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In/Voluntary Surrogacy in Genesis

Abstract:

This article re-examines the issue of surrogacy in Genesis. It proposes some different factors, and questions some previous conclusions raised by other scholars, and especially examining feminist scholars approaches to the issue in the cases of Hagar/Abraham (and Sarah), and Bilhah-Zilpah/Jacob (and Rachel, Leah). The author examines these cases in the light of scriptural evidence and the original Hebrew to seek to understand the nature of the relationship of these complex characters. How much say did the surrogates have with regard to the relationship? What was their status within the situation of the text, and how should we reflect on their situation from our modern context?

Keywords: Bilhah, Zilpah, Jacob, Hagar, Abraham, Surrogacy

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Introduction

The contemporary notion of surrogacy, of nominating a woman to carry a child to term who then gives up the child to the sperm donor/father has antecedents in the Bible. The most commonly cited example is that of Hagar (Gen. 16). Yet the contexts, the applications and the implications of biblical surrogacy were very different from the present day. When considering examples from the Bible, it is important to remember that the scriptures reflect the views of that time and culture, assumptions which were widely shared in that era. As the “black feminist and womanist” scholar Wilda C. Gafney notes, “The biblical text is fundamentally androcentric and regularly (though not exclusively) patriarchal.” Therefore the narratives usually reflect events from the male perspective. Further, throughout “the biblical text, a son is regarded as a special blessing … So important are sons that barren women sometimes resort to having children by their handmaids,” notes Ilona N. Rashkow, referring to Sarah and Rachel in Genesis 16 and 30, respectively. This article offers some different ways to consider the examples of surrogacy in Genesis involving the characters of Hagar/Abraham (and Sarah), and Bilhah-Zilpah/Jacob (and Rachel, Leah).

In/Voluntary Surrogacy
Hagar/Abraham (and Sarah), and Bilhah-Zilpah/Jacob (and Rachel, Leah)

The most commonly cited example for a biblical precedent for surrogacy is Hagar in Genesis 16. “The first mention of surrogacy can be found in ‘The Book of Genesis’ in the story of Sarah and Abraham. Sarah and Abraham were married but could not conceive a child of their own, so Sarah turned to her servant Hagar to be the mother of Abraham’s child. This is a case of traditional surrogacy, where the surrogate uses her own egg in the child she’s carrying for intended parents.” Scholars have long understood that the description of what takes place initially in Genesis 16, Sarah designating Hagar as a surrogate womb, has precedent in the law codes from the ancient Near East. “The custom of an infertile wife providing her husband with a concubine in order to bear children is well documented in the ancient Near East. The laws of Lipit-Ishtar (early 19th cent. B.C.E.) … An Old Assyrian marriage contract (19th cent. B.C.E) …the laws of Hammurabi.” Susan Niditch notes that “surrogate motherhood …
[was] eminently possible in a world in which slavery was practiced and persons’ sexual services could be donated by their masters or mistresses. Surrogate motherhood allowed a barren woman to regularize her status in a world in which children were a woman’s status and in which childlessness was regarded as a virtual sign of divine disfavor.7 Yet there is more to the matter. As Robert Alter wryly and wisely notes, as is clear in the Genesis narrative, it is not all that simple. “Living with the human consequences of the institution could be quite another matter, as the writer [of Genesis 16] shrewdly understands.”8

In terms of their interaction in Genesis 16, and then in Genesis 21 as well, Sharon Pace Johnson explains that the “narrator does not make unnuanced judgments about the behavior of the women in this narrative. The choice of words and the actions of the characters themselves indicate that their motives are complex . . . the narrator is sensitive to Sarai’s frustration, yet the poignancy of Hagar’s plight is recognized as well.”9 More specifically in relation to the Sarah-Hagar interaction from “a feminist perspective, the call for the expulsion of Hagar [in Genesis 21] raises troubling questions. The story portrays the oppression of one woman by another.”10

When it comes to Sarah and Hagar, at certain points each behaved badly toward the other, and thus brought grief upon herself as well. Amy-Jill Levine explains that “Hagar is a complex character: not simply victim and not simply heroine. The same diversity of interpretation, of course, holds for Sarah.”11 Abraham and Sarah (at that point named Abram and Sarai, their names are changed in Genesis 17) are childless. The noun describing Sarah is 'aqarah (Gen. 11:30). This word often is mistranslated as “barren.”12 Sarah is not barren. Several years on she will give birth as attested in Genesis 21. In the meantime, having been married for many years, Sarah says to Abraham, “Consort with my maid [shifhah]; perhaps I shall have a son through her.’ And Abram heeded Sarai’s request. So Sarai, Abram’s wife [eishet Avram], took her maid, Hagar the Egyptian … and gave her to her husband Abram as a concubine [l’ishah]. He cohabitated with Hagar and she conceived” (Gen. 16:2-4). This is the translation of the New Jewish Publication Society (NJPS). The New Revised Standard Version (NRSV) and several other translations renders a crucial word in verse three slightly differently. In the NRSV translation the words read that Sarah “gave her [Hagar the Egyptian] to her husband Abram as a wife.” Wife or concubine? Biblical Hebrew has a word for concubine, pilegesh, which is used in Genesis several times (for example Gen. 22:24; 25:6; 36:12), and
in other biblical books as well. In Genesis 25:1 following the death of Sarah (Gen. 23:1), Abraham takes another wife (ishah) named Qeturah. He eventually has several children by her. Nonetheless, when he distributes his wealth most goes to Isaac, although he gives gifts to his other children, born to him by – and here the word is – his concubines (pilegesh), presumably including Qeturah. Nahum N. Sarna addresses the ishah/pilegesh issue. He concludes that the “interchange of terminology shows that in the course of time the distinction in social status between the two often tended to be effaced.” Still, Hagar is never termed a pilegesh/concubine.

Once again, when Sarai says to Abram that he should consort with Hagar, the Hebrew word in verse three is ishah. Depending on how one understands Hagar’s status, she is either a “concubine” or a “wife,” but in this context, even as a wife, she would be a “secondary wife” with lesser status. We see this borne out in verses five and six (and then again in Gen. 21:10) when Sarah and Abraham both refer to Hagar as a “servant” (in Gen. 16 as a shifhah, and in Gen. 21, using the parallel word for female servant, amah). Savina J. Teubal notes that “Hagar’s sexual services are controlled by her mistress” and that “Hagar is seemingly not in control of her own destiny.” So whatever her legal relationship to Abraham is, secondary wife or concubine, she still is Sarah’s property, something which is clearly stated in Genesis 16 when Abram says to Sarai, “Your maid is in your hands. Deal with her as you think right” (v. 6). What is clear is that Hagar (as well as Bilhah, Rachel’s female servant, and Zilpah, Leah’s female servant) acts at the will of her mistress.

Many scholars presume that none of these women are asked for their consent to have sex with the husbands of their mistresses, to provide surrogate wombs. Their role is to produce a male child, Hagar with Abraham, and then laterally for Bilhah and Zilpah, with Jacob. In her classic work, Texts of Terror: Literary Readings of Biblical Narratives (1984), Phyllis Trible describes Hagar as “one of the first females in scripture to experience use, abuse, and rejection.” She goes on to describe Sarai and Hagar in stark contrast: “Sarai the Hebrew is married, rich, and free; she is also old and barren. Hagar the Egyptian is single, poor, and bonded; she is also young and fertile. Power belongs to Sarai, the subject of action; powerlessness marks Hagar, the object.” Delores S. Williams, in another classic work, Sisters in the Wilderness: The Challenge of Womanist God-Talk (1993), takes a similar stance. She points to the fact that Hagar is an Egyptian, and therefore an African. She then draws parallels with “the
history of many African-American women” who have inherited a “slave woman’s story.” Williams explains, that “for Hagar, motherhood will be a coerced experience involving the violation of her body over which she, as a slave, has no control.”¹⁸ In the 21st century, Wil Gafney (2017) in a similar vein writes that Genesis “makes it clear that Hagar has no say over her body being given to Abram or her child being given to Sarai. Hagar is on the underside of all the power curves in operation at that time ... she is female, foreign, enslaved. She has one source of power: she is fertile; but she lacks autonomy over her own fertility.”¹⁹

In these approaches, that of Trible, Williams and that of Gafney, and likewise others who see Hagar as a victim, the authors choose to present Hagar as someone who is poor and helpless, to be exploited at the whims of her owners. A similar notion is expressed in an article titled, “Gender, Class, and Androcentric Compliance in the Rapes of Enslaved Women in the Hebrew Bible.” The article posits that since these women were not asked to give their consent to become pregnant, they were in effect, raped. Suzanne Scholz writes, yet, “even if Sarah’s decision is reminiscent of an ancient Near Eastern custom, the practice must still be translated to current sensibilities. When the perspective of the enslaved woman is considered, this form of surrogacy comes close to — what we today call — rape. A woman, in fact an enslaved woman, is forced to sexual intercourse since she never consents to sex with Abraham.”²⁰ Yet that view/perspective has been challenged as incorrect, or at least too harsh. Sandie Gravett points out in an article titled “Reading ‘Rape’ in the Hebrew Bible: A Consideration of Language” that “many scholars consider this terminology problematic because no Hebrew verb or phrase precisely corresponds to contemporary understandings of rape.”²¹ Her article “surveys a selection of narratives, images, and laws that describe forcible, non-consensual sexual intercourse” (emphasis mine). Gravett explains clearly that although “Hebrew lacks a legal or technical term for rape, biblical writers nonetheless make the necessary accommodations by impressing a wide range of words and phrases to describe violent, non-consensual sex.”²² Gravett’s examples come from three narratives, Genesis 34 (Dinah/Shechem), Judges 19 (the Levite’s concubine at Gibeah of Benjamin/the townspeople, and 2 Samuel 13 (Tamar/Amnon). In all of these cases the piel form of the verb ‘anah [‘ayin-nun-hey] is used to depict sexual violation. These examples appear in very different circumstances from the Hagar-Bilhah/Zilpah situations, and it is instructive that neither this verb nor this
verb form is used in either the narrative with Abraham consorting with Hagar, or with the Bilhah-Zilpah narratives with Jacob’s consorting with those women. At the conclusion of Gravett’s article, she notes that the word rape is applicable in certain cases (including in addition to the narratives of Dinah, the unnamed concubine, and Tamar) such examples as the violation of women depicted in Lamentations 5:11. In those cases there was “the sense of physical violation, the feelings of shame and being outcast, the loss of self and place in the culture.”

In the contemporary world, since the feminist movement of the latter period of the 20th century, it is particularly problematic to address these biblical passages. This difficulty is heightened in the 21st century since the advent of the Me Too [#metoo] movement in 2006, the social pressure group against sexual assault and sexual violence, a campaign that urges females who have survived sexual violence or assault to speak out about their experiences. Scholz’s comments that “the practice must still be translated to current sensibilities. When the perspective of the enslaved woman is considered, this form of surrogacy comes close to — what we today call — rape” is generally reflective of one set of feminist thought.

**Additional perspectives**

Yet, there are additional perspectives, as Gravett points out. Others, such as Sharon Pace Jeansson, note that in terms of Jacob’s secondary wives, there “is no indication that Bilhah or Zilpah protested or confronted Rachel or Leah. Indeed, the stories are related without conflict, and the maidservants stay with their mistresses indefinitely.” In like manner there is no indication that Hagar protested this arrangement. On the other hand, given the dynamics of the power differential between these women in those situations, these maidservants could not have protested safely, without serious consequences. Hence this may well have been a case of involuntary surrogacy.

Further, in terms of the open conflict between Sarah and Hagar, it only takes place after Hagar conceives Abraham’s child (vv. 4-5). Once she becomes pregnant, the relationships between Hagar and Sarah, as well with as her/their husband take on a new dimension. When Hagar “saw that she had conceived, she looked with contempt on her mistress” (Gen 16:4). Was this foolish pride on Hagar’s part? Did Abraham encourage this behavior or suggest to Hagar that she would displace Sarah? How Hagar expresses her feelings toward Sarah is unknown. Did Hagar verbalize...
those thoughts, and if she did, to whom? Did Sarah just intuit them? The biblical text provides no answers. In the Bible, Sarah and Hagar never communicate directly.

Although Hagar is described variously as a maid, an *amah* or a *shifhah*, contrary to what Trible and others suggest, she need not be a low station slave, “single, poor, and bonded.” Hagar *is in a less prestigious role than Sarah, but this does necessarily mean that she is simply an illiterate, unintelligent, uncultured, or untrained low-status woman like, for example a scullery maid or a mere peasant.* Years later at the time of the early monarchy, when in 1 Samuel 25 the wealthy woman, Nabal of Maon’s wife Abigail speaks to David, she shrewdly and subtly refers to herself as a maid in reference to the future king. Abigail uses both words, *amah* (25:24, [twice], 28, 31, 41, and also uses the synonym *shifhah* in v. 27. She means by this that she is relatively powerless before him, not that she is his personal lower class domestic employee. In biblical times, in “practically any social situation, all parties were expected to affirm where they stood, societally speaking … Encounters between individuals from different groups began with a habitual statement of social position, with the inferior … party showing deference … by referring … to oneself as ‘your servant’ or the like.”

Sarah has proposed Hagar to be the official surrogate who will provide Abraham with an appropriate heir reflecting his position as a wealthy man. Sarah makes an informed choice. As a wealthy woman, she has numerous servants. I would propose that Sarah chooses Hagar because Hagar is in herself a woman of stature, she comes from a proper and privileged family, reared in a physically healthier environment than that of a mere servant. She is indentured because of the probable impoverished circumstances of her family of origin’s straightened circumstances. She has been forced to enter servitude. While this is conjecture and there is no clear “proof” for this suggestion, I suggest that the ancients certainly knew something about the whole matter of animal husbandry and the reproduction of species. Later in Genesis, when in Haran, Jacob will enrich his sheep and goat herds by seeing to it that the sturdier animals mate amongst themselves (Gen. 30:41-42). I posit that the same notions were applied to human reproduction. Quality generally reproduces quality. Indeed, later in Genesis 16 Hagar is recognized as a strong, resourceful, and powerful woman in her own right. She will be favored by God. Hagar will meet an angel of YHWH who will inform her that she is to be the matriarch of a large clan.
(v. 10). This is the Bible’s first angelic announcement, it is made both to a woman, and to someone not of the Abrahamic clan. About two decades later, while Hagar will be sent away from the Abrahamic encampment, it is clear that Abraham is upset about this. Yet God tells Abraham that he should listen to Sarah’s words, and then God promises Abraham that he will protect Ishmael. A few verses on God reassures Hagar that she and her son will be well. (Gen. 21:12-13; see 25:12-18). Then in Genesis 21:18 Hagar is informed by an angel that her son Ishmael will become a great nation.

As noted earlier, Bilhah and Zilpah “stay with their mistresses indefinitely” and continue to hold their place of honor as mothers of four of the eventual twelve tribes of Israel, the birth-mothers of respectively Dan and Naphtali, Gad and Asher. In terms of Bilhah and Zilpah, whose experiences are related in Genesis 29 and 30, we know even less about what took place. Each woman initially is the servant (shifhah) of Laban, and then he gave Zilpah to Leah, and Bilhah to Rachel, each as a maid (shifhah) (Gen. 29:24; 29). Since the same words (servant/shifhah) are utilized, it indicates that Zilpah and Bilhah were indentured servants, not concubines for Laban. Rachel, unable to conceive, gives her servant Bilhah to Jacob to serve as Rachel’s surrogate, “ Consort with her, [Rachel says to Jacob] … that through her I too may have children” (Gen. 30:3). When, initially Leah appears unable to conceive more children, she gives Zilpah to Jacob, using similar language (v. 9). Since these sons will be official heirs of Jacob, indeed they become the eponymous tribal leaders, it stands to reason (albeit conjecture) that their maternal ancestry come from a privileged, though now impoverished family. Both Bilhah and Zilpah are referred to as Jacob’s ishah, which I would propose is as his secondary wife. There is no more mention of children, therefore one might presume that Jacob stopped consorting with them, but that is speculation. In like manner, following the birth of Ishmael, there is no indication that Abraham and Hagar continued to consort. Did these women end up in effect as grass widows? The matter is somewhat complicated because in later biblical legislation, if a wife even if she is also a servant, is denied food, clothing, or sexual gratification, it is grounds for divorce, and if she is a former servant, she goes free without payment (see Exod. 21:10-11) but those matters are beyond the purview of our discussion. The point at hand is that the female servant can be lent to the husband as a surrogate womb, and that the servant does not appear to have a choice or a voice about this. Further, the offspring is legally considered the child of the mistress as much as that of her husband, not the
child of the servant/surrogate womb. Yet, and this is a very crucial point, the child is not necessarily separated from its birth mother as is the case in contemporary surrogacy. The birth-mother is there, alongside the progeny’s “heir-mother” helping to raise the child. In Genesis 21 it is clear that Hagar and Ishmael are very much in contact; they have a shared destiny. Later in Genesis, Bilhah and Zilpah are very much part of the Jacob household (Gen. 35:22; 37:2; 46:18, 25). Meanwhile the servant continues to be both indentured and technically a secondary wife.

In the case of Sarah-Hagar-Ishmael-Abraham (Gen. 21:9-13), Sarah did demand that Abraham send away both Hagar and her son, Ishmael (yet see endnote 29). It is also correct that “Hagar has long fascinated feminist interpreters who celebrate her resilience in the face of the Egyptian slave’s economic and sexual subordination within the household of Abraham and Sarah … [as well as] the competition for social status between Sarah and Hagar.”931 Yet those matters do not change the fact that it would appear that for many years, prior to the birth of Isaac, that Hagar as Ishmael’s birth-mother works in tandem with Sarah as Ishmael’s “heir-mother.” It was in their mutual interest to do so.32

That the secondary wives continue to be a real presence in the lives of their sons is strongly inferred when seventeen year old Joseph is reprimanded by his father Jacob. Joseph explains that his father and mother will bow down to him (Gen. 37:9-10). Rachel died many years earlier (Gen. 35:18-19). Sarna indicates that the word “mother” here refers to Bilhah who raised him.33

Conclusion

Creating heirs is a serious matter. Romantic love, sexual attraction, least of all lasciviousness or lust does not necessarily come into this equation. Some writers may suggest that for Abraham/Hagar and Jacob/Bilhah-Zilpah, that these men were only too happy to take these, presumably younger, more attractive women, as bed partners. With the exception of Leah who is described as having weak eyes (NJPS), lovely eyes (NRSV) and Rachel who is shapely and beautiful (NJPS), graceful and beautiful (NRSV) (Gen. 29:17), there are no descriptions of the women involved. Hagar, Bilhah, and Zilpah could have been very unattractive physically, with less than stellar personal traits. That does not matter, nor are Abraham and Jacob asked if they are happy about these arrangements. What is of concern is producing a proper male heir or heirs. Were these women revulsed by the thought that they had
to cohabit with their mistress’ husband? How did Hagar, Bilhah, and Zilpah weigh up the cost/benefit ratio in being a surrogate mother, and then at least officially, ceding their children – at least legally – to another woman? As Jeansonne remarks, certainly in terms of Jacob’s secondary wives, there “is no indication that Bilhah or Zilpah protested or confronted Rachel or Leah. Indeed, the stories are related without conflict.” Yet, as noted earlier, these slaves/maids/secondary wives really were not in a position to protest. These women lived within a certain wider cultural context which was both androcentric and patriarchal. There were laws and customs that offered them some protections (as mentioned see Exodus 21:7-11), but they were subject to the norms of those times. Earlier reference is made to Gravett’s comment that in the biblical cases of rape, namely Dinah, the unnamed concubine, Tamar and many women in Lamentations, that there was “the sense of physical violation, the feelings of shame and being outcast, the loss of self and place in the culture.” Hagar, Bilhah and Zilpah may well have felt a sense of physical violation and shame, but they certainly were not outcasts, nor was there a loss of self and place in the culture. Indeed, they may well have been involved in the rearing of their sons. Still, they may have ended up being in effect, grass widows, though there is no way one can ascertain that assumption.

The limited examples of surrogacy in Genesis center on Hagar, Bilhah and Zilpah. Was their participation voluntary or involuntary is impossible to know. Likewise, there is no way to know if they considered the cost/benefit ratio an acceptable compromise since it did improve their standing within the household. When initially proposed by Sarah to serve as a surrogate womb in Genesis 16, Hagar voices no objections. Likewise, both Bilhah and Zilpah are silent when their respective mistresses Rachel and Leah offer those women as surrogates. Hagar, Bilhah, and Zilpah certainly are forced to give up their agency in these matters, but they become honored members of the household. Providing the heir for their master elevated the status of these women because they then became promoted to become secondary wives and no doubt were accorded additional privileges. That the Bible does not record their personal reluctance to take on this role does not mean that they were not upset. They may have felt a sense of personal violation, degradation, and shame. Yet, it is clear that they were not separated from their sons, indeed the opposite appears to be the case.
End Notes


2 W. C. Gafney, *Womanist Midrash: A Reintroduction to the Women of the Torah and the Throne*. (Louisville, KY: Westminster John Knox, 2017), 72. “Womanism,” Gafney explains, “is often simply defined as black feminism” (2, n. 1). Elsewhere she writes that most “simply, womanism is black women’s feminism. It distinguishes itself from the dominant-culture feminism, which is all too often distorted by racism and classism and marginalizes womanism, womanists, and women of color” (6).

3 Gafney, 83.


10 T. C. Eskenazi, A. L. Weiss, ed., *The Torah: A Women’s Commentary*. (New York: URJ Press and Women of Reform Judaism, 2008), 98. The Torah text itself “remembers” Sarah’s words when, hundreds of years later the Israelites are “banished/expelled” from Egypt. The same verb used in Genesis 21:10 [וֹזָא] “Throw this slave girl and her son out”,
appears in Exodus 12:39 [וּשׁכִּי-גֹרְ]. “. . . they had been driven out of Egypt.”


Sarna, Genesis, 87, n. 30.

12 Sarna, Genesis, 87, n. 30.


14 Sarna, Genesis, 208, n. 4.

15 BDB suggests that shifḥah and amah are parallel words

16 S. J. Teubal. Hagar the Egyptian: the Lost Traditions of the Matriarchs. (San Francisco: Harper-SanFrancisco, 1990), 50. Teubal also points out that while J and E use these terms differently, in time in a number of instances shifḥah and amah seem to be used interchangeably. Her examples include Abigail, the Wise Woman of Tekoa, and Ruth. Teubal, 57.


18 D. S. Williams, Sisters in the Wilderness: The Challenge of Womanist God-Talk. (Maryknoll, NY: Orbis, 2103 [1993]), 15. Williams consistently portrays Hagar as a near-helpless victim, with Abraham and Sarah as her oppressors. She ignores the fact that Hagar successfully returns to the Abrahamic encampment in Genesis 16, without any indication of punishment for having run away. She bypasses mention of the fact that in Genesis 17 God promises Abraham that Ishmael will become a great nation (vs. 20). Despite verses like Genesis 21:11-13 which addresses Abraham’s concerns for Ishmael and God’s reassurance to Abraham, Williams writes of Hagar’s “brutal treatment by Sarai and Abram’s complicity in this brutality” (24).

19 Gafney, 41.


22 Gravett, 280.

23 Gravett, 298.

24 Jeansonne, 20.

25 There is the adage in the book of Proverbs: “Under three things the earth trembles . . . [one is] a maid when she succeeds her mistress” (Prov 30:21, 23). Alternatively, “The earth shudders at three things . . . [one is] a slave-girl who supplants her mistress” NJPS/TANAKH.


27 Writing of the book of Esther, M. V. Fox explains that “Queens come from the noble Persian families, not from ethnic minorities ... Vashti ... was presumably a queen of proper ancestry and clearly in a high position at court.” Quoted in The JPS Bible Commentary – Esther. Commentary by A. Berlin. (Philadelphia: Jewish Publication Society, 2001), xvii. The same inference can be made about Hagar: to provide a proper heir for a rich man, she would come from a family of quality. Centuries later, in rabbinic writings, the sages suggest that Hagar is none other than the daughter of Pharaoh, she is royalty (Genesis Rabbah 45.1; Pirke de Rabbi Eliezer, ch. 26).

28 “Jacob is actually practicing sound principles of animal breeding.” Alter, 165.


32 See discussion in Teubel, 77.

33 Sarna, Genesis, 257, n. 10. The midrash collection Genesis Rabbah (84.11) as well as the medieval commentators Rashi and Ibn Ezra specifically refer to the idea that Bilhah raised Joseph, hence she is the mother to which Joseph implies in his dream and to the mother to which Jacob refers (see their comments on Gen. 37:10). The Commentators’ Bible:

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