OF BARLEY, BULLS, LAND AND LEVIRATE

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It has become customary for introductions to papers on what is perceived to be legal problems in the Book of Ruth to suggest that other papers on the subject testify to the complexity of the difficulties of relating these to legal passages in the Pentateuch, especially the levirate law of Deuteronomy 25:5-10 and the law of redemption in Leviticus 25:25-28.1 The issue has even been called a “Pandora’s box of legal problems”,2 and it is generally assumed that this is an unsatisfactory state of affairs (Pandora’s box having contained, as everyone knows, all sorts of nasty things which made life miserable). Agreement between scholars is presented as something positive, while the lack of it is taken to be a call for searching in other directions. The implication is that this is expected to lead to consensus which, it seems to be assumed, would amount to the resolution of the problems in Pandora’s box.3

In this paper I would like to question the seemingly self-evident desirability of consensus in matters such as these, and I propose to use the “legal problems” of the Book of Ruth for the purpose. Only when one desires consensus does a variety of opinions seem confusing. But why should we want consensus? To me this desire seems self-destructive. For, if we were to reach the logical consequence of the desire and its concomitant effort, we would have nothing left in Old Testament

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scholarship to achieve. We would, as Wellhausen is reputed to have claimed in the previous century, have to look for other fields of research—until nothing at all is left for us to do. The opening sentence of H.H. Rowley’s famous study of the problems surrounding the marriage of Ruth, is a serene statement that for many of these difficulties “no final solution can ever be reached”. Indeed. Having said this, Rowley goes on happily to argue the case for his view on the matters involved. Acceptance that such lost solutions are irretrievable does not imply inactiveness. On the contrary, by not chasing after the ideal of a static general agreement, it avoids precisely that. We may still make proposals, that is, we may still offer readings in which possibilities of coping with such problems are suggested. Finality is not necessary for meaningful work. This goes not only for so-called “literary” readings of stories, but also for the “historical-critical” readings which are blamed for the “impasse” in which the study of, among other things, the legal aspects of the Book of Ruth is said to find itself.

The question with which we must begin, is “whether it is valid to derive any conclusions as to legal procedure from a text of the nature of Ruth, which is essentially a short story and by no means a treatise on jurisprudence”. Let us start by considering this question with reference to a well-known text concerning clan loyalty resulting in a marriage, the involvement of a clanleader in the matter, the issue of dire social difficulties that can be solved by such a marriage, the arrangements for it to take place, and the legalities involved. I refer to Gaetano Donizetti’s opera, Lucia di Lammermoor composed to the libretto by Salvatore Cammarano and based on Sir Walter Scott’s novel, The bride of Lammermoor. Let us use the operatic version for our purpose. It is a dramatic story and not at all a legal treatise. A historical-critical argument can be put forward that Scott modelled his novel on the historical vicissitudes of the Scottish Stair family and that this is also reflected in Cammarano’s libretto. Whether the argument is correct or not, we are still confronted by the question: If we have no or few legal documents available from which to determine what relevant Scottish law of the seventeenth century stipulated, would we be able to derive conclusions from Lucia as to the law and custom of seventeenth century Scottish society? I submit we would.

We would be able to derive the following information on law and

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