

Contradictions, Culture Gaps, and Narrative Gaps in the Joseph Story

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לפרופסור אברהם טל: יהב לך אלהה מטל שומיה, ויוזף למטל עליך תדיר

To Professor Abraham Tal:

*May God give you of the dew (טל) of heaven (Gen 27:28),
continuing to shelter (טלל) you always.*

Two of the questions raised by the Joseph story have attracted the attention of scholars for more than a century. Were Reuben and his brothers *present* or *absent* when Joseph was first acquired by traders? Was Joseph *sold* or *stolen*? Critics of all persuasions assert that the Joseph story gives contradictory answers to these (and other) questions. Such contradictions, they argue, necessitate a diachronic solution of some sort. The evidence presented in this study supports a different conclusion—namely, that the perception of contradiction in these two cases is an artifact of the cultural gap between modern readers and the ancient Israelites. It suggests that an ancient Israelite audience would have resolved these contradictions based on their knowledge of the cultural conventions of herding and human trafficking in their society—conventions that the narrative takes for granted but that are not always fully familiar to modern readers.

Already in the Hellenistic and Roman periods, translators and rewriters of the Hebrew Bible were forced to confront nagging questions about the much-loved Joseph story. By the Middle Ages, one question in particular had become the source of much controversy: How did Joseph fall into the hands of traders on their way to Egypt? With the rise of source criticism, this controversy was attributed to contradictions¹ in the narrative, contradictions deemed to be irreconcilable. Thus, in

The dedication is composed in Samaritan Aramaic using Professor Tal's Samaritan Aramaic dictionary and targum edition.

¹As used in this study, the term *contradiction* refers to any prima facie contradiction, even one that turns out to have a genuine solution.

1970 we find Donald Redford asserting that “chapter 37 contains one of the most blatant discrepancies in the entire Pentateuch, viz., the contradiction surrounding Joseph’s sale into Egypt” and that “generations of Bible students have utilized this discrepancy as a show piece for demonstrating the validity of the Documentary Hypothesis.”²

A century ago, in the heyday of the Documentary Hypothesis, John Skinner composed a concise summary of the source-critical view of the Joseph story. It is presented here in a slightly expanded version: “In one account, Joseph is *sold* to *Ishmaelites* on the advice of *Judah* [and with the consent of all the brothers, including *Reuben*]; in the other, he is *kidnapped* by passing *Midianites*, unknown to the brethren and to the dismay of *Reuben*.... The former is J (cf. 45^{4f.}), the latter E (40¹⁵).”³

It goes without saying that Neo-Documentarians still adduce these contradictions as evidence of source division.⁴ As for other critical scholars, it should not be assumed that they have completely lost interest in contradictions at a time when the “old viewpoint [has] succumbed ... to a growing recognition of a unified ‘Joseph novella.’”⁵ Redaction critics, too, cite such problems as evidence of diachronic development. In the words of John Van Seters,

²Donald B. Redford, *A Study of the Biblical Story of Joseph (Genesis 37–50)*, VTSup 20 (Leiden: Brill, 1970), 106, 145 (citing many sources in n. 2).

³John Skinner, *A Critical and Exegetical Commentary on Genesis*, ICC (New York: Scribner, 1910), 443. For the words that I have added in brackets, see 443 below.

⁴See, e.g., Horst Seebass, *Genesis*, 3 vols. in 4 (Neukirchen-Vluyn: Neukirchener Verlag, 1996–2000), 3:24–27; Lothar Ruppert, *Genesis: Ein kritischer und theologischer Kommentar*, 4 vols., FB 70, 98, 106, 118 (Würzburg: Echter, 1992–2008), 4:91–94; Baruch J. Schwartz, “How the Compiler of the Pentateuch Worked: The Composition of Genesis 37,” in *The Book of Genesis: Composition, Reception, and Interpretation*, ed. Craig A. Evans, Joel N. Lohr, and David L. Petersen, VTSup 152 (Leiden: Brill, 2012), 263–78, here 263 nn. 1–2; Schwartz, “ידידתו של יוסף למצרים: חיבורו של בראשית לו ממקורותיו *Beit Mikra* 55 (2010): 1–8; Joel S. Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*, AYBRL (New Haven: Yale University Press, 2012), 3–4, 34–44; and Athalya Brenner-Idan, “The Historical and Literary Complexity of the Joseph Story,” *TheTorah.com*, 7 December 2014, www.thetorah.com/article/the-historical-and-literary-complexity-of-the-joseph-story.

⁵Kenneth A. Mathews, *Genesis*, 2 vols., NAC 1A, 1B (Nashville: Broadman & Holman, 2005), 2:674. For a concise account of the shift, see *ibid.*, 674–77. For bibliography, see J. Alberto Soggin, “Notes on the Joseph Story,” in *Understanding Poets and Prophets: Essays in Honour of George Wishart Anderson*, ed. A. Graeme Auld, JSOTSup 152 (Sheffield: JSOT Press, 1993), 336–49, here 336–37; Victor P. Hamilton, *The Book of Genesis: Chapters 18–50*, NICOT (Grand Rapids: Eerdmans, 1995), 424–25 n. 25; Carolin Paap, *Die Josephsgeschichte Genesis 37–50: Bestimmungen ihrer literarischen Gattung in der zweiten Hälfte des 20. Jahrhunderts*, EHS.T 534 (Frankfurt am Main: Lang, 1995), 89–122; Konrad Schmid, “Die Josephsgeschichte im Pentateuch,” in *Abschied vom Jahwisten: Die Komposition des Hexateuch in der jüngsten Diskussion*, BZAW 315 (Berlin: de Gruyter, 2002), 87–93; Jakob Wöhrle, “Joseph in Egypt: Living under Foreign Rule according to the Joseph Story and Its Early Intra- and Extra-Biblical Reception,” in *Between Cooperation and Hostility: Multiple Identities in Ancient Judaism and the Interaction with Foreign Powers*, ed. Rainer

In place of the older source analysis separating J from E, the current supplementary or redactional methods look for clues to literary strata in the doublets and tensions in the actions of Reuben and Judah in chapters 37, 42–45 as well as the parallel role of the Midianites and Ishmaelites and the use of the patriarch's name, Jacob and Israel. None of this has proven to be very decisive.⁶

Even Thomas Römer's view of the Joseph story as a unified "diaspora novella"⁷ composed in the fourth century BCE⁸ does not obviate the need to deal with the contradictions in it. After all, Römer, too, points to a contradiction in the story as evidence of diachronic development: "Gen 50:24–25 is a late passage.... The passage where Joseph invents capitalism and makes the Egyptians into slaves of Pharaoh (47:13–26) is also an addition. This account does not fit well with the context of the Joseph narrative: it does not mention Joseph's brothers and contradicts

Albertz and Jakob Wöhrle, JAJSup 11 (Göttingen: Vandenhoeck & Ruprecht, 2013), 53–72, here 54 nn. 2–3; and Matthew C. Genung, *The Composition of Genesis 37: Incoherence and Meaning in the Exposition of the Joseph Story*, FAT 2/95 (Tübingen: Mohr Siebeck, 2017), 15–18, 22–24.

⁶John Van Seters, "The Joseph Story—Some Basic Observations," in *Egypt, Israel, and the Ancient Mediterranean World: Studies in Honor of Donald B. Redford*, ed. Gary N. Knoppers and Antoine Hirsch, PÅ 20 (Leiden: Brill, 2004), 361–88, here 382.

⁷See already Arndt Meinhold, "Die Geschichte des Sinuhe und die alttestamentliche Diasporanovelle," *WZ(G).GS* 20 (1971): 277–81; Meinhold, "Die Gattung der Josephsgeschichte und des Estherbuches: Diasporanovelle," *ZAW* 87 (1975): 306–24; 88 (1976): 72–93.

⁸Thomas Römer, "The Joseph Story in the Book of Genesis," in *The Post-Priestly Pentateuch: New Perspectives on Its Redactional Development and Theological Profiles*, ed. Federico Giuntoli and Konrad Schmid, FAT 101 (Tübingen: Mohr Siebeck, 2015), 185–201, here 189–95. This is not the place to discuss Römer's dating, but it must be noted that it totally ignores linguistic evidence. Take, for example, the use of the Biblical Hebrew imperfect form (instead of the participle) to refer to an activity currently in progress: מַה־תִּבְקֶשׁ, "what are you looking for?" (Gen 37:15); cf. אָנָּה־תֵּלְכִי, "where are you going" (Gen 16:8) and אָנָּה־תֵּלְכִי וּמֵאַיִן תָּבוֹא, "where are you going and where are you coming from?" (Judg 19:17). Here *the Joseph story preserves an archaic linguistic feature, a vestige of the Proto-West Semitic tense-aspect system that is not consistent with a postexilic dating.* The restricted nature of the preservation is highlighted by the fact that, in each of the three aforementioned examples, the question is answered with a progressive present *participle*, e.g., אֲנִי־אֶחְזַק אַחֵי אֲנֹכִי מִבְּקֶשׁ, "I am looking for my brothers" (Gen 37:16). Even in common questions, the preservation is only sporadic. In prose, for example, "what are you doing?" is expressed by מַה־עֹשֶׂה and the like (Judg 18:3, 18; Ezek 12:9); only the archaic language of poetry preserves מַה־תַּעֲשֶׂה (Isa 45:9, Job 9:12, Qoh 8:4). The shift from imperfect to participle in expressing the progressive present is seen clearly in questions meaning "where are you going?": אָנָּה־תֵּלְכִי/תֵּלְכִי (Gen 16:8, 32:18, Judg 19:17) > אָנָּה־אֵתָּה־הֲלֹךְ (Zech 2:6) and Mishnaic Hebrew אֵתָּה־הוֹלֵךְ (m. 'Abot 3:1). This shift is part of a larger, more general trend in the history of ancient Hebrew: *the participle* (sometimes with the auxiliary הִיה) *gradually takes over the old functions of the imperfect*; see Richard C. Steiner, "Ancient Hebrew," in *The Semitic Languages*, ed. Robert Hetzron (London: Routledge, 1997), 145–73, here 158. This shift may be added to the linguistic evidence against a postexilic dating presented in Jan Joosten, "The Linguistic Dating of the Joseph Story," *HeBAI* 8 (2019): 24–43.

Joseph's advice to Pharaoh as well as his actions in 41:25–56*.⁹ In other words, despite his very late dating of the narrative, Römer deduces from the contradiction that Gen 47:13–26 is even later.

All of this suggests that it may be worthwhile to reexamine some of the contradictions and doublets in the Joseph story to see whether they can still be viewed as compelling evidence for diachronic theories. Although frequently repeated, many of them have not been subjected to careful scrutiny since they first became pillars of the Documentary Hypothesis more than a century ago.

In this study, I shall reexamine two of the tensions presented above¹⁰ in the light of a question asked by E. J. Revell: “Does the modern perception of inconsistencies and contradictions result from failure to understand the ancient conventions ... ?”¹¹ I shall argue that the ancient Israelite audience, aware of the cultural assumptions implicit in the narrative, would have rejected the notion that the two tensions in question rise to the level of genuine contradictions.

I. WERE REUBEN AND HIS BROTHERS PRESENT OR ABSENT WHEN JOSEPH WAS FIRST ACQUIRED BY TRADERS?

Genesis 37:25–30

וַיֵּשְׁבוּ לֶאֱכֹל־לֶחֶם וַיֵּשְׂאוּ עֵינֵיהֶם וַיֵּרְאוּ וְהִנֵּה אַרְחַת יִשְׁמַעֲאֵלִים.... וַיֹּאמֶר יְהוּדָה
 אֶל־אֶחָיו... לְכוּ וּנְמַכְרֵנוּ לְיִשְׁמַעֲאֵלִים... וַיִּשְׁמְעוּ אֶחָיו: וַיַּעֲבְרוּ אַנְשִׁים מִדִּינִים
 סַחְרִים וַיִּמְשְׁכוּ וַיַּעֲלוּ אֶת־יוֹסֵף מִן־הַבּוֹר וַיִּמְכְּרוּ אֶת־יוֹסֵף לְיִשְׁמַעֲאֵלִים בְּעֶשְׂרִים כֶּסֶף
 וַיְבִיאוּ אֶת־יוֹסֵף מִצְרַיִמָּה: וַיָּשֶׁב רְאוּבֵן אֶל־הַבּוֹר וְהִנֵּה אֵין־יוֹסֵף בַּבּוֹר וַיִּקְרַע אֶת־
 בְּגָדָיו: וַיָּשֶׁב אֶל־אֶחָיו וַיֹּאמֶר הֵילֵד אֵינְנוּ וְאֵנִי אָנֹכִי אֲנִי־בָא:

Then they sat down to a meal. Looking up, they saw a caravan of Ishmaelites.... Then Judah said to his brothers, “... Come, let us sell him to the Ishmaelites...” His brothers agreed. When Midianite traders passed by, they pulled Joseph up out of the pit. They sold Joseph for twenty pieces of silver to the Ishmaelites, who brought Joseph to Egypt. When Reuben returned to the pit and saw that Joseph was not in the pit, he rent his clothes. Returning to his brothers, he said, “The boy is gone! Now what am I to do?” (NJPS)

Some scholars see a contradiction in this passage between the beginning (vv. 25–27) and the end (vv. 29–30)—one that makes it impossible to provide a simple, synchronic answer to the question posed above. E. A. Speiser, for example, writes,

⁹Römer, “Joseph Story,” 187.

¹⁰See 440 above. As used in this study, the term *tension* refers to any contradiction or inconsistency.

¹¹E. J. Revell, “Midian and Ishmael in Genesis 37: Synonyms in the Joseph Story,” in *Biblical Studies in Honour of Paul-Eugène Dion*, vol. 1 of *The World of the Aramaeans*, ed. P. M. Michèle Daviau, John W. Wevers, and Michael Weigl, JSOTSup 324 (Sheffield: Sheffield Academic, 2001), 70–91, here 71.

The first part of [v. 28] ... speaks of Midianites who pulled the boy up from the pit, without being seen by the brothers, and then sold him in Egypt into slavery. This is why Reuben was so surprised to find that Joseph was gone. The sale to the Ishmaelites, on the other hand (28b: J), had been agreed upon by all the brothers (27: J), so that Reuben would have no reason to look for the boy in the pit, let alone be upset because he did not find him there.¹²

Other scholars reject the all-or-nothing approach implicit in the above comment (and in our question), according to which either *all* of the brothers were present or *none* were. They replace it with the traditional nuanced approach, according to which Reuben's brothers were present but he himself was not.

Adele Berlin states,

In v. 29 Reuben returns to the pit and finds that Joseph is gone (*hinneh* shows Reuben's point of view). But where had Reuben been while Joseph was being sold? There is a gap in the story. (The gap also exists according to the E source.) We were not told that Reuben had removed himself from the group, and, furthermore, we were not told that the brothers had left the area of the pit, but according to v. 30 they must have, since Reuben returns to them after returning to the pit.¹³

According to Jan P. Fokkelman,

Reuben's discovery represents a gap for the reader. In v. 29 we suddenly realize that Reuben cannot have been a participant in the transaction. We should, however, not flee into diachronical speculations precipitately. We might first try to deal with the gap in a synchronic way and remain true to a sound narratology.¹⁴

A. Narrative Gaps

The implicit assumption underlying Speiser's reference to "all the brothers" is made explicit by Ludwig Schmidt: "In vv. 25–27, the brothers are together; that Reuben is missing should already be stated."¹⁵ In other words, had Reuben really been absent at such a critical juncture in the story, the narrator would surely have told us so. Berlin and Fokkelman reject this assumption, and rightly so. Biblical

¹²E. A. Speiser, *Genesis*, AB 1 (Garden City, NY: Doubleday, 1964), 291. See also Skinner, *Genesis*, 448; Claus Westermann, *Genesis: A Commentary*, 3 vols. (Minneapolis: Augsburg, 1984–1986), 3:42; Ludwig Schmidt, *Literarische Studien zur Josephsgeschichte*, BZAW 167 (Berlin: de Gruyter, 1986), 137–38; David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 284 n. 154; and Genung, *Composition of Genesis* 37, 64.

¹³Adele Berlin, *Poetics and Interpretation of Biblical Narrative*, BLS 9 (Sheffield: Almond, 1983), 120.

¹⁴Jan P. Fokkelman, "Genesis 37 and 38 at the Interface of Structural Analysis and Hermeneutics," in *Literary Structure and Rhetorical Strategies in the Hebrew Bible*, ed. L. J. de Regt, J. de Waard, and J. P. Fokkelman (Winona Lake, IN: Eisenbrauns, 1996), 152–87, here 163.

¹⁵Schmidt, *Literarische Studien*, 137–38. See also n. 56 below.

narratives are well known for their reticence and gaps,¹⁶ and we have it from no less an authority than Johann Wolfgang von Goethe that the Joseph story is no exception: “This natural story is most charming, but it seems too short, and one feels called upon to imagine it in detail.”¹⁷

One such gap is found in Gen 37:23–24, as noted already by Genesis Rabbah: “Is it really possible that Joseph, at the age of seventeen, saw his brothers selling him and kept silent?”¹⁸ Joseph must have said *something* to his brothers when their intentions became clear to him—if only אָל נָא אַחֵי תִרְעוּ, “please, my brothers, do no evil” (Gen 19:7; cf. Judg 19:23). However, we hear nothing of this until later: אָבְלֵ אֲשָׁמִים אֲנַחְנוּ עַל-אַחֵינוּ אֲשֶׁר רָאִינוּ צָרַת נַפְשׁוֹ בְּהַתְחַנְּנוּ אֵלֵינוּ וְלֹא שָׁמַעְנוּ, “Truly, we are culpable for (our treatment of) our brother, whose anguish we saw, as he pleaded with us without our listening” (Gen 42:21).¹⁹ In this example, “the Bible itself directs us to read between the lines,”²⁰ and doing so requires nothing more than attentiveness to the story as it unfolds. Some later readers, however, did not consider this one-verse account sufficient to fill the gap; they felt the need to know

¹⁶ See Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading*, Indiana Literary Biblical Series (Bloomington: Indiana University Press, 1985), 186–229. See also, for example, Robert Alter, *The Art of Biblical Narrative*, rev. and updated ed. (New York: Basic Books, 2011), 143–62; Frank Polak, *הסיפור במקרא: בחינות בעיצוב ובאמנות* (Jerusalem: Bialik, 1994), 331–38; Greger Andersson, *Untamable Texts: Literary Studies and Narrative Theory in the Books of Samuel*, LHBOTS 514 (New York: T&T Clark, 2009), 148–60. Some of these works, including Sternberg’s magnum opus, have their own “gaps,” which I am attempting to fill in this essay through closer attention to the contributions of ancient Near Eastern literature and culture.

¹⁷ Johann Wolfgang von Goethe, *Aus meinem Leben: Wahrheit und Dichtung in Goethes Sämtliche Werke*, 15 vols. (Stuttgart: Cotta, 1881), 9:109.

¹⁸ *מדרש בראשית רבה*, ed. Julius Theodor and Chanoch Albeck (1903–1936; repr., Jerusalem: Wahrman, 1965), 3:1130 (91.8 to Gen 42:21).

¹⁹ See *מדרש רבה*, ed. M. A. Mirkin (Tel-Aviv: Yavneh, 1986), 4:109, where Mirkin’s commentary cites y. Roš Haš. 3:5: “The words of the Torah are (sometimes) scarce in their (chronologically expected) place but plentiful in another place.” For Ramban’s approach to this gap and others, see Michelle J. Levine, “Nahmanides’ Literary Approach to Biblical Narrative: Varied Repetition in the Joseph Story,” *The Torah u-Madda Journal* 13 (2005): 88–127, here 119 nn. 50–51, 123 n. 86, 126 n. 106.

²⁰ Jakob Horowitz, “Die Josephserzählung,” *Jeschurun* 4 (1917): 658–78, here 678. This example, like the next one below, exhibits what we may call “retrospective gap filling” by the Torah. It is not generally recognized that the Torah also engages in “prospective gap filling.” This phenomenon is discussed by Rashbam already in his commentary on Gen 1:1, and modern students of Rashbam have analyzed his theory of what they call “(literary) anticipation” or the like; however, they have not connected it with gap filling. See, e.g., Nahum M. Sarna, “The Anticipatory Use of Information as a Literary Feature of the Genesis Narratives,” in *The Creation of Sacred Literature: Composition and Redaction of the Biblical Text*, ed. Richard Elliott Friedman, UCP: Near Eastern Studies 22 (Berkeley: University of California Press, 1981), 76–82; Edward L. Greenstein, “Medieval Bible Commentaries,” in *Back to the Sources: Reading the Classic Jewish Texts*, ed. Barry W. Holtz (New York: Summit, 1984), 213–59, here 244–45; Martin I. Lockshin, *Rabbi Samuel Ben Meir’s Commentary on Genesis: An Annotated Translation*, Jewish Studies 5 (Lewiston, NY: Mellen, 1989), 30–31, 400–421; and the literature cited there.

Joseph's precise words. The author of the Testament of Zebulun obliged them, supplying quotations.²¹ So did Japhet b. Eli in the tenth century.²² Thomas Mann went much further, imagining short cries and lengthy pleas.²³

Another gap in the Joseph story is found, according to many medieval exegetes, in Gen 42:13, where Jacob's sons reveal that they have another brother at home. From the context, one gets the impression that the brothers volunteered information that could (and would) be used against them, and one wonders why. This question is actually articulated later in the story by one of the protagonists: וַיֹּאמֶר יִשְׂרָאֵל לְמָה הִרְעַתֶּם לִי לְהַגִּיד לְאִישׁ הָעוֹד לְכֶם אֶחָא, "Israel said, 'Why did you wrong me by telling the man whether you had another brother?'" (43:6). Clearly, this gap is no figment of the exegete's imagination! It is a gap that the Torah itself twice fills explicitly: once in וַיֹּאמְרוּ שְׂאוֹל שְׂאֵל-הָאִישׁ לָנוּ וְלִמּוֹלְדֵתָנוּ לְאִמֵּר הָעוֹד אֲבִיכֶם וַיֹּאמְרוּ אֶחָא, "They replied, 'The man really asked about us and our family, saying, "Is your father still alive? Have you another brother?'" (v. 7) and a second time, more conclusively, in אֲדֹנָי שְׂאֵל אֶת-עַבְדֶּיךָ לְאִמֵּר הֲיֵשׁ-לְכֶם אָב אוֹ-אֶחָא, "My lord asked his servants, 'Have you a father or a(nother) brother?'" (44:19).²⁴ It seems clear, then, that gapping and gap filling are genuine characteristics of the Joseph story and other biblical narratives.

Gaps are by no means peculiar to biblical literature. According to Meir Sternberg, "the literary work ... establishes a system of gaps that must be filled in."²⁵ Gaps have an important literary function. They make us partners in creating the story, forcing us "to imagine it in detail." Sternberg insists that "to emphasize the active role played by the reader in constructing the world of a literary work is by no means to imply that gap-filling is an arbitrary process."²⁶ He warns that gap filling is "illegitimate" when it is "launched and sustained by the reader's subjective concerns (or dictated by more general preconceptions) rather than by the text's own norms and directives."²⁷ Legitimate gap filling is "variously directed and circumscribed" by a number of factors, including "basic assumptions ... derived from

²¹ See R. H. Charles, trans. and ed., *The Testaments of the Twelve Patriarchs* (London: Black, 1908), 112 (T. Zeb. 2:2–3).

²² Meira Polliack, "'The Unseen Joints of the Text': On the Medieval Judaeo-Arabic Concept of Elision (*Iḥtiṣār*) and Its Gap-Filling Functions in Biblical Interpretation," in *Words, Ideas, Worlds: Biblical Essays in Honour of Yairah Amit*, ed. Athalya Brenner and Frank H. Polak, HBM 40 (Sheffield: Sheffield Phoenix, 2012), 179–205, here 192.

²³ Thomas Mann, *Joseph and His Brothers*, trans. H. T. Lowe-Porter (New York: Knopf, 1963), 379, 381, 383, 394. Mann devotes forty-six pages (372–417) to filling the gaps in seven verses (37:23–29). Does this enormous disparity, taken together with Goethe's remark, shed any light on the cultural (aesthetic) assumptions that led early German Bible critics to turn gaps into contradictions and, ultimately, into source divisions?

²⁴ Polliack, "Unseen Joints," 189–90.

²⁵ Sternberg, *Poetics of Biblical Narrative*, 186.

²⁶ *Ibid.*, 188.

²⁷ *Ibid.*

‘everyday life’ and prevalent *cultural conventions*.²⁸ For the modern reader of the Bible, meeting such a standard is no easy task!

All of us have difficulty reconstructing how the ancient Israelites filled in the gaps, because we are so distant from their world. Moreover, gap filling is associated, in the minds of many, with midrashic harmonizing.²⁹ As a result, many of us tend to short-circuit this important aspect of the creative process, jumping right away to diachronic solutions.³⁰

Such a tendency overlooks the ubiquity of gaps in ancient writings. It is usually assumed that gap filling is needed only for works of art, but anyone who has attempted to read an ancient letter—especially a brief reply—knows that that assumption is incorrect.³¹

Remarkably, even the reading of ancient *legal* texts requires gap filling. Take, for example, ancient herding contracts. The conventions of herding are so ancient that some of them are taken for granted and left unrecorded already in Old Babylonian contracts.

Naturally the shepherds were expected to bring the flocks in to the shearing at the end of each year, and the agreement will only have been operative until then. Because this was so universally recognized, it was not usually specified in the wording . . . , but now two of the new texts give us the phrase “he shall bring in the living(?) sheep to the shearing-gate(?)” (or perhaps “at the beginning of the shearing” . . .).³²

Our texts do not define the shepherd’s obligations quantitatively. Consequently we have no evidence as to the agreed minimum for milk products, and only unsatisfactory criteria for guessing the percentage growth of the flock to which the owner was entitled.³³

²⁸ *Ibid.*, 189 (emphasis added).

²⁹ See, e.g., Redford, *Study of the Biblical Story*, 141 n. 1: “This could be glossed over by assuming Reuben to have been absent when the sale was made (a favorite device of harmonizers).” Baden asserts that solutions to textual problems that require the introduction of “new narrative elements” or “novel theories of reading” may be “lumped under the term ‘midrash’” (*Composition of the Pentateuch*, 12).

³⁰ See 443 above. See also Koog P. Hong, “Synchrony and Diachrony in Contemporary Biblical Interpretation,” *CBQ* 75 (2013): 521–39, esp. 525–26; and Joep Dubbink, “A Story of Three Prophets: Synchronic and Diachronic Analysis of Jeremiah 26,” in *Tradition and Innovation in Biblical Interpretation: Studies Presented to Professor Eep Talstra on the Occasion of His Sixty-Fifth Birthday*, ed. Wido Th. van Peursen and Janet W. Dyck, *SSN 57* (Leiden: Brill, 2011), 11–30, here 13: “Take the text as it is, do all possible synchronic analysis, and then add a diachronic dimension to deal with whatever problems remain.”

³¹ See A. Leo Oppenheim, *Letters from Mesopotamia: Official, Business, and Private Letters on Clay Tablets from Two Millennia* (Chicago: University of Chicago Press, 1967), 65–66.

³² J. N. Postgate, “Some Old Babylonian Shepherds and Their Flocks,” *JSS* 20 (1975): 1–21, here 4.

³³ *Ibid.*, 5. A legal text exhibiting an even more startling gap is the treaty between Ramesses II and Hattusilis, a text that must have been minutely scrutinized by the highest-ranking diplomats

Also relevant here is the “Tale of Two Brothers in Two Cities” at the end of the Aramaic Text in Demotic Script (Papyrus Amherst 63).³⁴ Near the end of that story (XX, 6–11),³⁵ Princess Saritrah gives her brother, King Sarmuge of Babylonia, some parting advice—advice exhibiting two glaring gaps. The first gap appears when she counsels him to “go from the house of Bel, away from the house of Marduk” (XX, 7). The reference to Sarmuge’s presence in the temple of Bel is quite unexpected because, up to this point, it seemed as though Saritrah was speaking to Sarmuge in his palace in Babylon. It is not until the end of the story that we learn, once again in dialogue, what Sarmuge was doing in the temple of Bel.³⁶ This is reminiscent of the Joseph story, where it is not until late in the story that we learn that Joseph pleaded with his brothers to release him.³⁷

B. Culture Gaps on Top of Narrative Gaps

The second narrative gap in Saritrah’s parting advice manifests itself when she goes on to counsel her rebellious brother to build a bower and bring into it “your sons and your daughters and your doctors who have egged you on” (XX, 9–10). Prior to this point in the story, there is no mention of doctors at all, and the modern reader may be forgiven for wondering why Sarmuge’s doctors would be inciting him to rebel against his overlord, King Sarbanabal (= Assurbanipal). It is only from external sources—namely, Neo-Assyrian letters—that we learn that the advice dispensed by Mesopotamian physicians was political as well as medical.³⁸ Here we are dealing with a culture gap that conspires with a narrative gap to cause problems for the modern reader.

and scribes of both kings. Both the Egyptian and the Hittite versions of the treaty contain a clause stating that Ramesses II “shall not trespass into the land of Hatti” and that Hattusilis “shall not trespass into the land of Egypt” (*ANET*, 200, 202). This clause is, of course, meaningless without an agreed-upon border. Even so, the treaty (unlike the covenant in the Torah) “contains no boundary demarcations at all”; see Kenneth D. Hutchens, “Defining the Boundaries: A Cultic Interpretation of Numbers 34.1–12 and Ezekiel 47.13–48.1, 28,” in *History and Interpretation: Essays in Honour of John H. Hayes*, ed. M. Patrick Graham, William P. Brown, and Jeffrey K. Kuan, JSOTSup 173 (Sheffield: JSOT Press, 1993): 215–30, here 217.

³⁴Richard C. Steiner and Charles F. Nims, “The Aramaic Text in Demotic Script: Text, Translation, and Notes,” <https://repository.yu.edu/handle/20.500.12202/51>, 69–92.

³⁵*Ibid.*, 82.

³⁶*Ibid.*, 90–91.

³⁷See 444 above.

³⁸Steiner and Nims, “Aramaic Text,” 82: “Esarhaddon’s exorcist, Adad-šum-ušur, writes to the king about politics as well as medicine.” For a medieval doctor who “egged on” his royal patients, see Robert Hughes, *Barcelona* (New York: Knopf, 1992), 112: “As astrologer, shrink, physician, teacher, and ideological witch doctor to the count-kings for more than twenty years, Vilanova used his influence to shape their policy.... [His] ideas must have swollen the count-kings’ heads with eschatological dreams of vast destiny.”

This last example illustrates an important point. When the modern reader of an ancient story is stymied by a narrative gap, the cause can be ignorance of some basic cultural convention—one that is needed to fill in the narrative gap but is considered too obvious to state by the ancient author. This problem has been noted by others.

For the biblical commentator, this activity [gap filling] is most difficult, because he is not of that period, and many things are not intelligible to him, whether from the standpoint of language and cultural background or from the standpoint of facts.³⁹

I stress this problem because it arguably accounts for the belief that Reuben's unexpected reaction in Gen 37:29–30 represents a contradiction in the story. As discussed above, the belief in question is based on a reading of Gen 37:25–27 in which *all* of Joseph's older brothers were dining together when Judah made his proposal to sell Joseph,⁴⁰ but that reading has a flaw that would have quickly been spotted by an audience of ancient Israelites, thanks to their intimate knowledge of herding practices.

It is difficult to imagine an ancient Israelite unaware that flocks cannot be left unattended (1 Sam 17:20, 28; Zech 11:17). Without a trustworthy shepherd, sheep and goats are exposed to many dangers (Num 27:17, 1 Kgs 22:17, 2 Chr 18:16). They are liable to wander off and get lost (Jer 23:1–2, 50:6, Ezek 34:4–5, Zech 13:7), succumb to sickness or injury (Ezek 34:4, Zech 11:16), be attacked by wild beasts (1 Sam 17:34, Ezek 34:8, Amos 3:12), or be stolen (Gen 31:39).

These dangers are, of course, particularly acute when shepherds have difficulty staying awake: “Your shepherds are asleep, O king of Assyria . . . ; your people are scattered over the hills, and there is none to gather them” (Nah 3:18). To ensure that their animals are never left without supervision, shepherds work and sleep in shifts whenever possible. In Luke 2:8, for example, the shepherds are described as “keeping [lit., watching] watches” (φυλάσσοντες φυλακάς). Many have suggested that this description refers to watching over the flocks in shifts,⁴¹ and the plural ending of indefinite φυλακάς certainly seems to support that suggestion. In two recent articles, the same practice is attributed to the Eveny reindeer herders of Kamchatka, in far-eastern Siberia. It is reported that “in spring and summer, shepherds take turns to maintain a continuous watch, day and night, over a herd of

³⁹ Polak, *הסיפור במקרא*, 331–32; cf. Robert B. Chisholm, *Interpreting the Historical Books: An Exegetical Handbook*, Handbooks for Old Testament Exegesis 2 (Grand Rapids: Kregel, 2006), 69: “Many of the gaps we perceive in a story would not have been present for an ancient Israelite audience, for ancient readers would have intuitively understood nuances of their language and aspects of their culture better than we do.”

⁴⁰ See 443 above.

⁴¹ See, e.g., Joseph A. Fitzmyer, *The Gospel according to Luke: Introduction, Translation, and Notes*, 2 vols., AB 28, 28A (Garden City, NY: Doubleday, 1981–1985), 1:409: “the cognate acc. suggests a distributive nuance: the shepherds guarded the flocks in shifts.”

1,500–2,000 heads to keep the reindeer rounded up and to deter predators.”⁴² Furthermore, “one tent serves four herders, since they sleep in shifts.”⁴³

The Testament of Gad may reflect the view that Joseph’s brothers, too, did their herding and sleeping in shifts. In verses 2–3, Gad tells his children, “I was valiant in keeping the flocks. Accordingly, I guarded at night the flock [ἐν τῇ νυκτὶ τὸ ποίμνιον]; and whenever the lion came, or the wolf, or any wild beast against the fold, I pursued it, and overtaking (it) I seized its foot with my hand [τὸν πόδα αὐτοῦ τῇ χειρὶ μου].”⁴⁴ In this sentence, we find an adverbial phrase (ἐν τῇ νυκτὶ) preceding the direct object (τὸ ποίμνιον) and, thus, *separating* it from the verb that governs it. This word order is rare in the Testament of Gad.⁴⁵ Indeed, this very sentence contains an example of the opposite word order, that is, the normal order, with an adverbial phrase (τῇ χειρὶ μου) following the direct object (τὸν πόδα αὐτοῦ). It is possible that the first word order is “emphatic,”⁴⁶ signaling contrastive focus: “I guarded the flock *at night* (rather than during the day).” If so, Gad’s statement would seem to suggest that he regularly took the night shift—or one of the night shifts—while others watched over the flock during the day.

The evidence cited above shows that shepherds take turns *sleeping*. Do they also take turns *eating*? Judah’s proposal to sell Joseph to the Ishmaelites was made after he and his brothers had sat down to eat. This was no quick snack, eaten while tending the flock. BDB takes the phrase אכל לחם (even without ישב) to mean “take a meal,” citing our verse (37:25) as one of the examples.⁴⁷ The other examples cited by BDB refer to festive meals hosted by Jacob and Joseph (Gen 31:54; 43:25, 32).⁴⁸ Similarly, BDB takes the phrase עשה לחם to mean “make a feast.” It is not surprising, then, that many scholars have the brothers sitting down to a *meal*.⁴⁹ Targum Onqelos goes even further, rendering וישבו as ויאסחרו, meaning “they lounged

⁴² Charles Stépanoff et al., “Animal Autonomy and Intermittent Coexistences: North Asian Modes of Herding,” *Current Anthropology* 58 (2017): 57–81, here 63.

⁴³ Julia Phillips, “Blitzen Trappers,” *BuzzFeed*, 22 December 2015.

⁴⁴ R. H. Charles, *The Greek Versions of the Testaments of the Twelve Patriarchs* (Oxford: Clarendon, 1908), 158–59; Charles, *Testaments of the Twelve Patriarchs*, 149.

⁴⁵ The only other example I have found is in Charles, *Greek Versions*, 161 2.3 a (contrast 2.5 β, A, S¹) = *Testaments of the Twelve Patriarchs*, 151–52.

⁴⁶ See BDF §473: “Separation of elements in the sentence belonging together. ... A word, torn out of its natural context and made more independent, is emphatic even when placed at the end of the sentence (whereas an early position in the sentence carries emphasis with it in any case).”

⁴⁷ BDB, s.v. “לחם.”

⁴⁸ *Ibid.*

⁴⁹ Horovitz, “Die Josephszählung,” 667; Speiser, *Genesis*, 288; Berlin, *Poetics and Interpretation*, 114; Antony F. Campbell and Mark A. O’Brien, *Sources of the Pentateuch: Texts, Introductions, Annotations* (Minneapolis: Fortress, 1993), 226; Hamilton, *Genesis 18–50*, 419; Mathews, *Genesis*, 2:693; Lothar Ruppert, *Genesis*, 4:86; B. J. Schwartz, “How the Compiler,” 267, 271, 275; Schwartz, “ירידתו של יוסף למצרים,” 5; Baden, *Composition of the Pentateuch*, 37, 40; and many others.

about for dining.⁵⁰ Had *all* of the brothers been with Judah during the meal, they would have been violating the norms of shepherding (not to mention betraying their father's trust). This was pointed out already in the twelfth century by the always-insightful Joseph Bekhor Shor, in commenting on our verse:

It is the way of shepherds that some of them eat and some of them attend to the animals. After that, those that have eaten go to the animals, and the others eat. It is not their way that all of them eat together. (When the Ishmaelites came into view,) Judah was eating with some of his brothers, while Reuben and some of his brothers were watching over the flock, and therefore Reuben did not know about the sale.⁵¹

This explanation makes excellent sense; however, I would modify it slightly in the direction of a comment by Derek Kidner:

Reuben's absence ... is wholly in keeping with real life, where there is always coming and going (particularly with flocks of sheep to supervise). Obviously, his plan for a rescue envisaged opportunities to detach himself from the group without arousing comment.⁵²

In other words, Reuben's plan to free Joseph surreptitiously required that he separate himself from his brothers for a certain amount of time. One way of accomplishing that would be to volunteer to watch over the flock while his younger brothers ate and rested. Later, when they returned to work after their meal, it would be his turn to eat, giving him an opportunity to rescue Joseph without their knowledge.⁵³ We should assume that the flock was in a place where Reuben was unable to see or hear what was happening at the pit. In short, Reuben's ignorance of the sale—which may be reflected in Gen 42:22,⁵⁴ as well—is not really all that difficult to explain. There is no need to posit either a contradiction or an unmentioned errand.⁵⁵

⁵⁰This is the apt rendering of the Comprehensive Aramaic Lexicon (<http://cal.huc.edu/>), s.v. "סחר."

⁵¹Joseph Bekhor Shor, פירוש רבי יוסף בכור שור על התורה, ed. Yehoshafat Nevo (Jerusalem: Mossad Harav Kook, 1994), 68.

⁵²Derek Kidner, *Genesis: An Introduction and Commentary*, TOTC (Leicester: Inter-Varsity Press, 1967), 183.

⁵³For an alternate suggestion involving shepherding, see Kenneth A. Kitchen, "Joseph: In the Old Testament," in *The New Bible Dictionary*, ed. J. D. Douglas (Grand Rapids: Eerdmans, 1962), 656–60, here 657; and Hamilton, *Genesis 18–50*, 424.

⁵⁴The verse gives the impression that Reuben believed Joseph to be dead. Was he unaware that Joseph had been sold? Cf. Redford, *Study of the Biblical Story*, 141 n. 1: "When Reuben has occasion later in the story to refer to the events of 37:12 ff., he knows nothing of the *sale* of Joseph. His cry in 42:22, 'His blood is required!' shows that he knows no more of what happened to Joseph than he did in 37:30, and assumes he is dead."

⁵⁵The latter approach, well known from rabbinic literature, is adopted already in the Testament of Simeon (v. 9), according to which Reuben had gone "to Dothan, where were our necessities and all our stores" when Judah sold Joseph to the Ishmaelites; see Charles, *Testaments of the Twelve Patriarchs*, 18. The errand described by Mann (*Joseph and His Brothers*, 399) is

The ancient Israelites were intimately familiar with herding practices. They did not need a commentary to know that, when shepherds work together, they herd, eat, and sleep in shifts. For them, it went without saying that at least one of the brothers would have been absent during the fateful meal.⁵⁶ Thus, they would not have spent much time wondering why Reuben was unaware that Joseph was no longer in the pit. They would have quickly surmised that, after Joseph was thrown into the pit, it was Reuben's turn to go tend the flock and Judah's turn to eat a meal.

Knowledge of this herding practice is, arguably, also assumed in Gen 31:39. Concerning the phrase *יִּוָּמָהּ וְיָלַיְלָה*, “whether stolen by day or stolen by night,” Nahum Sarna writes, “The significance of this addition is unclear since it is not otherwise known that the time of the day had any bearing on the shepherd's responsibility or exculpation.”⁵⁷ In my view, there is a simple explanation. By putting a three-days' journey between the flocks watched over by Jacob and those watched over by his sons (Gen 30:36),⁵⁸ Laban made it impossible for his sons to work with Jacob in shifts and, thus, impossible for Jacob to sleep, day or night (31:40), without incurring liability for stolen animals. Sarna's inability to find a parallel to this arrangement in Mesopotamian herding contracts is precisely the point: Laban's treatment of Jacob was unprecedented and, indeed, inhumane. Unlike all other shepherds, Jacob was forced to take all of the shifts himself, day and night.⁵⁹

similar. A different errand is imagined by Josephus in *A.J.* 2.3.2 §31: “This done, he departed in search of grounds suitable for pasturage.” This suggestion is, perhaps, less arbitrary than the first, but, even so, the errand that it posits did not need to be done while his brothers were eating their meal.

⁵⁶For the modern reader, by contrast, it goes without saying that Reuben's absence would have been mentioned explicitly in the narrative. See 443 above and E. Randolph Richards and Brandon J. O'Brien, *Misreading Scripture with Western Eyes: Removing Cultural Blinders to Better Understand the Bible* (Downers Grove, IL: InterVarsity Press, 2012), 12–13: “It is very hard to know what goes without being said in another culture. But often we are not even aware of what goes without being said in our own culture... When we miss what went without being said for *them* and substitute what goes without being said for *us*, we are at risk of misreading Scripture.”

⁵⁷Nahum M. Sarna, *Genesis בראשית: The Traditional Hebrew Text with the New JPS Translation*, JPSTC (Philadelphia: Jewish Publication Society, 1989), 220.

⁵⁸As implied by the Peshitta and modern translations (RSV, NRSV, NJPS, etc.), this was a violation of Laban's agreement with Jacob, that is, another one of Laban's swindles (cf. 31:7, 41). The form *הִסְרָה* in 30:32 is not an imperative addressed to Laban but an infinitive absolute, with the same underlying subject as *אָעָבֵר*: “I [Jacob] will pass through ... removing (for myself) ...” In 30:35, by contrast, the context shows that the subject of *וַיִּסַּר* is Laban: “(But) that day (before Jacob could act upon the agreement), he [Laban] removed (for himself) ...”

⁵⁹Genesis Rabbah assumes that he was assisted by sheepdogs; see 453 below. Edward Greenstein reminds me that Jacob eventually became wealthy enough to be assisted by servants (Gen 30:43, 32:6). Thus, Jacob's complaint about sleep deprivation (31:40) does not refer to the entire twenty-year period.

An added bonus of this solution is that it answers a second, seemingly unrelated question concerning Gen 37:25 posed by Baruch J. Schwartz: “‘Then they sat down to a meal’: How do these words advance the plot of the narrative, and what do they contribute to the progression of the matter?”⁶⁰ The usual answer to this question is that these words hint at the callous indifference displayed by the brothers, as they themselves later acknowledge (Gen 42:21).⁶¹ This answer is, undoubtedly, correct, but it is not complete. As argued above, the ancient Israelite audience would have deduced from the words *וישבו לאכל-לחם* that at least one of the brothers was absent when the decision to sell Joseph was made. With the exception of one medieval exegete, Joseph Bekhor Shor, later readers have ignored this subtle clue.

In my view, the modified version of Bekhor Shor’s solution proposed here meets Sternberg’s high standard for legitimate gap filling. The parallels we have adduced show that the proposal is solidly based on “basic assumptions ... derived from ‘everyday life’ and prevalent cultural conventions.” Even so, one may wonder whether the proposal is true to life. Would Reuben have been able to take care of all of Jacob’s animals without help from his brothers?

According to the plain sense of Gen 37:13–17, all ten of Joseph’s older brothers were with the flock in Shechem and, subsequently, in Dothan. Otherwise, Jacob would have sent someone other than Joseph to check on them. Other verses point in the same direction. In 34:5, all of Jacob’s sons are outside the city with his livestock; and in 46:32, all of the brothers are said to be shepherds.

Elsewhere in the Bible, we do not hear of that many shepherds tending the flock(s) of a single individual. Jacob watched over one of Laban’s flocks, together with his own flock, apparently alone (Gen 30:36, 31:40), at least in the early years. Rachel came alone to the well to water Laban’s flock (29:9). The same is probably true of the shepherds of three flocks encountered by Jacob near Haran. The fact that they were not strong enough to roll a boulder from the mouth of a well by themselves (29:2–3, 8) suggests that each flock was tended by a single shepherd. David, too, worked alone (1 Sam 17:20, 28). On the other hand, Abraham, Lot, and Isaac each employed more than one herdsman (Gen 13:7, 26:20). Jethro sent all seven of his daughters to the well to water his flock (Exod 2:16), although that may have been necessitated by the aggressive behavior of the male shepherds who used that well.

At first glance, Akkadian documents would seem to help in answering the question posed above. They show that at Ur “the number of sheep per shepherd

⁶⁰ B. J. Schwartz, “ירידתו של יוסף למצרים,” 5. I have taken the translation “then they sat down to a meal” from Schwartz, “How the Compiler,” 267, 271, 275.

⁶¹ The rabbis (e.g., Midr. Ps.; Buber 10:3) aptly compare, “The king and Haman sat down to drink, while the city of Shushan (where the Jews resided) was thrown into turmoil” (Esth 3:15). Hermann Gunkel compares Jehu’s meal following Jezebel’s death by defenestration (2 Kgs 9:30–34) (*Genesis übersetzt und erklärt*, HKAT [Göttingen: Vandenhoeck & Ruprecht, 1910], 408).

can vary from 106 to 1,002⁶² and that at Umma, the variation is “from 38 to 1,287.”⁶³ Unfortunately, the significance of these ratios is uncertain, for the shepherd had “a wholly anonymous body of assistants behind him.”⁶⁴ In other words, the ratios may not take into account the *kaparrū*, “under-shepherds, shepherd boys.”⁶⁵

Modern evidence is more revealing. Among nomadic Iranian herdsman in the twentieth century, the maximum number of animals (sheep and goats) per shepherd unassisted by dogs was only three hundred to four hundred.⁶⁶ In the Australian outback, at the beginning of that century, shepherds using horses and dogs were able to handle a far larger number of sheep: “In dealing with a large mob of twenty thousand sheep, it is usual to break them up into separate flocks, of four thousand to a flock, this being a convenient number for two men to handle.”⁶⁷

It is clear from the preceding paragraph that the use of sheepdogs can make a great difference in the ratio, and there is evidence that such dogs were in fact used in the ancient Levant.⁶⁸ Some of the evidence comes from the Bible, especially the phrase *בְּלָגֵי צֹאֲנֵי*, “my sheepdogs,” in Job 30:1.⁶⁹ As it happens, Genesis Rabbah asserts that Jacob was assisted by dogs, differing only about whether he used one dog per herd or two.⁷⁰ In addition, it implies that Jacob’s sons were assisted by dogs that were fierce enough to kill a human being.⁷¹

If we assume that Jacob’s very large herd (Gen 30:43) consisted of no more than one thousand animals, the number per shepherd would have been no more than one hundred for most of the day. But it seems possible for Reuben, the brother “endowed with extra strength”⁷² (Gen 49:3), to have watched over the entire herd while his younger brothers ate their meal, especially if he had help from sheepdogs.

⁶²Marc Van De Mieroop, “Sheep and Goat Herding according to the Old Babylonian Texts from Ur,” *Bulletin on Sumerian Agriculture* 7 (1993): 161–82, here 165.

⁶³Robert McC. Adams, “Shepherds at Umma in the Third Dynasty of Ur: Interlocutors with a World beyond the Scribal Field of Ordered Vision,” *JESHO* 49 (2006): 133–69, here 151.

⁶⁴*Ibid.*, 162.

⁶⁵For these assistants, see J. J. Finkelstein, “An Old Babylonian Herding Contract and Genesis 31:38f,” *JAOS* 88 (1968): 30–36, here 31; and Postgate, “Some Old Babylonian Shepherds,” 10.

⁶⁶Fredrik Barth, *Nomads of South Persia: The Basseri Tribe of the Khamseh Confederacy* (Boston: Little, Brown, 1961), 6, cited by Van De Mieroop, “Sheep and Goat Herding,” 173 n. 9.

⁶⁷M. F. Quinlan, “Overlanding,” *Catholic World* 86 (1907–1908): 747–56, here 754.

⁶⁸See Joshua Schwartz, “Dogs in Jewish Society in the Second Temple Period and in the Time of the Mishnah and Talmud,” *JJS* 55 (2004): 246–77; Schwartz, “Dogs, ‘Water,’ and Wall,” *SJOT* 14 (2000): 101–16; and the literature cited there.

⁶⁹See also the commentaries of Abraham Ibn Ezra and Hizkuni on Exod 22:20.

⁷⁰*מדרש בראשית רבה*, ed. Theodor-Albeck, 2:855–56 (73.11 to Gen 30:43), cited by J. Schwartz, “Dogs in Jewish Society,” 254–55.

⁷¹*מדרש בראשית רבה*, ed. Theodor-Albeck, 2:1017 (84.14 to Gen 37:18): “‘They saw him from afar, etc.’: They said, ‘Let’s kill him, let’s sic the dogs on him.’” This midrash is cited by Ramban in his commentary on Gen 37:18.

⁷²For this rendering, see Richard C. Steiner, “Poetic Forms in the Masoretic Vocalization

II. WAS JOSEPH SOLD OR STOLEN?

Genesis 37:27–28

לְכוּ וְנִמְכְּרֵנוּ לְיִשְׁמָעֵאלִים ... וַיִּמְכְּרוּ אֶת־יוֹסֵף לְיִשְׁמָעֵאלִים....

“Come, let us sell him to the Ishmaelites” ... and they sold Joseph to the Ishmaelites....

Genesis 40:15

כִּי־גָנַב גָּנַבְתִּי מֵאֶרֶץ הַעֲבָרִים וְגַם־פֹּה לֹא־עָשִׂיתִי מֵאוֹמָה כִּי־שָׂמוּ אֹתִי בַּבּוֹר:

“For in truth, I was kidnapped from the land of the Hebrews; and here too I have not done anything because of which they put me in the dungeon (lit., pit).”

Genesis 45:4–5

אָנִי יוֹסֵף אֲחֵיכֶם אֲשֶׁר־מְכַרְתֶּם אֹתִי מִצְרַיִם: וְעַתָּה אֵלֶי־תַעֲבֹדוּ וְאֵלֶי־יָחַר בְּעֵינֵיכֶם כִּי־מְכַרְתֶּם אֹתִי הַנֶּה...:

“I am your brother, Joseph, whom you sold into Egypt. And now do not be distressed, and let it not be upsetting to you that you sold me into this place...”

For well over a century critics have asserted that there is a contradiction in the above verses: according to Gen 40:15, Joseph was kidnapped; according to 37:27–28 and 45:4–5, he was sold.⁷³ In addition, they have cleverly interwoven that contradiction with a second one: “In one account, Joseph is *sold* to *Ishmaelites* ...; in the other, he is *kidnapped* by passing *Midianites*.”⁷⁴ This interweaving is speculative, however, because Joseph never identifies his kidnappers.⁷⁵ In any event, word-count constraints make it necessary to present my own solution to the Ishmaelite–Midianite contradiction in a separate, forthcoming article.

and Three Difficult Phrases in Jacob's Blessing: יָתֵר שְׂאֵת (Gen 49:3), יְצוּעֵי עֵלָה (Gen 49:4), and יבֹא שִׁילָה (Gen 49:10),” *JBL* 129 (2010): 209–35, here 210–13, <https://doi.org/10.2307/27821016>.

⁷³See, e.g., August Dillmann, *Genesis*, trans. W. B. Stevenson, 2 vols. (Edinburgh: T&T Clark, 1897), 2:340; Hermann Gunkel, *Genesis*, trans. Mark E. Biddle from the 3rd German ed., 1910, Mercer Library of Biblical Studies (Macon, GA: Mercer University Press, 1997), 387; S. R. Driver, *The Book of Genesis: With Introduction and Notes*, 2nd ed., WC (London: Methuen, 1904), 325; Skinner, *Genesis*, 443; Krzysztof D. Lisewski, *Studien zu Motiven und Themen zur Josefsgeschichte der Genesis*, ESH.T 881 (Frankfurt am Main: Lang, 2008), 128; B. J. Schwartz, “ירידתו של יוסף למצרים,” 7; and many others.

⁷⁴Skinner, *Genesis*, 443.

⁷⁵In the words of an anonymous *JBL* reviewer: “What is the reader to infer from Joseph's claim in 40:15 that he was ‘stolen from the land of the Hebrews’? Is he by implication laying blame at the feet of Midianites, Ishmaelites, or his brothers? The text of 40:15 does not provide any way of resolving the three options, in which case it is difficult to see why the interpretation of 40:15 has played such a key role in the history of source-critical scholarship.”

The attempt to find a contradiction between sale and abduction would, I believe, have struck an ancient Israelite audience as odd. In their time and place, kidnap victims were not held for ransom.⁷⁶ Unless they were women kidnapped for marriage (or something less honorable), they would normally be sold to slave traders, who would quickly spirit them out of the country before a posse of angry kinsmen could hunt them down.⁷⁷ There was even a special idiom used of human trafficking in Northwest Semitic. In Ugaritic, it appears as *mšrm tmkrn*, “they will be sold into Egypt.”⁷⁸ In the Joseph story, we have *מכרתם אתי מצרימה* (Gen 45:4; cf. v. 5 and 37:36). Outside of the Joseph story, we find the idiom used in *הַמָּקוֹם שֶׁמָּכַרְתֶּם אֹתָם שָׁמָּה*, “the place into which you sold them” (Joel 4:7).

This convention is reflected in the only two legal passages in the Pentateuch that deal with kidnapping, both of which mention selling, as well: Exod 21:16: *וְגֵנֵב יוֹמֵת* “Whoever kidnaps a person, whether he has (already) sold that person or that person is (still) in his possession, shall be put to death”; and Deut 24:7: *וְיָמָת בְּרִימְצָא אִישׁ גֵּנֵב נֶפֶשׁ מֵאָחִיו מִבְּנֵי יִשְׂרָאֵל וְהִתְעַמְרְבוּ וּמָכְרוּ וַיָּמָת*, “When a man is found to have kidnapped one of his brethren, one of the Israelites, enslaving or selling him, that kidnapper shall die.”

In these verses, kidnapping and selling are presented as two components of a single capital crime: human trafficking. The rabbis, too, understood the crime of human trafficking as having two components, even if they disagreed among themselves concerning the precise legal relationship between the two.⁷⁹ For example, according to one legal opinion in the Talmud (Sanh. 86b), abduction is not an independent capital crime: *גניבה אתחלתא דמכירה היא*, “kidnapping is (merely) the precursor [lit., beginning] of selling.” Thus, in law as well as custom, the Israelites and their descendants viewed abduction as a prelude to sale, not to any extortion of ransom.

⁷⁶For ransom in other legal contexts (e.g., to redeem prisoners of war), see Raymond Westbrook, “Slave and Master in Ancient Near Eastern Law,” *Chicago-Kent Law Review* 70 (1995): 1631–76, here 1638, 1640, 1645, 1652, 1658–59, 1668–69.

⁷⁷*Ibid.*, 1642: “The safest course was to sell the kidnap victim abroad.” For irate relatives of female kidnap victims, see Gen 34:1–31; Judg 21:21–22; and (in Laban’s false narrative) Gen 31:23, 26, 43.

⁷⁸For Ugaritic *mšrm* meaning “to Egypt” with verbs of motion (*tb*, “go,” and *lk*, “send”) as well as in the aforementioned expression, see Gregorio del Olmo Lete and Joaquín Sanmartín, *A Dictionary of the Ugaritic Language in the Alphabetic Tradition*, HdO 112 (Leiden: Brill, 2015), 2:588. For discussion of this practice (and a different view of the meaning of *mšrm*), see Ignacio Márquez Rowe, “How Can Someone Sell His Own Fellow to the Egyptians?,” *VT* 54 (2004): 335–43.

⁷⁹See *תלמודייה תלמודית*, ed. Meir Berlin and Shelomoh Yosef Zevin (Jerusalem: Hotsa’at Entsiklopedyah Talmudit, 1947–), vol. 5, col. 387, s.v. “גֵּנֵב נֶפֶשׁ.” For a lucid discussion of post-talmudic views of kidnapping and their application to the Joseph story, see Asher Weiss, *מנחת אשר* (Jerusalem: Mekhon Minhat Asher, 2011), 420–25. I am indebted to S. Z. Leiman for the latter reference.

The relevance of this fact to the Joseph story was pointed out a century ago by Benno Jacob: “When Joseph subsequently refers to himself once as ‘stolen’ and another time as ‘sold,’ these are not variants of two different authors but rather the constituent halves of one crime.”⁸⁰ He was followed by Simon Rubin, who argued more simply that “anyone who sells a free human being against his/her will commits a theft.”⁸¹ A similar point was made later by Kidner: “It is a quibble ... to treat Joseph’s word ‘stolen,’ in 40:15, as contrary to the buying and selling *motif*, as if the sale had been an honest one. Indeed, Deuteronomy 24:7 makes it clear (if it needs saying at all) that kidnapping with a view to sale is stealing of a particularly heinous kind.”⁸²

Such legal arguments are correct as far as they go; however, they omit a crucial point. It appears that, when Joseph declares that he was stolen from the land of the Hebrews, he is referring, in part, to what his *brothers* did to him. They were the ones who initiated the abduction, at the moment when they deprived him of his freedom in a pit.⁸³ The root גנב is quite properly applied to their action—in both Biblical Hebrew⁸⁴ and Mishnaic Hebrew. In m. Sanh. 11:1, for example, גנב is used of abducting a family member—even one’s own child: הגונב את בנו רבי ישמעאל בנו של רבי יוחנן בן ברוקה מחייב מחייב וחכמים פוטרין Ishmael, son of R. Johanan b. Beroqa, declares him liable, while the Sages declare him exempt.” The fact that, according to one opinion, no *legal* penalty is incurred, does not negate the *linguistic* usage. In the same mishnah, גנב is used of a kidnapping in which the victim is not brought into the kidnapper’s domain: הגונב נפש מיראלי אינו חייב עד שיכניסנו לרשותו רבי יהודה אומר עד שיכניסנו לרשותו וישתמש בו, “One who kidnaps one of (the people of) Israel is not liable (to the death penalty) until he brings him into his domain. R. Judah says, ‘until he brings him into his domain and makes use of him.’” Here again, the absence of a legal penalty is irrelevant to the question of linguistic usage. In both cases, the usage of גנב in the Mishnah happens to be relevant to Joseph story, supporting the interpretation of גנבתו adopted here.

The idea that גנבתו refers to an action of Joseph’s brothers is hardly new. According to Exod. Rab. 20:18 (to Exod 13:19), Joseph adjured his brothers, saying, “I beg of you, my brothers: it was from (the region of) Shechem that you stole me (when I was) alive, so please return my bones to Shechem (after my death).”⁸⁵

⁸⁰ Benno Jacob, *Quellenscheidung und Exegese im Pentateuch* (Leipzig: Kaufmann, 1916), 78.

⁸¹ Simon Rubin, *Biblische Probleme: Die Josephsgeschichte in neuer Beleuchtung* (Vienna: n.p., 1931), 25; see also 26.

⁸² Kidner, *Genesis*, 185 (italics original).

⁸³ According to Weiss (מנחת אשר, 421, 422), abduction is defined in Jewish law as deprivation of freedom in a secret location.

⁸⁴ Umberto (M. D.) Cassuto, *La questione della Genesi* (Florence: Felice le Monnier, 1934), 358 = Cassuto, *ספר בראשית ומבנהו*, trans. M. H. Artom (Jerusalem: Magnes, 1990), 301.

⁸⁵ מדרש רבה על חמשה חומשי תורה וחמש מגילות (Jerusalem: Lewin-Epstein, 1962), 1:153b.

Genesis Rabbah 84:6 asserts that Joseph was stolen *twice*, an assertion that Zev Wolf Einhorn takes to mean that “Joseph was stolen first by his brothers, who threw him into the pit, and after that the Ishmaelites stole him from the pit.”⁸⁶ Horst Seebass, despite his source-critical approach to the Joseph story, comes to a similar conclusion: “The kidnapping had been committed by the brothers and continued by the Midianites.”⁸⁷ It has even been suggested that Deut 24:7 contains a subtle allusion to what Joseph’s brothers did to him: כִּי־יִמְצָא אִישׁ גִּבַּשׁ נַפְשׁ מֵאֶחָיו, “when a man is found to have kidnapped one of his *brothers*.”⁸⁸

This understanding of גִּבַּשׁ is supported by close reading of its context in Gen 40:15. The key phrase in that verse, וְגַם־פֶּה, has not received sufficient attention.⁸⁹ Joseph’s use of this phrase implies that he views two pivotal events in his life as similar, but what similarity did he perceive? Joseph’s assertion can be interpreted strictly (דוּקָא) or loosely (לֹא־דוּקָא). His fellow prisoner(s), who knew nothing of Joseph’s previous confinement in a בּוֹר, interpreted it loosely: “Here too (as in the land of the Hebrews), I have done nothing to deserve losing my freedom.” Those in the know—Joseph himself and later audiences—interpreted it strictly: “Here too (as in the land of the Hebrews), I have done nothing to deserve losing my freedom *in a בּוֹר*.”⁹⁰ According to this latter interpretation of Gen 40:15, the verb גִּבַּשׁ refers to what happened to Joseph beginning in Gen 37:24, not in 37:28. The crime of the brothers has two components: (1) the unlawful (“false”) imprisonment in a pit; and (2) the unlawful sale to human traffickers. In Gen 40:15, Joseph refers to the first component when, in speaking of his abduction, he implies (in one reading) that it involved confinement in a בּוֹר; and he alludes to the second when he uses the phrase מֵאֶרֶץ הָעֵבְרִים.

For all of these reasons, the ancient audience would not have perceived a *contradiction*. But what about an *inconsistency*? Would they not have wondered why Joseph, in speaking to his fellow prisoner(s), speaks of the abduction component of the crime rather than the sale component mentioned elsewhere in the Joseph story? I suggest that their cultural literacy would not have left them wondering very long. Here, too, the solution was obvious to a number of medieval and

⁸⁶ פירוש מהרז"ו ... ספר מדרש רבה ... (Wilna: Romm, 1855), 977.

⁸⁷ Seebass, *Genesis*, 3:58.

⁸⁸ Dominik Markl and Alexander Ezechukwu, “‘For You Know the Soul of a Stranger’ (Exod 23:9): The Role of the Joseph Story in the Legal Hermeneutics of the Pentateuch,” *ZABR* 21 (2015): 215–32, here 226–27. This suggestion, cited as a possibility by Genung (*Composition of Genesis* 37, 40 n. 5), is reminiscent of מֵדֶרֶשׁ בְּרֵאשִׁית רַבָּה, ed. Theodor-Albeck, 2:1020 (84.16 to Gen 37:24): “It is written, ‘when a man is found to have stolen one of his brothers ...’ and (here) you are selling (var. stealing) your brother.”

⁸⁹ For an interpretation that does pay attention to this phrase, see Benno Jacob, *Das erste Buch der Torah: Genesis* (Berlin: Schocken, 1934), 739.

⁹⁰ I am indebted to Adina Moshavi for helping me to clarify these interpretations. The use of בּוֹר in both Gen 37:20 and 40:15 has been noted by a number of modern scholars; see, e.g., Polak, *מֵבְרַח בְּמִקְרָא*, 24; Sarna, *Genesis*, 279; Hamilton, *Genesis 18–50*, 481; and Jürgen Ebach, *Genesis 37–50*, HThKAT (Freiburg: Herder, 2007), 205, 214–15.

modern readers.⁹¹ In attempting to persuade others to work for his release, Joseph needs to present himself as being above suspicion, and he tailors his account accordingly. He highlights the abduction aspect of his story, rather than the sale aspect, because freeborn people who are abducted are normally innocent victims, while those who are sold may be criminals (as in Exod 22:2). Either formulation of his narrative would have been true, but one of them would have raised uncomfortable, unwelcome questions about Joseph's character.

III. CONCLUSIONS

Critical scholars of all persuasions assert that the Joseph story gives contradictory answers to two related questions: (1) Were Reuben and his brothers *present* or *absent* when Joseph was first acquired by traders? (2) Was Joseph *sold* or *stolen*? They argue that these contradictions necessitate a diachronic solution of some sort, be it documentary or supplementary.

The evidence presented above, however, supports a different conclusion: the perception of contradiction in these two cases is an artifact of the cultural gap between modern readers and the ancient Israelites. The evidence suggests that an ancient Israelite audience would have resolved these contradictions based on their knowledge of the cultural conventions of herding and human trafficking in their society—conventions that the narrative takes for granted but that are not always fully familiar to modern readers.

If this is so, diachronic answers to questions (1) and (2) are superfluous. The principle that a plausible synchronic explanation obviates the need for diachronic explanations, at least in the Joseph story, is well within the mainstream of modern critical scholarship, which, in recent decades, has gradually abandoned diachronic explanations of the repetition of *ויאמר* in Gen 37:21–22 in favor of a plausible synchronic explanation.⁹² Thus, those who have a predilection for diachronic explanations should focus not on ancient textual developments but on modern cultural, economic, and legal shifts, such as the decline of herding and slavery. Such shifts are responsible, at least in part, for the cultural gaps discussed in this study.

⁹¹ See Bekhor Shor, *פירוש בבור שור*, 73 vv. 14–15; Aaron b. Yose, *ספר הגן*, ed. Y. M. Orlian (Jerusalem: Mossad Harav Kook, 2009), 190 v. 15; Jacob b. Asher, *על התורה*, ed. Y. M. Orlian (Jerusalem: Stern, 1961), 88; Arnold B. Ehrlich, *מקרא בפשוטו*, 3 vols. (Berlin: Poppelauer, 1899), 1:109; Kitchen, “Joseph,” 658; Moshé Anbar (Bernstein), “Changement des noms des tribus nomades dans la relation d’un même événement,” *Bib* 49 (1968): 221–32, here 225; and Hamilton, *Genesis 18–50*, 424. Cf. Jacob, *Quellenscheidung und Exegese*, 79; and Polak, *הסיפור במקרא*, 173.

⁹² See Richard C. Steiner, “‘He Said, He Said’: Repetition of the Quotation Formula in the Joseph Story and Other Biblical Narratives,” *JBL* 138 (2019): 473–95, here 482–83, <https://doi.org/10.15699/jbl.1383.2019.644838>. See also n. 30 above, together with Okham's razor.

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