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Response to Book Review in Volume 18

(Athalya Brenner, on David E. S. Stein [ed.], *The Contemporary Torah: A Gender-Sensitive Adaptation of the JPS Translation*; 2006)

A year ago in this journal, Prof. Athalya Brenner reviewed *The Contemporary Torah*, which features a plain-sense translation of the Five Books of Moses. Unfortunately, that review not only misrepresented the translators' work but also judged it by standards that the book itself rejected. As that book's revising editor, I now seek to clarify its contribution and correct the record.

CORRECTIONS. Contrary to Prof. Brenner's claim, the goal of our translation team was to convey gender *if and when* the Torah text places gender in the foreground. For we agree with Brenner that any translation that strives for historical accuracy ought to convey the text's clear gender distinctions forthrightly. We made strenuous efforts to do so.

Indeed, in preparing our translation—which the publisher has designated "CJPS"—we regularly *avoided* certain broadly gender-inclusive wording. In those passages, CJPS is distinctively less "inclusive" than either the NJPS translation upon which it is based, or prior "gender-sensitive" translations.

We took such steps with regard to broad terms such as, for example, *kol ha-ʿedah*. Conventionally, its English equivalent is "the whole community." However, the Torah employs *kol ha-ʿedah* in more than a dozen cases (such as Lev. 8:3; 24:14; Num. 8:9) to designate a national subgroup that—in the eyes of the Torah's original audience—would have been seen as typically male. In such cases, rendering as "the whole community" is misleading because in con-

temporary parlance, that term evokes *both* genders. So CJPS emulates the biblical text in its foregrounding of gender by implication. Thus it renders via contextually precise terms such as "the community leadership." We leave it to readers to understand that "the leadership" was a typically male representative body. (An endnote meanwhile gives the more literal translation.)[1]

Let me also correct Brenner's misrepresentations of specific translation examples that she cited. Contrary to her claim that I view the first human being in Genesis 2 as "sexually undifferentiated until the woman is born," CJPS construes that figure as male from the moment of his formation. Thus alongside our rendering of *ha-ʾadam* as "the Human," CJPS pointedly employs the male pronouns "his," "him," and "he" (2:7, 18, 19). Because such wording's gender implications remain ambiguous, the endnote at 2:7 explains that in this passage, *ha-ʾadam* refers to "the progenitor of the species and the point of origin for human society. . . . In the eyes of ancient Israel, the typical initiator of a lineage was male, and so the first human being would also have been imagined as male."

Likewise, contrary to Brenner's claim that CJPS regularly translates the term *benei yisraʾel* as "the children of Israel," we employ that rendering only five times; the most frequent CJPS rendering is "the Israelites" (~250 times). And contrary to another of Brenner's claims, the reason that the latter rendering prevails is due to the following grammatical rule: when a "male" noun such as *ben* refers to a class of persons, the Torah keeps women in view *by default*; if women are to

be excluded, that must be established by context. As discussed in the preface and recently documented in a separate article, I derived this rule from biblical linguistic usage.[2]

Brenner's review focused mostly on Exodus 19, that is, on precisely who it was that gathered for the Revelation at Mt. Sinai. Contrary to Brenner's claim, by our rendering *ha-ʿam* (literally, "the collectivity") as "the people," we do not mean that the Torah depicts the whole populace (including "the women") as present in the scene. Rather, the non-specific CJPS rendering reflects the text's foregrounding of the role of *ha-zeqenim* ("the elders"; 19:7–8) as the entire people's representatives. (The text depicts *ha-zeqenim* as "the people" in much the same way that the Constitution of the United States of America later depicted the delegates who signed it as "we the people.")

With regard to the passage where Moses issues instructions to prepare for an encounter with the divine (19:15), Brenner again claimed that I believe that "the women" stood at Sinai. There CJPS reads: "[the men among you] should not go near a woman." Contrary to Brenner's claim, we inserted the bracketed phrase in CJPS in order to make explicit a biblical linguistic convention, namely, it is the male partner who initiates (hetero)sexual relations.[3] Regardless of women's presence, Moses would have addressed his words *on this particular topic* only to men.

For the text's ancient audience, this verse would have said nothing about whether women were on the scene. Unfortunately, some contemporary readers (including Prof. Brenner) have mistakenly inferred from this verse that "the women" were excluded from the Sinai revelation. The CJPS rendering was intended to prevent such an overinterpretation of the text's plain sense.

STANDARDS OF JUDGMENT. In addition to misrepresenting what *The Contemporary Torah* says and why its translation reads the way that it does, Brenner faulted it for not abiding by seven concepts regarding how to interpret and translate the Tanakh. However, when as revising editor I had tested the validity of those widely held concepts, they had failed. And so I had consciously rejected them. Instead, I adopted the following list of guiding principles:

1. Analyzing the biblical text in terms of gender alone should be avoided because it can severely distort interpretation. The text's composers could rely on its ancient Israelite audience to view the biblical text also in terms of such factors as age, social standing, kinship ties, group orientation, and the common practice of representative delegation. Translators should interpret the text according to a similar mix of factors. (*Contra:* Scholars can validly analyze the biblical text in terms of a strict gender dichotomy of "the men" versus "the women.")

2. Whenever the Torah employs a "male" Hebrew noun to refer to a class of persons—rather than to a specific individual—such wording keeps women in view *by default*.[4] (*Contra:* In the Torah, women are not in view unless explicitly mentioned.)

3. Second-person masculine singular language means only that the audience is not *solely* female. When instructions or precepts are addressed to a class of persons, they apply "to whom it may concern." Similarly, when third-person masculine singular reference is to a class of persons, it means only that the category is not *solely* female. In both cases, whether gender is germane depends upon the topic.[5] (*Contra:* Masculine singular Hebrew wording necessarily implies a male addressee or referent.)

4. Where the text counterposes the personal nouns *ʾish* and *ʾish-shah*, this establishes that the referent of *ʾish* in other cases is

not *solely* female. However, in its references to a class of persons, that noun can still function in a gender-inclusive manner, and it often does so.[6] (*Contra:* The noun *'ish* always has male reference, as proven by instances that counterpose *'ish* with *'ishshah*.)

5. By employing a rigorous methodology, translators can reliably handle nearly all of the Torah's gender ascriptions. Interpretive certainty is not necessary, because with regard to the gender of persons being referred to, English is so much less specific than Hebrew. And in those few opaque passages where the scope of plausible readings remains wide enough to impact translation, the rendering can be footnoted as uncertain. (*Contra:* Scholars today can no longer truly know the original intent behind the text's gender references, so all translators' claims to historical accuracy are overblown.)

6. In English idiom, gender is specified only where germane and not already known. Therefore, gender-neutral English wording means that the referent's gender is not at issue. Whether women are in view then depends upon the context. (*Contra:* In English, the use of gender-neutral language means that women are in view.)

7. When the goal of a plain-sense English translation is to seek functional equivalence, it will only occasionally match the source text word-for-word. By design, such translations are expressed in modern English idiom, rather than in ancient—or modern—Hebrew idiom. (*Contra:* A rendering is not faithful unless a modern Hebrew speaker can easily relate it to the "actual" Hebrew text.)

Brenner's review has—perhaps inadvertently—pointed us all to the issues that Bible scholars need to carefully examine, test, and resolve, before evaluating any English translation.

In short, what exactly is "contemporary" about *The Contemporary Torah*? It is that the translation results from our team's threefold insistence that:

- the text should be interpreted in light of *ancient* reading conventions and assumptions about social roles, because contemporary readers wish to know what the text originally meant;
- a Bible translation should specify gender *only where germane*, as per standard English idiom, because contemporary readers wish to know to what extent the Torah itself actually emphasized gender; and
- a Bible translation should avoid the gender-neutral usage of male English terms, because contemporary readers—who tend to assume that in the biblical world only men counted—are too likely to misconstrue those terms as referring only to males.

The Contemporary Torah does not hide that most of the Torah's stories focus on certain men (rather than women), or that most of its laws focus on the responsibilities of (typically male) householders. At the same time, CJPS reveals not only that such male orientation was generally *not part of the text's wording*, but also that women *remain in view* more often than NJPS had conveyed.

Taken together, our results and our intensive engagement with gender-related issues justify the bookjacket's claim that this is a "ground-breaking work." Certainly the book's first printing is not without fault.[7] Yet in matters of gender it is more historically accurate and linguistically nuanced than prior translations. Therefore readers of this journal may find that our work merits further consideration.

—*David E. S. Stein*

NOTES

1. *The Contemporary Torah* discusses its treatment of such situations both in its preface (see http://tinyurl.com/CJPS-Preface) and in its compendium titled "Dictionary of Gender in the Torah," which encapsulates our working assumptions and conclusions. Compared to other "gender-sensitive" translations, *The Contemporary Torah* accounts for its renderings in greater detail. It devotes more than fifty pages to methodology.

2. See my article "The Grammar of Social Gender in Biblical Hebrew," *Hebrew Studies* XLIX (2008); http://tinyurl.com/GrammarGender.

3. The reasoning behind each of our renderings in the book of Exodus is extensively documented as part of a related translation project at http://tinyurl.com/TAMT-rev.

4. See note 2, above.

5. See "The Grammar of Social Gender," cited above. CJPS distinctively applies these principles to its God-language as well as to human references. Our translation avoids "male" pronouns for nearly all references to God. See my article "On Beyond Gender: Representation of God in the Torah and in Three Recent English Renditions," *Nashim* 15 (2008); http://tinyurl.com/GodGender. CJPS avoids the epithet "the LORD" and instead reproduces the divine Name in Hebrew letters; see my article "God's Name in a Gender-Sensitive Jewish Translation," *The Bible Translator* 58 (July 2007); http://tinyurl.com/GodName.

6. Again, see "The Grammar of Social Gender"; and see also my article "The Noun איש (*ʾiš*) in Biblical Hebrew: A Term of Affiliation," *Journal of Hebrew Scriptures* 8 (2008); http://tinyurl.com/ish-affiliation.

7. For errata, see http://tinyurl.com/CJPS-Errata.