What Did Ham Do to Noah?

by

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The biblical story of Noah's drunkenness and curse of Canaan (Gen 9:20-29) remains problematic. The three core difficulties are: why was Noah's curse one of slavery; why was the curse pronounced against Canaan, when it was his father, Ham, who committed the crime against Noah; and what was it that Ham did to Noah?[1] Even the discoveries of the Ugaritic myths have not much helped in solving these problems. The parallels to the story of the drunken El and his three sons, Thukamuna (*ṯkmn*), Shunama (*šnm*) and Haby (*ḥby*), may indicate a shared literary or other background at some point, but the parallels are too general to help us elucidate the Noah story in its particulars, or to shed light on the names of Noah's sons, Shem, Ham, and Japhet.[2] Similarly unhelpful have been other efforts of explanation based

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[1] These and other problems in the biblical story and the various proposed solutions are reviewed lately by H.C. BRICHTO, *The Names of God: Poetic Readings in Biblical Beginnings* (New York/Oxford, 1998), 167-176; see also the opening pages of O.P. ROBERTSON, "Current Critical Questions concerning the 'Curse of Ham' (Gen 9:20-27)," *Journal of the Evangelical Theological Society* 41.2 (1998) 177-188.

[2] While the first two dutiful sons support their drunken father, Haby berates him. The Ugaritic text has been most recently translated by T. LEWIS in *Ugaritic Narrative Poetry*, ed. S.B. PARKER ([Atlanta], 1997), 194, whose interpretation "berates" I have adopted. The basic meaning of the Ugaritic *ngš* is 'to pursue' (Gregorio del Olmo Lete and Joaquín Sanmartín, translated by Wilfred G.E. Watson, *A Dictionary of the Ugaritic Language*, Leiden, 2003, 2:623) or 'oppress' (David Clines, *Dictionary of Classical Hebrew*, Sheffield, 1993, 5:614, s.v. *ngś*). Bibliography on the text may be found in B. MARGALIT, "The Ugaritic Feast of the Drunken Gods: Another Look at RS 24.258 (*KTU* 1.114)," *Maarav* 2.1 (1979-80) 65-66, nn. 1-2. For a discussion of the possible relationship between the biblical story and the Ugaritic myth, see M. GARSIEL, *Parallels between the Book of Jeremiah and the Book of Psalms* (Ph. D. diss., Tel Aviv Univ., 1973) 1:100, and idem, *Biblical Names: A Literary Study of Midrashic Derivations and Puns* (Ramat Gan, 1991), 139-140. See also S. LOEWENSTAMM, *Enṣiqlopedya Miqraʾit* (Jerusalem, 1950-88) 3:163, s.v. *ḥām*, and K. VAN DER TOORN, *Family Religion in Babylonia, Syria and Israel* (Leiden, 1996), 154-155. On the origin of the names *ṯkmn* and *šnm*, see D. PARDEE, "*ṮUKAMUNA WA ŠUNAMA*," *Ugarit Forschungen* 20 (1988) 195-199; *Dictionary of Deities and Demons in the Bible*, ed. K. VAN DER TOORN, B. BECKING, P. W. VAN DER

on Greek myths of a universal flood and the repopulation of the earth from Iapetus, one of the Titans.[3]

The rabbinic explanations of the story also present us with enigmatic elements. The Babylonian Talmud (*San* 70a) records a debate between two third-century sages, Rav and Samuel, regarding the act that Ham committed against his father ("Noah awoke from the effects of the wine and knew what his youngest son had done to him"; beyond this the Bible is silent). Rav said that Ham castrated his father, Noah; Samuel said that he sodomized him. On what basis did Rav and Samuel come to these conclusions? Certainly the curse of slavery is a severe punishment and demands a correspondingly severe crime, but why specifically castration and sodomy? In a (somewhat) different age, these rabbinic interpretations were derisively dismissed by Raoul Allier, then Dean of the Faculté libre de théologie protestante of Paris, as

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HORST (Leiden, ²1999), s.vv. *thykamuna*, *shunama*, *haby*. It was considered obligatory in Ugaritic culture for a son to care for his drunken father. See *KTU* 1.17 i 30-31 (Aqhat) (M DIETRICH, O. LORETZ, J. SANMARTÍN, *The Cuneiform Alphabetic Texts*, Münster, 1995, 48; *Ugaritic Narrative Poetry*, 53; J.C.L. GIBSON, *Canaanite Myths and Legends*,Edinburgh, 1977, p. 104, lines 31-32), which lays out the main responsibilities of a son toward his aged father among which are that he "take him by the hand in his drunkenness, and support him when he is sated with wine." As VAN DER TOORN remarks, these filial duties are projected upon the world of the gods in the El myth (VAN DER TOORN, ibid., whose translation of Aqhat I follow). According to BENO JACOB respect for the father is the theme of the story of Noah's drunkenness (B. JACOB, *The First Book of the Bible: Genesis*, abridged, edited and translated by E.I. JACOB and W. JACOB, New York, 1974, p. 68 to Gen 9:28). Another attempt to explain the story against the background of the ancient Near Eastern context (curses threatening a position of authority) was made by S. GEVIRTZ, *Curse Motifs in the Old Testament and the Ancient Near East* (Ph.D. diss. University of Chicago, 1959), 147-148.

[3] Pindar, *Olympian Odes* 9.49-57. The name Iapetus "yields no plausible Greek etymology, and it is far from unlikely that it is to be connected with that of Japhet son of Noah, both probably going back to some very old figure of Asianic mythology, variously handled by Greek and Hebrew tradtion" (H.J. ROSE in *Oxford Classical Dictionary*, ed. N.G.L. HAMMOND and H.H. SCULLARD, Oxford, ²1970, s.v. Iapetos; see also *Dictionary of Deities*, 462-63). Similarly, BASTOMSKY argues for a connection between the biblical and Greek stories ("Noah, Italy, Sea-Peoples," *JQR* 67 [1976-77] 148, n. 7 and 152), as do A. VAN SELMS, "Judge Shamgar," *VT* 14 (1964) 308, and DAVID NEIMAN "The Two Genealogies of Japhet," in *Orient and Occident*. FS Cyrus Gordon, AOAT 22, ed. H.A. Hoffner (Neukirchen-Vluyn, 1973), p. 123; cf. S. SCHIPPER in the German *Encyclopaedia Judaica* (Berlin, 1928) 8:753-754, s.v. Jafet, and S.A. LOWENSTAMM in *Enṣiqlopedya Miqraʾit* 3:746, s.v. *yefet* . The account in the *Sibylline Oracles* 3.97-155 (*Old Testament Pseudepigrapha*, ed. J. CHARLESWORTH, Garden City NY, 1983, 1:364-365), dated to the mid-second century BCE, may be a echo of the same shared tradition, or it may be an attempt to accommodate the Greek story of three sons of Gaia and Ouranos (Iapetos, Kronos, Titan) to the biblical narrative of the Tower of Babel. The *Sibylline Oracle* "is here recasting Hesiod's *Theogony*" (R. HUGGINS, "Noah and the Giants: A Response to John C. Reeves," *JBL* 114 (1995) 106n17). On the Third Sibyl in general, see now J.J. COLLINS, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora*, (Grand Rapids, ²2000), 83-97, 160-165.

"born in the ghetto, of the feverish and sadistic imagination of some rabbis."[4] This paper will attempt a more enlightened answer.

What did Ham do to Noah? While this paper will focus on the two rabbinic interpretations of castration and sodomy, it should be noted that the biblical text itself has been subject to numerous explanations, most of which (whether modern or premodern) assume that Ham must have done something to his father although the biblical narrative claims that he only looked at him.[5] It is generally felt that looking alone is insufficient reason for the grave punishment of eternal servitude. But the act of looking at another's genitals may indeed have been a grievous crime. Among the sex omens of Mesopotamia, contained in a first-millennium BCE collection of omens called *šumma ālu*, we find the following: "If a man repeatedly stares at his woman's vagina, his health will be good; he will lay his hands on whatever is not his. If a man is with a woman (and) while facing him she repeatedly stares at his penis, whatever he finds will not be secure in his house." ANN GUINAN, who published and analyzed these omens, says that they "turn on the understanding that 'seeing' is an act of

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[4] *Une énigme troublante: la race nègre et la malédiction de Cham*. Les Cahiers Missionnaires no. 16 (Paris, 1930), 16-19, 32. The English statesman, Henry St. John Bolingbroke (d. 1751) goes further in his comment on the biblical story and Noah's curse of slavery: "No writer but a Jew could impute to the economy of Divine Providence the accomplishment of such a prediction, nor make the Supreme Being the executor of such a curse" (quoted in S. HAYNES, *Noah's Curse: The Biblical Justification of American Slavery*, Oxford, 2002, 284).

[5] Reviews of the various explanations are found in John Sietze Bergsma, "Noah's Nakedness and the Curse on Canaan (Genesis 9:20-27), *JBL* 124 (2005) 25-40, A. P. ROSS, "The Curse of Canaan," *Bibliotheca Sacra* 137 (1980) 228-231, and W. VOGELS, "Cham découvre les limites de son père Noé (Gn 9, 20-27)," *Nouvelle Revue Théologique* 109 (1987) 554-573. See also the bibliography in G.J. WENHAM, *Genesis 1-15* in the Word Biblical Commentary series (Waco Texas, 1987), 197, and add now HAYNES, *Noah's Curse*, 184-187, HOWARD EILBERG-SCHWARTZ, *God's Phallus and Other Problems for Men and Monotheism* (Boston, 1994), 91-97, and Martii Nissinen, *Homoeroticism in the Biblical World* (Minneapolis, 1998; originally published in Finnish, 1994), pp. 52-53 with notes. A common explanation claims that Ham's act consisted of incest with his mother. This is found as early as 1696 by VON DER HARDT (*Ephemeridum philologicarum*, Helmstadt, 1696, 47-49 as cited by D. C. ALLEN, *The Legend of Noah: Renaissance Rationalism in Art, Science, and Letters*, Urbana, 1963, 78, and as late as 2005 in Bergsma's article; see also P. BAYLE, *Dictionaire historique et critique*, Amsterdam, ⁵1740; first published in 1697 and repeatedly published thereafter, s.v. *Cham*, which quotes Von der Hardt), and in 1852 by JOSIAH PRIEST, *Bible Defense of Slavery; and Origin, Fortunes, and History in the United States*, 152-53. For modern attempts at this explanation, see GEVIRTZ, *Curse Motifs* (above, n. 3), 91-96; idem, "A Father's Curse," *Mosaic* 2-3 (1969) 56-61; F.W. BASSETT, "Noah's Nakedness and the Curse of Canaan: A Case of Incest?" *VT* 21 (1971) 232-37; K. LUKE, "Noah's Curse, Gen. (9:18-27)," *Indiana Ecclestiastical Studies* 12 (1973) 199-214. . See also G. RICE, "The Curse that Never Was (Genesis 9:18-27)," *The Journal of Religious Thought* 29 (1972) 13. HAYNES thinks that Priest was "apparently following the rabbinic midrashic tradition" (S. HAYNES, "Original Dishonor: Noah's Curse and the Southern Defense of Slavery," *The Journal of Southern Religion* 3 [2000] 4n14). To my knowledge there is no such rabbinic tradition.

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taking. Power is wielded by the subject who looks at another. To be the object of a look makes one vulnerable and exposed…. [S]crutinizing observation could be a breach of boundary.…" Such a look can "undermine" one's "mastery and control."[6] To my knowledge, this material has not been utilized to explain the Noah incident. If GUINAN's interpretation of the texts is correct, it may help explain the grievous nature of Ham's act as well as the punishment of slavery. For if looking at another's genitals will gain one "mastery and control," then an appropriate biblical punishment for such an act would be a loss of mastery and control, i.e., servitude. In any case, whether GUINAN's explanation of the texts is correct or not, the omens clearly indicate the power of the act of looking at another's genitals in the Mesopotamian world, and this may provide the necessary context in which to explain at least one aspect of the biblical story, that is, what Ham did to Noah .

As for the rabbinic interpretations of castration and sodomy, surely the scene of Noah lying naked in his tent would suggest a sexual crime, and the Hebrew expression *raʾah ʿerwah* would indeed make one think of a sexual act (cf. Lev 20:17).[7] In addition, the very name *Ḥam,* may have further suggested a sexual act since the roots *ḥmm* and *yḥm* can connote the sense of sexual heat, the former in Biblical Hebrew (Isa 57:5), and the latter in Palestinian Aramaic.[8] I suggest, however, that Rav and Samuel had more specific pegs upon which to hang their interpretations. Samuel's interpretive fulcrum is the biblical phrase *ašer ʿaśah lo beno ha-qaṭan*, 'that which his younger son had done to him.' Since, however, aside from looking, no other act is indicated in the story, Samuel may have understood the act to have been the verb *ʿaśah* itself, interpreting the text as "he *ʿaśah*ed Noah." Now, *ʿśh,* 'to press' occurs in Hebrew and cognate languages with a specific sexual connotation. Ezek 23:3 (similarly 23:8): "They played the whore in Egypt … there were their breasts

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[6] A. K. GUINAN, "Auguries of Hegemony: The Sex Omens of Mesopotamia," *Gender and History* 9 (1997) 466.

[7] See S.D. KUNIN, *The Logic of Incest: A Structuralist Analysis of Hebrew Mythology* (Sheffield, 1995), 174, and M. GRUBER, *Aspects of Nonverbal Communication in the Ancient Near East* (Rome, 1980) 2:532-533.

[8] So already Saadiah (and from him to Ibn Janaḥ), as cited by S. ABRAMSON, *Mi-pi Baʿale Leshonot* (Jerusalem, 1988), 287. So too in Ugaritic in the derived forms *ḥmḥm,* 'glow with love,' *ḥmḥmt,* 'heat of passion' (K.-M. BEYSE in *The Theological Dictionary of the Old Testament,* ed. G. J. BOTTERWECK and H. RINGGREN, translated by D. E. GREEN, Grand Rapids, 1990, s.v. *ḥmm*). A sexual connotation for the Hebrew root *ḥwm* was accepted in L. KOEHLER, *Lexicon in veteris testamenti libros* (Leiden, 1958), but, as Beyse notes, dropped in the third edition: *Hebräisches und aramäisches Lexikon zum alten Testamant,* ed. L. KOEHLER, W. BAUMGARTNER, et al. (Leiden, 1967-96); English translation: KOEHLER, BAUMGARTNER, J. J. STAMM, *The Hebrew and Aramaic Lexicon of the Old Testament,* trans. M.E.J. RICHARDSON (Leiden, 1994-2001). For Aramaic, see MICHAEL SOKOLOFF, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period* (Ramat Gan, 1990), s.vv. *yḥm, yḥmw*.

squeezed (*moʿakhu*, מעכו) and there they pressed (*ʿiśśu*, עשו) their virgin nipples"; Ezek 23:21, "when your nipples were pressed (*baʿaśot*) in Egypt."[9] Similarly, in Ugaritic *ʿšy* is used to mean 'sexually molest' (*grš.d.ʿšy.lnh*, 'who may drive away any who would molest his guest'), and in Arabic *ġšw* (*ġšy*), the root meaning of which is 'to cover, conceal,' can mean 'to compress,' metonymically used for the sexual act where the object of the act can be man or woman: 'he compressed her,' 'he did to him a forbidden action' (*ġašiya ilayhi maḥkhirān*).[10] Thus, Samuel midrashically read *ʿśh* in the verse (whether as a *piʿel* or not) to mean 'he sodomized him.'

So much for the explanation of sodomy. How was the rabbinic interpretation of castration derived?[11] While Samuel's solution, according to my proposal, was

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[9] In 23:21 MSS Leningrad and Aleppo have *baʿśot*, which is contracted from the *piʿel*, as opposed to the *qal* (*baʿaśot*) in the printed editions of MT; see M. GREENBERG in the Anchor Bible series, *Ezekiel 21-37* (New York, 1997), ad loc. The word is also found in Biblical Hebrew in a nonsexual sense (Ps 139:15), as it is as well in Tannaitic Hebrew (e.g., *mGiṭ* 9.8: *get meʿuśeh*), Amoraic Hebrew, Babylonian Talmudic Aramaic, Jewish Palestinian Aramaic, Ugaritic, and Arabic; see *HALOT* 2:892-983, s.v. *ʿasah* II, and M. JASTROW, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (London/New York, 1903), 1125.

[10] Ugaritic: *KTU* 1.17 i 29 (see references in note 2, above). For a discussion of the various interpretations of *ʿšy*, see B. MARGALIT, *The Ugaritic Poem of AQHT* (Berlin, 1989), 274-276. Arabic: E. W. LANE, *An Arabic-English Lexicon* (London, 1863), 2261; see also H. WEHR, *A Dictionary of Modern Written Arabic*, ed. J. M. COWAN (Ithaca, ³1976), 674.

[11] For scholarly discussions of the rabbinic explanation of castration, see A. I. BAUMGARTEN, "Myth and Midrash: Genesis 9:20-29," in J. NEUSNER ed., *Christianity, Judaism and Other Greco-Roman Cults* (Leiden, 1975) 3:65n57, 70n83, and C. WESTERMANN, *Genesis 1-11: A Commentary*, English translation by J. SCULLION (Minneapolis, 1984), 482 and 486. Many have pointed out the parallels to the Greek myth of Ouranus who is castrated by his son, Kronos, or the Hittite-Hurrian myth of the god Kumarbi who castrated his father Anu; see *Dictionary of Deities* (above, n. 2) 462-63, 642-43. These parallels are too general to be of much help. GOLDZIHER'S attempt to see the Noah story as representative of solar myths, in which Night (Ham, the black son) overcomes Day (Noah) with the weakening of the sun's rays toward evening (*Mythology among the Hebrews*, trans. R. MARTINEAU, New York, 1967, 131) is not only far-fetched but also assumes an etymologically incorrect relationship between Ham and *ḥmm, ḥwm*, on which point see D. GOLDENBERG, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam* (Princeton, 2003), 141-156. Also unlikely is the thesis of N. KOLTUN-FROMM that the castration interpretation was an attempt to counter the Christian view that saw Noah as "a significant biblical ancestor to the Christian Messiah…. By denigrating Noah's character the rabbis can question Christian biblical exegesis if not Christianity itself" ("Aphrahat and the Rabbis on Noah's Righteousness in Light of the Jewish-Christian Polemic," in *The Book of Genesis in Jewish and Oriental Christian Interpretation*, ed. J. FRISHMAN and L. VAN ROMPAY, Louvain, 1997, 67-68). This argument is problematic because the castration of Noah does not denigrate Noah's character but that of the castrator, Ham. In rabbinic literature, to the contrary, Noah's character is generally righteous, building upon the biblical description. Another rabbinic contravention thesis, and just as unlikely, was suggested by S. GERO, who thinks that the castration idea may have derived from

linguistically based (ʿaśah), Rav may have sought a solution from a different direction. Assuming the principle of *midah keneged midah* (measure for measure), a principle well-established at his time (see *mSoṭ*, end chap. 1), which sees punishment as aptly related to the crime, Rav would have looked to Ham/Canaan's punishment to discern Ham's crime.[12] This approach would be similar to "reverse engineering," which KUGEL likens to the study of midrashic motifs, in which the finished product is examined in an attempt "to recreate the thinking and procedures that led up to its having the form and components that it has."[13] Rav, then, would have sought to understand the nature of slavery, the punishment meted out to Canaan.

In a seminal study on slavery, ORLANDO PATTERSON wrote: "Perhaps the most distinctive attribute of the slave's powerlessness was that it always originated (or was conceived of as having originated) as a substitute for death…. Archetypically, slavery was a substitute for death in war. But almost as frequently, the death commuted was punishment for some capital offense, or death from exposure or starvation…. The master was essentially a ransomer. What he bought or acquired was the slave's life."[14] Speaking of Roman legal literature, KEITH BRADLEY says,

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an effort to suppress a branch of Judaism which had Nimrod and Yonṭon, Noah's fourth son born after the flood, as its heroes. A legend about a postdeluvian fourth son of Noah, is found in the Syriac *Book of the Cave of Treasures*, the *Apocalypse of Pseudo-Methodius* (also Syriac), and later Jewish and Christian literature (S. GERO, "The Legend of the Fourth Son of Noah," *HTR* 73 [1980] 321-330). Gero's hypothetical reconstruction of this branch of Judaism, according to C. LEONHARDT, "is based on several hardly verifiable assumptions"; see C. LEONHARD, "Observations on the Date of the Syriac *Cave of Treasures*," in *The World of the Aramaeans*, ed. P.M. M. DAVIAU et al. (Sheffield, 2001) 1:287n112. On the question of whether Theophilus of Antioch (2nd century) refers to the same castration tradition with his remark that "some call [Noah] a eunuch," see S. GERO, "The Legend of the Fourth Son of Noah," 321n2. VOGELS thinks he does; see "Cham découvre les limites" (above, n. 5), 556. The references to "Berossus the Chaldaean," who mentioned Ham's castration of Noah, found in the works of Solomon b. Melekh (*Mikhlol Yofi*, Amsterdam, 1684, Gen 9:22) and Obadiah Sforno (*Commentary to the Pentateuch*, ed. Z. GOTTLIEB and A. DAROM, Jerusalem, 1980, Gen 9:22) is not the Berosus of antiquity, fragments of whose works have been preserved in classical writers, but the 1498 edition of Johannes Annius Viterbensis (d. 1502) who overlaid the original fragments with "a vast quantity of fabulous material" and whose work is known as "Berosus Annianus." See A. WILLIAMS, *The Common Expositor: An Account of the Commentaries on Genesis 1527-1633* (Chapel Hill, 1948), 143n7. The fragments of the original Berossus with commentary have been published by S. M. BURSTEIN, *The Babyloniaca of Berossus* (Malibu, 1978). On pseudo-Berosus, see further D. C. ALLEN, *The Legend of Noah* (above, n. 5), 114ff.

[12] The *midah* principle is employed already in the Bible; K. LUKE, "Noah's Curse" (n. 5, above) 214n34 cites as an example Gen 29:17, 21-26 with reference to Jacob's cheating his blind father.

[13] J. KUGEL, *In Potiphar's House* (New York, 1990), 251.

[14] O. PATTERSON, *Slavery and Social Death* (Cambridge Mass., 1982), 5.

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"Slavery is equated with death"; "we compare slavery closely with death."[15] Similarly, in explaining the Roman imperial proscription of selling freeborn children (or bonding them) to slavery, JOHN BOSWELL wrote: "Slavery was not simply a fate 'worse than death' – it *was* death in the eyes of the law, since slaves were not legally persons."[16]

Just as the first and most distinctive attribute of slavery is the substitution for death, so "the second constituent element of the slave relation," according to PATTERSON, is his status "as a socially dead person…. He ceased to belong in his own right to any legitimate social order…. Not only was the slave denied all claims on, and obligations to, his parents and living blood relations but by extension … on his more remote ancestors and on his descendants. He was truly a genealogical isolate." The condition of the slave is one of "natal alienation … the loss of ties of birth in both ascending and descending generations," of which the slave's social death was the "outward conception." "The slave will remain forever an unborn being (non-né)."[17] This aspect of slavery was recognized in Roman law and literature.[18] As BRADLEY said, "By definition, slaves were kinless."[19] Such a status is also presumed in tannaitic law: the slave has no legally valid ties of kinship with his/her offspring. They are not legally related (nor are the offspring to each other).[20]

Thus one who becomes a slave is 'dead' although not truly dead. In a process of *midah-keneged-midah* reverse engineering Rav would have reasoned: what act could Ham have done to Noah to have caused a dead-but-not-dead punishment? The *midah* principle would require that whatever that act was, it would have had to affect all future descendants of Noah with the same dead-but-not-dead status, for the biblical punishment is one of *eternal* slavery, that is the 'death' of Canaan and all his future descendants. Furthermore, the dead-but-not-dead status could not affect Noah himself, for Ham, who committed the crime, was not himself cursed. Now castration, Rav might have continued, fulfills these requirements, for by causing a continuing loss of all potential life into the future one is causing the 'death' of

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[15] K. BRADLEY, *Slavery and Society at Rome* (Cambridge UK, 1994), 25

[16] J. BOSWELL, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York, 1988), 67-68.

[17] O. PATTERSON, *Slavery and Social Death*, 5, 7-8, 38. On this notion, see also C. MEILLASSOUX, *The Anthropology of Slavery*, trans. A. DASNOIS (Chicago, 1991; original French 1986), 99-107.

[18] PATTERSON, *Slavery and Social Death*, 40.

[19] K. BRADLEY, *Slavery and Society at Rome*, 27.

[20] P. V. M. FLESHER, *Oxen, Women, or Citizens: Slaves in the System of the Mishnah* (Atlanta, 1988), 94-101. One can even see this essential element of slavery in modern literature. TONI MORRISON demonstrates that the "natally dead" status of the slave is an implicit assumption in WILLA CATHER'S novel *Sapphira and the Slave Girl* published in 1940 (T. MORRISON, *Playing in the Dark: Whiteness and the Literary Imagination*, New York, 1992, 21-23).

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Noah's potential descendants.[21] That is, Noah's future generations, which until the act of castration would have been born, will now forever be "unborn being(s)," non-nés, and are thus 'dead' although not truly dead. In sum, Ham brought about a status of 'death' on Noah's descendants. As punishment paralleling the crime, therefore, Ham's descendants, through the line of Canaan, were eternally enslaved, remaining forever 'dead,' in PATTERSON'S terms: unborn beings, non-nés.[22] I suggest that this reasoning, together with the sexual context of the biblical scene, was behind Rav's interpretation of the biblical story as one of castration.

The concept of slavery as social death would have certainly occurred to Rav. Not only does tannaitic law incorporate the concept, as indicated above, but an aggadic midrash seems also to know of it:

> Wine separated (*hifriš*) Noah from his children in regard to slavery … for on account of it he said, "Cursed be Canaan, a slave of slaves…."[23]

The definition of a slave as "a genealogical isolate" could not be more clear than in the statement that Noah was separated from his children in regard to slavery. A secondary development of this midrash incorporates the same idea:

> Our Rabbis taught: Since Ham saw the nakedness of his father, although he [Ham] did not curse him, he and his descendants were nevertheless distanced (*nitraḥeq*) forever. How much more so (*ʿal aḥat kamah we-khamah*) one who curses his father.[24]

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[21] Cf. Josephus's (Ant. 4.290) designation of eunuchs as "slaughterers of children" (τέκνων σφαγῇ), and the rabbinic explanation of biblical *karet* as either premature death (*bMQ* 28a) or childlessness (*bYev* 55a).

[22] Why it was only through Canaan's lineage is another matter, which does not affect Rav's line of reasoning. On this question of why the curse was restricted to Canaan of all the sons of Noah, see D. GOLDENBERG, *The Curse of Ham* (n. 11, above), 158.

[23] *Leviticus Rabba* 12.1 (ed. M. MARGULIES, 253) and *Esther Rabba* 5.1. The redaction date of *LevR* is believed to be between 400 and 500 CE and *EstR* secs. 1-6 "after around 500 CE"; see GÜNTER STEMBERGER, *Introduction to the Talmud and Midrash*, trans. and ed. M. Bockmuehl (Edinburgh, ²1996), 290-91, 318-19.

[24] *Tanḥuma, Qedoshim* 15 (= *Tanḥuma,* ed. Buber, *Qedoshim* 15, 40a). MS Munich 224, f. 11b reads *nistares* ('castrated') instead of *nitraḥeq*! I presume that this is but scribal contamination based on Rav's statement in *bSan* 70a. The *Tanḥuma* passage is quoted in *Yalquṭ Shimeʿoni*, Proverbs 959, s.v. *ube-taḥbulot*, without variant. According to M. BREGMAN, *The Tanhuma-Yelammedenu Literature: Studies in the Evolution of the Versions* (Piscataway NJ: Gorgias, 2003), pp. 166-167, 186, 188, the earliest stratum of *Tanḥuma* (the 'Vorlage') is characterized by material shared by both editions of *Tanḥuma* ('printed' and 'Buber'); this stratum dates from between the 6th and 7th centuries in Israel.

The change of terminology from 'separate' (*hifriš*) to 'distance' (*nitraḥeq*) does not seem to be relevant, for the meaning is the same, that is the social separation caused by slavery. What is relevant in this latter midrash is the comparison of Ham's act of looking with the act of cursing or hitting a parent. While the punishment for looking was slavery (Gen 9:25), the punishment for cursing (or hitting; see below) was death (Ex 21:15, 17, Lev 20:9). The midrash is thus saying: "Ham only saw and was distanced forever. How much more so is one distanced forever if one curses a parent." The two distancings are not the same – the first refers to slavery, the second to death – yet the midrash conflates them.

The implications of the midrashic comparison of slavery with death can perhaps be seen more clearly by looking at a later version of this midrash, as found in *Exodus Rabba*:

> God said: Ham the father of Canaan did not hit, but only looked at [his father]. Now he and his descendants are slaves forever. How much more so (*qal wa-ḥomer*) one who curses or hits his father.[25]

The substitution of "slaves forever" for "separated forever" is an attempt at clarity which, however, not only renders the midrashic point otiose but destroys the logic of the *qal wa-ḥomer* argument employed. The implication of the *qal wa-ḥomer* is that one who curses or hits one's father would certainly have his descendants enslaved forever (in rabbinic hermeneutic terminology, *dayo lavoʾ min ha-din li-hyot ka-nidon*). This, of course, is not the case, for the Bible requires a death penalty for cursing or hitting. The terminology of the earlier midrashim (*nitḥareq* or *hifriš*) levels the two punishments under the one roof of death, whether biological or social/legal. Thus, PATTERSON'S definition of slavery as social death is embedded in the 'distancing' midrash.[26]

In summary, I have attempted to show (1) that in the biblical narrative Ham's act of

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[25] *Exodus Rabba* 30.5. Such is the reading in "all good manuscripts of *ExR*, e.g. MS Jerusalem and MS Oxford" (AVIGDOR SHINAN, personal correspondence). The second part of *Exodus Rabba* (i.e. from chapter 15 onward) belongs to the *Tanḥuma-Yelamedenu* family of midrash literature. "Ham the father of Canaan" is a quote from the biblical verse (Gen 9:22) and is undoubtedly used by the rabbinic author deliberately, rather than simply saying "Ham," in order to implicitly justify the curse of slavery which he mentions next and which affected only Canaan in the biblical account.

[26] This interpretation of the midrash, that slavery was considered social death and that this idea lies behind the *qal wa-ḥomer*, may have been so understood by Judah Loew of Prague (d. 1609), who, obviously having the midrash in mind, says: "[Ham's] progeny became corrupted and was thus removed from society" (*nitqalqel zareʿo we-nitraḥeq mi-bnei adam*). See his *Ḥiddushe aggadot*, ed. CH. HOENIG et al. (London, 1960) 3:258, to *bSan* 108b.

looking at his father's genitals is to be understood in its Ancient Near Eastern context, in which such an act is considered a serious "breach of boundary," and may also account for the biblical punishment of slavery; and (2) that the rabbinic interpretations of Ham's act as sodomy and castration are to be understood on the basis of a linguistic association of the Hebrew root ʿśh meaning 'to commit a sexual act, to sodomize,' in the first case, and by an implied hermeneutic of *midah keneged midah*, with slavery and castration understood as forms of 'death,' in the second case.