

Gendering Reproduction: Reassessing Deut 25:5-10 in light of Discourses of Sexuality

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We read in Isaiah 14:

¹⁸ All the kings of the nations lie in glory,
each in his own tomb;

¹⁹ but you are cast out, away from your grave,
like loathsome carrion, *

May the descendants of evildoers
nevermore be named!

²¹ Prepare slaughter for his sons
because of the guilt of their father.*

Let them never rise to possess the earth
or cover the face of the world with cities.

²² I will rise up against them, says the LORD of hosts, and will cut off from
Babylon name and remnant, offspring and posterity, says the LORD. (Isa 14:9-
22)

Kings who made the earth tremble are brought down low, their bodies mutilated, and they stay isolated from their ancestors in the tomb. However this is not the end of the story. Sons are slaughtered, their future empires effaced. YHWH, we read, will cut off from Babylon name and remnant, offspring and posterity, and so the king becomes separated from the cycles of generations, which move from father to son, father to son. This fear of being cut off, of being separated from one's kin, is utilised to create a terrifying image of annihilation.

What on earth do these descriptions of terror and death have to do with the minutia of family life, found in the laws of Deuteronomy (such as that of Levirate Marriage), or the rural idyll of the book of Ruth? While mutilated bodies and

slaughtered sons might seem a million miles away, there is a deep underlying ideology, underlying discourse, that connects these passages. Work by Saul Olyan and Francesca Stavrakopoulou,¹ among others, has looked at idealised burial in ancient Judah, where the dead are ‘gathered to their fathers’. Their bodies laid in ancestral tombs on ancestral property, where their symbolic importance for the living can be called upon. Just as the social life of the community was organised around the *בית אב*, the house of the father, so was the afterlife.

The desire for offspring and their preservation can appear so ubiquitous that it can seem universal, however it appears in very particular ways in biblical texts and operates with distinctive institutions, such as levirate marriage, in which a widow is to produce offspring with her dead husband’s brother. Explanations for this law – and the associated narrative passages – are often sought, however despite a substantial body of research around them there is little in the way of consensus. Part of this, I will argue, is a narrow scholarly perspective. There is a tendency to try and explain the working of the law in terms of particular contemporary concerns, such as a secularised inheritance law or financial support for widows, while failing to account for the wider discourses in which the texts were produced or redacted.

According to Michel Foucault, relationships of power in a particular period determine what can be thought and known. So for example, in his *History of Sexuality*,² Foucault demonstrates that whereas acts such as ‘sodomy’ had previously been thought of as perversions, the emergent discipline of psychology had created knowledge of a certain kind of interiority of the person, drawing on ways of thinking about the self, the soul and desire, becoming increasingly interested in how the person was constituted, and from this identification of the interior, interior identities such as ‘homosexual’ were allowed to emerge. Through the operation of power,

¹ Saul M. Olyan, ‘Some Neglected Aspects of Israelite Interment Ideology’, *Journal of Biblical Literature* 124, no. 4 (2005): 601–16; Saul M. Olyan, ‘Unnoticed Resonances of Tomb Opening and Transportation of the Remains of the Dead in Ezekiel 37:12-14’, *Journal of Biblical Literature* 128, no. 3 (2009): 491–501; Saul M. Olyan, “‘We Are Utterly Cut Off’: Some Possible Nuances of *לנו נגזרנו* in Ezek 37:11’, *Catholic Biblical Quarterly* 65, no. 1 (2003): 43–51; Francesca Stavrakopoulou, ‘Gog’s Grave and the Use and Abuse of Corpses in Ezekiel 39:11-20’, *Journal of Biblical Literature* 129, no. 1 (2010): 67–84; Francesca Stavrakopoulou, *Land of Our Fathers: The Roles of Ancestor Veneration in Biblical Land Claims* (London: Continuum, 2010); Elizabeth Bloch-Smith, *Judahite Burial Practices and Beliefs about the Dead* (London: Continuum, 1992).

² Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction*, trans. Robert Hurley, 5th ed. (New York: Vintage, 1990).

entire ways of thinking emerged which determined not only what the popular opinion was but what it was *possible* to think, and these ways of thinking are known as *epistemes*. By carrying out a 'geneology', we can dig down and try and uncover the remains of systems of thought, the discourses, that certain legal and narrative texts operated in.³⁴⁵

Law of levirate marriage

I'd like to turn to the law of so-called Levirate marriage and see how it is understood in scholarship.⁶ Deut 25:5-10 reads:

'When brothers reside together, and one of them dies and has no son, the wife of the deceased shall not be married outside the family to a stranger. Her husband's brother shall go in to her, taking her in marriage, and performing the duty of a husband's brother to her, and the firstborn whom she bears shall succeed to the name of the deceased brother, so that his name may not be blotted out of Israel.'

However the law introduces a caveat:

³ Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Bloomington, Indiana: Indiana University Press, 1990). It is possible to dig down and see how discourses of sexuality pervade biblical texts. Howard Eilberg-Schwartz has shown how in the priestly texts of Genesis, for example, identity and covenant are passed down through circumcision, with fruitfulness, seed, masculinity and patrilineality tied up in the symbolic location of the penis (despite the quite bizarre claims by some scholars that the bodily location of circumcision – the penis - is purely incidental).

⁴ Roland Boer, 'Of Fine Wine, Incense and Spices: The Unstable Masculine Hegemony of the Book of Chronicles', in *Men and Masculinity in the Hebrew Bible and Beyond*, ed. Ovidiu Creangă (Sheffield: Sheffield Phoenix Press, 2010). Roland Boer has shown the hyper-masculinity of the genealogies of Chronicles, which outline descent from father to son, father to son, with women almost entirely absent

⁵ Carolyn Pressler, *The View of Women Found in the Deuteronomical Family Laws* (Berlin; New York: Walter de Gruyter, 1993). Carolyn Pressler has shown how Deuteronomy imagines an idealised community, in which the *beit av* is perpetuated through reproduction, faithfully passing down torah, with female sexuality heavily controlled for this purpose. An example of a seemingly benevolent form of 'Motherhood', can be seen in Genesis, where Rachel and Leah compete for the affection of Jacob through their ability to produce sons for him. Rachel's inability leads to her plea 'grant me a son or I will die!'. Eventually her wish is granted; but in a horrifically ironic twist her final birth leads to her death; however she is, at the last, comforted with the words that she is giving birth to a son. The future of the *beit av* and the *mishpaha* is secured through a progression from father to son, and the transmission of property and name.

⁶ From the Latin, *levir*, brother-in-law, the term levirate marriage implies a union between a widow and the brother of her deceased husband, and these unions appear across cultures around in the world, in an incredibly wide variety of ways and contexts. This definition of levirate marriage *appears* to correspond to Deuteronomy 25:5-10. |

‘But if the man has no desire to marry his brother’s widow, then his brother’s widow shall go up to the elders at the gate and say, ‘My husband’s brother refuses to perpetuate his brother’s name in Israel; he will not perform the duty of a husband’s brother to me.’

The widow performs a ritual of shame, and family the man’s family shall be known, in an apparent kind of talion, as ‘the house of him whose sandal was pulled off.’⁷ The popular name—levirate marriage—is based on the latin *levir*, brother in law, and so came to mean something such as ‘brother-in-law marriage’, however the root *yabam*, here translated ‘the duty of a brother in law’ does not derive from any ancient term for in-law, and even the vulgate failed to use the term *levir* in its translation.

The law gives a frustratingly enigmatic reason for its purpose: ‘the firstborn whom she bears shall succeed to the name of the deceased brother, so that his name may not be blotted out of Israel’. Interpretations of this verse generally fall into three categories:

In the first, the law functions as a form of inheritance law. For example, Raymond Westbrook’s⁸ influential argument that the ‘name’ means something like ‘title deed’, This is argued primarily from the term ‘when brother’s dwell together.’ In addition to this, in Numbers 27 we have the matter of the daughters of Zelophehad inheriting their father’s property, to prevent the father’s name being lost in his clan, and the use of שם, or name, in both passages has led some to find a commonality between them. However, when we look at additional examples shortly it should become apparent that inheritance is only an aspect of the purpose of the law.

The second prominent interpretation is that the law functions to provide the widow with economic protection, and this argument, popularised by E. Neufeld,⁹ has

⁷ Then the elders of his town shall summon him and speak to him. If he persists, saying, ‘I have no desire to marry her’, then his brother’s wife shall go up to him in the presence of the elders, pull his sandal off his foot, spit in his face, and declare, ‘This is what is done to the man who does not build up his brother’s house.’ Throughout Israel his family shall be known as ‘the house of him whose sandal was pulled off.’

⁸ Raymond Westbrook, *Property and the Family in Biblical Law* (Sheffield: JSOT Press, 1991).

appeared repeatedly in work both with an explicitly feminist outlook and without. This is a more problematic interpretation as it's to a large effect an argument from silence, and is not expressed as a direct concern of the law, and in fact the widow is explicitly prohibited from remarrying outside the family even if she could. As in the narrative of Ruth and Judah and Tamar, I would suggest the widow's role may have more to do with the texts suggesting her concern for her husband's perpetuation rather than her own welfare.

The third prominent explanation is that the law functions to perpetuate the name of the dead which prevents his 'life force' from being extinguished. One of the first substantial explorations of this in modern scholarship was forcefully put across in Johannes Pedersen's 1920s "Israel: its life and culture",¹⁰ which haunts the footnotes of commentaries ever since, though is rarely engaged with in any substantial way. Pedersen imagines the child as a kind of continuation of the soul or nephesh of the father. This has been adopted and adapted by people such as Herbert Chanan Brichto, who integrates this idea into the framework of ancestral veneration, suggesting the practice of levirate marriage is at least a hang on from the need to ensure a descendant to continue the ancestor cult.¹¹

There are various (and endless) combinations of these three interpretations, with some claiming levirate marriage exclusively for one interpretation while others emphasise different aspects to varying degrees. I want to, in a sense, look past these interpretations, and ask not *why* this practice exists but how it relates to ideas of male perpetuation.

The fact a male child is required is confirmed by the term bachor, first born, and the text constructs the woman as under the control of the deceased's family.^{12/13} The

⁹ Ephraim Neufeld, *Ancient Hebrew Marriage Laws: With Special References to General Semitic Laws and Customs* (London: Longmans, Green, 1944).

¹⁰ Johannes Pedersen, *Israel: Its Life and Culture* (London: Oxford University Press, 1926).

¹¹ Herbert Chanan Brichto, 'Kin, Cult, Land and Afterlife - a Biblical Complex', *Hebrew Union College Annual* 44 (1973): 1-54.

¹² the hebrew uses the male noun for ones child בן, and the consensus is that this refers to male offspring, especially as below the term 'firstborn' is exclusively used for sons (though the later LXX seems to have changed this to σπέρμα, which has the more generic implication of offspring).

¹³ The law includes a caveat that the two brothers dwell together, and this caveat has led some to suggest the law is an issue of dividing inheritance although it is not altogether clear whether this

primary concern is the transmission of the male line, the name of the deceased, and, if we follow Westbrook, associations of property and inheritance. While the issues of male descent, name and property have often been separated out, they all coalesce around the institution of the *beit av*, the house of the father, and come together to form a symbolic institution around which male power is based. The male here has botched the primary performance of ancient maleness by failing to produce a child – a son - who can acts to perpetuate genealogical and material continuity, and so a mechanism is enacted in which this failure to reproduce is repaired. This is further emphasised as the woman’s agency, which is present, is articulated entirely in terms of the man – even when she is given a voice. Rather than a liberal protection of the woman’s welfare, as is often suggested, the woman’s own sexual autonomy is restricted by the declaration she cannot marry outside to a stranger – her *raison d’etre* in the passage appears to be to assist male procreative performance – even if her husband is technically deceased.

Genesis 38, Lot’s Daughters, and Ruth

~~In 2 Sam 14 the widowed woman of Tekoa appears to the king and recounts that her two sons have fought in the field, and one has struck the other dead, with the family rising against the remaining son, that they ‘may kill him for the life of his brother whom he murdered, even if [they] destroy the heir as well.’ The widow pleads with the king, saying:~~

~~Thus they would quench my one remaining ember, and leave to my husband
neither name nor remnant on the face of the earth.’ (2 Sam 14:1-7)~~

~~Like a burning ember, the son acts as a name and a remnant, and to destroy him would erase the dead husband from the face of the earth. In 1 Sam, Saul makes David swear to not ‘cut off [his] seed after [him], that [David would..] not destroy [his] name from the house of [his] father.’ Central to this text is the discourse of~~

caveat acts as restrictive – that is, the law only applies when they dwell together - or simply as an example – such as ‘say two brothers dwell together’. The term translated ‘duty of a brother-in-law’ is a rather awkward translation of the Hebrew root *בב* – there are several suggestions as to the etymology of the root, none of which have proved overly successful, and while some have suggested it means something like ‘duty of a brother-in-law’, to emphasis the term brother-in-law may have more to do with the latin route of levirate than the Hebrew root. (and it’s noticeable that the vulgate doesn’t use *levir*, instead opting for the latin equivalent of ‘my husband’s brother’.)

perpetuation after death through progeny, maintaining the life of the seed and the house of the father, while not erasing the name. This is similarly reflected in the narratives often associated with Levirate marriage.¹⁴

In Genesis 38 Judah's son has died and he instructs Onan to go 'go to your brother's wife [Tamar] and do the duty to her, and raise seed for your brother'. Onan, 'knowing the seed' would not count as his, spills it on the ground, for which God takes his life. Judah, thinking his youngest son Shelah might also die by her, sends her back to her father's house until Shelah grows up. After a long time, and realising she is not to be given to Shelah, Tamar learns Judah is passing by and covers her face with a veil, and Judah, mistaking her for a prostitute, sleeps with her. The plot thickens and three months later Judah discovers Tamar is pregnant and orders her to be brought out and burned, at which point Tamar reveals it was her Judah slept with. Judah declares 'She is more in the right than I, in as much as I did not give her to my son Shelah', and we are told he never sleeps with her again. She bears twins, at which point she disappears from the narrative completely.¹⁵ Leonard Mars argues that Onan's deception, refusing to create life for his brother and deceiving his kin, is a form of post-mortem murder. The dramatic build up and concealment of identity, and the blasé manner in which Judah condemns Tamar, suggest a narrative build up to the eventual outcome of the story; that despite unorthodox means, Tamar has done what is demanded of all of them.¹⁶

¹⁴ Larry L. Lyke, *King David with the Wise Woman of Tekoa: The Resonance of Tradition in Parabolic Narrative* (Sheffield: Sheffield Academic Press, 1997).

¹⁵ The main differences – that it is the father in law and not the brother, and that Tamar is not taken as a wife by Judah, may suggest a different legal framework; however, it can also, as a narrative, be read as an extreme version of Deuteronomy 25, where the limits and purpose of the levirate is tested.

The deviations from the law in Deuteronomy has led to a great amount of ink to be spilt over the two passages. Attempts at tracing the change of the legal institution over time have been made, usually arguing that Deuteronomy presents a restriction of a much older law. However, I would argue, attempts to use narrative texts to determine ancient legal practices should be done cautiously. Instead I would like to use the narrative as a key to read Deuteronomy.

¹⁶ Tamar is sent away, ironically as Judah thinks it is Tamar who is taking the lives of his sons, and so she devises a plot. This trickery appears unorthodox – she conceals her identity from a non-toopicky Judah, and instead of simply revealing herself after the act, we are subject to a climactic build up as she is sentenced to death – Judah seemingly still having legal possession of her sexuality as father-in-law, despite her residing with her own father. It is only when she *reveals* the truth to Judah that he is forced to acknowledge his lack of righteousness. The text is at pains to point out they were not intimate again, possibly reflecting an awkwardness about daughter-in-law/father-in-law relations, but also suggesting a form of marriage was not necessarily the concern here, especially as we are not told Tamar in any economic difficulty. These two differences – that the father-in-law creates the offspring

We see similar themes in Gen 19: Lot and his daughters flee the destruction of Sodom and Gomorrah and take refuge in a cave in the hills. One daughter says to the other 'Our father is old, and there is not a man on earth to come into us in the ways of the world. Come, let us make our father drink wine and let us lie with him and create life from our father's seed'. They succeed, naming the sons Moab, or 'from my father', and Ben-Ammi, 'or son of my paternal kin.'¹⁷ The daughters are never condemned in the text; the threat of extinction to their father's seed leads to desperate measures, and the narrative explores the limits of what is considered appropriate for the continuation of life.¹⁸

The same themes are reworked in the book of Ruth, which appears to contain something akin to levirate marriage. Again in this text women are depicted as scheming to produce offspring, however they do so within a certain explicit discourse.¹⁹ Boaz, the hero of the story steps in, and states in front of the elders that he is 'acquiring Ruth the Moabite, the wife of Mahlon, as my wife, so as to perpetuate the name of the deceased upon his estate, that the name of the deceased may not disappear from among his kinsmen and from the gate of his home town'.²⁰

and that there is no permanent union between Tamar and either Shelah or Judah *may* reflect a different legal context but may instead reflect a kind of 'desperate times call for desperate measures' narrative. Tamar is righteous in her ability to create seed for her dead husband, and will take any measures to achieve this. That the brother-in-law carries this out may be normal practice, but in withholding his son Judah failed to see the bigger picture – that the primary duty of all involved is to perpetuate the patriarchal structures, to create offspring for the one who has died without them. Tamar utilizes her own sexuality in the service of her dead husband, to whom she still owes a duty of care, and male sexuality, normally fairly autonomous, is bound to higher ideal of patriarchy than simple individual want – is becomes subject to the maintaining of the male line.

¹⁷ Although father-daughter sexual relations are not explicitly condemned in Leviticus along other forms of incest, the narrative probably led to some sense of unease in the reader, suggested by the fact they had to get their father drunk first.

¹⁸ Robert M. Polhemus, *Lot's Daughters: Sex, Redemption, and Women's Quest for Authority* (Stanford: Stanford University Press, 2005).

¹⁹ Naomi and her Moabite daughter-in-law Ruth from Moab, and both their husbands have died. They seek out Boaz, a kinsman, but he informs them there is another closer to them. Boaz tells the closest kinsman that he is to redeem the property of the deceased husbands, to which he agrees, however on learning that he has also to take Ruth in levirate marriage, he refuses lest 'I impair my own estate' – (although there is no consensus on why this would actually be).

²⁰ See: Rachel Adelman, 'Seduction and Recognition in the Story of Judah and Tamar and the Book of Ruth', *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 23 (2012): 87–109; Maurice E. Andrew, 'Moving from Death to Life: Verbs of Motion in the Story of Judah and Tamar in Gen 38', *Zeitschrift für die alttestamentliche Wissenschaft* 105, no. 2 (1993): 262–69; Yoël L. Arbeitman, 'Tamar's Name or is It? (Gen 38)', *Zeitschrift für die alttestamentliche Wissenschaft* 112, no. 3 (2000), doi:10.1515/zatw.2000.112.3.341; Fokkelien van Dijk-Hemmes, 'Tamar and the Limits of Patriarchy: Between Rape and Seduction (2 Samuel 13 and Genesis 38)', in *The Double Voice of Her Desire: Texts*, ed. Jonneke Bekkenkamp and Freda Droës, trans. David E. Orton (Leiderdorp: DEO, 2004); Esther

In these texts women are cast as agents but agents in the service of husbands or fathers; even when released in Deut 25, the widow must articulate her release in terms of her husband, staying: 'my husband's brother refuses to raise for his brother a name in Israel; he will not perform the duty of a the brother-in-law.' These texts produce procreative women, and while there are places where glimpses of a different reality – for example the women of the town declare to Naomi 'a child has been born to you' - the drive of these texts construct very particular ideas of gender. Even male sexuality, normally fairly autonomous, is deployed in service of patriarchal ends with the men acting in place of their deceased kin, albeit with the possibility of avoidance.²¹

Monuments as Sexuality

However sometimes male reproduction fails and other mechanisms are enacted. In 2 Sam 18:18 we read:

'Now Absalom, in his lifetime, had taken the pillar (מצבה) which is in the valley of the king and set it up for himself; for he said 'I have no son to keep my name alive' he had named the pillar after himself, and it has been called Absalom's monument (יד אבשלום) to this day.'

His offspring dead, Absalom chooses a physical monument in order to prevent the extinction of his name. This text is particularly interesting – it suggests the concern with continuing the name of the deceased is more than simply a matter of

Marie Menn, *Judah and Tamar (Genesis 38) in Ancient Jewish Exegesis: Studies in Literary Form and Hermeneutics* (Leiden: Brill, 1997); Aaron Wildavsky, 'Survival Must Not Be Gained Through Sin: The Moral of the Joseph Stories Prefigured Through Judah and Tamar', *Journal for the Study of the Old Testament* 19, no. 62 (1994): 37–48; Ellen van Wolde, 'Texts in Dialogue With Texts: Intertextuality in the Ruth and Tamar Narratives', *Biblical Interpretation* 5, no. 1 (1997): 1–28; Derek R. G. Beattie, 'The Book of Ruth as Evidence for Israelite Legal Practice', *Vetus Testamentum* 24, no. 3 (1974): 251–67; Adele Berlin, 'Legal Fiction: Levirate Cum Land Redemption in Ruth', *Journal of Ancient Judaism* 1, no. 1 (2010): 3–18; Baruch Levine, 'In Praise of the Israelite Mišpāhâ: Legal Themes in the Book of Ruth', in *The Quest for the Kingdom of God: Studies in Honor of George E. Mendenhall* (Winona Lake, Indiana: Eisenbrauns, 1983); Ziony Zevit, 'Dating Ruth: Legal, Linguistic and Historical Observations', *Zeitschrift für die alttestamentliche Wissenschaft* 117, no. 4 (2006): 574–600; Wolde, 'Texts in Dialogue With Texts'.

²¹ In Deuteronomy 25 and Genesis 38 the possibility of the woman not partaking in procreation for the dead husband is not really considered. The legal proscription offers no possibility for her denial, while the brother-in-law is granted a ceremony to make his refusal, albeit one in which he is deeply shamed. The widow's sexuality is still in service of her husband even after his death, and is refused the right to marry outside of the deceased's family.

inheritance of land, and moreover in functioning in the *place* of sons, it suggests the concern is not with a sentimental desire for children but rather a sustained attempt to maintain one's social presence among the living, normally achieved through sexual reproduction.²²

The most interesting text in this discussion is Isa 56:3-5. Isaiah imagines a radical kind of future for the eunuch.²³

and let not the eunuch say,
'I am a withered tree'
for thus says the LORD
'to the eunuch which keeps my Sabbath
and chooses the things that please me
and holds to my covenant
I will give to them in my house
And within my walls
A monument and a name
Better than sons and daughters
An ever lasting name I will give to him
Which will not be cut off...

The eunuch invokes the image of a withered tree failing to produce fruit, carrying associations of progeny and barrenness. Isaiah envisages for the eunuch who clings to the covenant something which both mimics and usurps the normal pattern of procreation. Within the walls of the temple the eunuch is promised a *יד ושם*, a memorial and a name. *yad*, hand, is a less common term for a memorial monument, while also being a biblical euphemism for a penis. The eunuch – lacking the correct

²² This text is particularly interesting for two reasons – one, if we acknowledge it has to do with a similar set of issues as levirate marriage, it somewhat breaks down the argument that the 'name' can be reduced to a kind of title deed for a the family estate; here Absalom is making a claim to a physical site but of a very different kind. Secondly, the monument functions *in the place* of sons. It cautions us against a presumption that levirate marriage is overly concerned with a sentimental desire for children, or for concern for the widow; instead Absalom's focus is his own memorialization into the future. See: B. G. Ockinga, 'A Note on 2 Samuel 18.18', *Biblische Notizen*, no. 31 (1986): 31–34.

²³ In Isaiah we see this notion taken in a creative direction. Eunuchs appear in different biblical and ancient near eastern contexts. They, either through birth, accident or intention do not have functioning genitalia, and so are not only excluded from the cultic community but are also excluded from the reproductive life of Israel, from the perpetuation of men's names and seed.

anatomy to produce offspring, is promised a phallic monument *better* than sons or daughters. YHWH declares that this name will be ever lasting, will not be cut off, his stewardship over the name to be more secure than relying on progeny alone.²⁴

While this text is often read as radical, the text is still directed to the eunuch *as male*, as one unable to reproduce, who is granted a yad, with all its phallic associations, and a name, symbolic of patrilineal patterns of memorial. YHWH transforms the eunuchs faithfulness into a *better* kind of maleness, one released from the concerns of destruction off offspring and guaranteed by the divine, but one which operates within a discourse which is overwhelmingly *male*.

Conclusion

The patriarchy of biblical texts, the relationships of power between men and women and men and men, creates a certain kind of knowledge of how the future is built and how the community perpetuates itself, fabricated around the continuity of generations through the production of male heirs. And so the failure of men to reproduce is problematic. While mechanisms such as levirate marriage may carry additional purposes, such as the transfer of property, this takes place in the terminology of keeping the man's name and seed in perpetuation, within a wider discourse of sexuality which is directed towards the perpetuation of the family line and the house of the father.²⁵ When this fails, there are additional methods, such as the erection of a monument, and in Isaiah 56 those excluded from male reproduction gain a strange kind of inclusion. However the promise to the eunuch is still constructed with the symbolic language of male reproduction. The future, even at its most inclusive, belongs to the men who can reproduce their name and

²⁴ In this part of Isaiah, the prophet is imagining a radical kind of future; the foreigner is told of a time where his sacrifices will be acceptable in the temple, for those who keep YHWH's Sabbaths. The eunuch's dilemma, their failure, is transformed. Jacob Wright and Michael Chan look at this passage in the context of ancient near eastern royal privileges granted to eunuchs, and find examples of kings granting to their eunuchs special memorials within the temples and royal courts, and they read this passage in light of this, as a response of YHWH the divine king to his servants. The eunuch is both included in the covenant and excluded from lines of descent, and the text suggests a kind of eschatological reparation of this fault. Jacob L. Wright and Michael J. Chan, 'King and Eunuch: Isaiah 56:1–8 in Light of Honorific Royal Burial Practices', *Journal of Biblical Literature* 131, no. 1 (2012): 99–119; Jacob L. Wright, 'Making a Name for Oneself: Martial Valor, Heroic Death, and Procreation in the Hebrew Bible', *Journal for the Study of the Old Testament* 36, no. 2 (2011): 131–62.

²⁵ A fictive kin is created, a fiction which seeks to repair the problem of childlessness, and women's sexuality is utilized and imagined in service of the deceased male. And

continued social presence, even without the direct use of sexual intercourse. And either through positively asserted commandments, or through subtle narrative, women's sexuality is continuously – and highly problematically - constructed as that which serves the patriarchal system. As we translate these stories and laws from one context into our own, one in which procreation and relationships are read through the liberal lens of romantic love, we should be mindful that concerns such as marriage, reproduction and inclusion can operate in radically different symbolic constructs and discourses from our own. By digging down and uncovering the symbolic associations in ancient texts, we can see how dynamics of power are in operation, and how something as given as procreation can support an entire system of kinship and perpetuation.