estate, a situation that may be of consequence if E. Davies’ interpretation of Deut 25 holds. See note 34.
a servant to seek out a wife for his son, but whether this is an act of privilege and honor is debatable (Gen 27:46–28:5). A patriarch’s authority over matters internal to the household is restricted. In Gen 16:1–6, for example, authority over Hagar passes from Sarai to Abram when Sarai gives Hagar as a gift to Abram. When Hagar becomes pregnant by Abram and shows disdain for the barren Sarai, Sarai complains about Hagar’s attitude. She invokes the Deity as a superior authority to adjudicate the dispute between Abram and herself. Abram is forced to return Hagar to Sarai’s authority. All in all, the power of the patriarch as portrayed in narrative was far short of absolute.

The punishment of Tamar should not be seen as a reflection of Judah’s power as patriarch. Rather, Judah is the aggrieved party seeking a remedy on behalf of his son Shelah. Tamar is not his daughter, and she is not even residing in his home as she should be. His right to demand her execution is due to his responsibility as Shelah’s father to represent his interests. There is no trial included in the narrative because her pregnancy cannot be denied and her family cannot contest it. Judah’s role is as litigant, not as pater familias with power over her to do as he wished. Judah is an injured party as well.

As a person of independent legal standing, Judah could exercise his right to justice, yet Tamar could not. Like other women, she could not implement legal acts on her own. She must, therefore, resort to extraordinary means to bring her case to its rightful resolution. Why was there no one to act on Tamar’s behalf? Was her father dead? Did she lack a male relative that she had to act on her own? Perhaps her father-in-law was the only male relative able to defend her, but he himself was the offender. Other women in the patriarchal narratives have been childless, but Tamar’s childlessness is not like the others: They were barren, while she was a young wife when she became a childless widow. Her childlessness is due to the failings of men. She is similar to other women of Genesis who rebel against social constrictions, and it is notable that those who rebel against the social order in Genesis are all women.

It is Judah who must act on Tamar’s behalf, but his misery impedes him. The villains in this narrative are his sons. Onan is willing to be intimate with Tamar but resists impregnating her. Onan is portrayed as acceding to the levirate marriage because he does not refuse to marry her, yet his actions prevent him from producing an heir for his brother. His behavior is due the effect that a child would have on inheritance and his own resources. Onan would have to support a child who would supersede him in the disposal of Judah’s estate: The child would inherit the double share of the first-born. If Onan’s older brother were to remain childless, Onan would benefit by receiving the first-born’s share. His personal interests impel him to utilize subterfuge to evade the consequences, an action whose results will end in disaster for himself. The youngest brother, Shelah, is not portrayed as having an interest in marrying Tamar, an attitude forgivable when he was still a child but no longer when he is grown up.

49 It cannot be assumed that since the narrative does not mention a trial that there was no trial. It may be that it was not omitted for the sake of suspense.
50 C. Westermann, Genesis 37–50 (see above note 44) 49.
51 C. Westermann, Genesis 37–50 (see above note 44) 56.
Brotherly refusal to perform the levirate function demonstrates the absence of solidarity among brothers. But the two protagonists, Judah and Tamar, have suffered tragedy. Life has been precarious and, therefore, both Judah’s inaction and Tamar’s actions receive justification in the narrative. Judah’s hesitancy is understandable, considering his fears as a father. Tamar is desperate in the extreme, and so she has to undertake an extremely risky move. She magnifies the extreme risk of her gambit by waiting to the point at which she was taken out for execution to play her trump card. She gives birth to twins, and this may be a reward. It is unclear, however, whether God is rewarding Tamar for her deeds by giving her twins or Tamar is rewarding Judah for his truthfulness.

The emotional texture of the narrative of Tamar and Judah is complex. The victim must take extraordinary action to be vindicated, but the narrative also provides a reason for Judah’s delay in providing a levir for Tamar. It depicts both Tamar and Judah as victims. The misery of both parties to the dispute is the back-story to the legal actions.

IV. Conclusions and Consequences

Narrative shapes the reality it depicts. It offers a perspective on justice distinct from the way legal texts portray legal matters. The narratives of Ruth and Naomi and of Tamar draw us into the back story before the parties engage in formal legal action. The narratives lay bare the grievances and hurts that eventually lead to legal proceedings.

The narratives portray the human drama, the incoherent and unpredictable behavior, the strength and fragility of the human spirit. Naomi navigates through a labyrinth of emotional pain. Ruth lingers with her mother-in-law, even though it would be more sensible for her to return to her family in Moab. Boaz is a none-too-energetic protector of Naomi and Ruth, and he has to be prodded into action. Tamar has been wronged by Judah, but he is far from being an unyielding and unmitigated villain. He has also been profoundly hurt: circumstance has rendered him feeble and faltering.

The narratives offer an alternate paradigm of justice. It focuses on the victims, not the offenders. This paradigm of justice advanced by narrative aims at the public airing of harm because when the wrongdoer refuses to acknowledge responsibility, the silence is chilling to the victim. The nearest kinsman to Naomi is publicly disgraced, and Naomi herself is vindicated by the very tongues that wagged at her humiliation. A powerless Tamar changes her fate by extreme action and is acclaimed by the very person she humiliated. The narratives strive for justice by exposing the truth and vindicating the victims. They restore

52 D. E. Weisberg, The Widow of Our Discontent (see above note 37) 413.
53 The placement of the narrative of Judah and Tamar within the Joseph cycle emphasizes the commonality of loss — Jacob has lost Joseph in the previous chapter, and not suprisingly Judah has his own severe losses. The narrative of Tamar and Judah is independent of the Joseph novella, but it does have certain thematic and verbal connections. Both Jacob and Judah will lose two sons (at least Jacob thinks he has lost Joseph and Simon), and both Jacob and Judah hesitate to yield a younger child. Both Jacob and Judah are deceived by means of a goat kid. Both are asked to formally recognize evidence: Jacob is forced to recognize his seal, cord and staff, Tamar and Joseph are both accused of adultery.
54 It may be that the importance of acknowledgement and apology is especially crucial in an honor-shame culture, such as Ancient Israel.
dignity to the injured parties. The confrontation between injured party and offender is crucial to healing the broken spirit of the victims.

The justice offered by narrative aims at repairing disrupted lives by healing the emotional wounds. The victim is made the central figure of the drama, and the remedy offered is not limited by statute, precedents or custom. The legal institutions of inheritance, levirate and redemption are reshaped in Ruth to ease the plight of widows. Tamar’s extreme and illegal act is given justification.

The distinct way that narrative shapes justice has consequences for the study of biblical law. Where there is a contradiction between a narrative text in the Bible that touches on law and a legal text in the Bible, a number of scholars have assumed that this contradiction reflects legal development. In the case of levirate marriage, the lack of use of halitza in Genesis 38 has been seen as an indication that it had not yet developed, and the variances in inheritance, levirate and redemption have been interpreted as reflections of actual historical developments. However, this blatant difference between law and narrative does not necessarily reflect a historical difference. The omission of the possibility of halitza is due to the aims of the narrative, one that illustrates how the injured party, a widow with few resource, seemingly at the mercy of powerful father-in-law, can overcome all obstacles to the security she seeks from halitza. Narrative can reshape the legal institutions of inheritance, levirate and redemption for the sake of justice and the protection of widows.