1 Samuel 1, the United Nations Convention on the Rights of Children, and "The Best Interests of the Child"

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Is it possible that the contemporary idealization of childhood as a period of physical and emotional protected well-being, coupled with uncritical readings of biblical tradition, combine to obscure instances of violence against children in the Hebrew Bible? Briefly, my answer to this question is yes. In order to explore this perspective, the first part of this essay examines theory on the social construction of childhood and builds on this research to uncover the socio-

economic factors that contributed to the construction of childhood in ancient Israel. Here, I focus on the story of the birth of Samuel in 1 Samuel 1. In the second part, I build on the insight that childhood is a social construct by contrasting ideas about children in biblical Israel with contemporary ideas about childhood in the United States today.[1] I examine these different understandings of the meaning of childhood in light of issues raised in the United Nations Convention on the Rights of Children (UNCRC), and its concerns for "the best interests of the child." Finally, I explore the conflict in images of the child resulting from the transformation from the biblical ideology of the child as a private economic asset to current images of the child as an individual with rights of his or her own.

It is now commonly accepted that the concept of childhood must be analyzed as a social construct that varies over time and space. Can a contrast between the Hebrew Bible and its various interpretations, on the one hand, and the United Nations Convention on the Rights of Children and its various critics, on the other hand, be meaningful? Again, my answer to this question is yes.

I.

A. Childhood as a Social Construct

First a brief review is necessary to put the present discussion in context. The trend toward serious academic research on the topic of childhood can be dated to the last quarter of the

[1] Given the limitations of space and the social location of the author, it is only possible to address the circumstances of children in the United States in this essay. I acknowledge that there are many other social constructs of childhood worldwide and encourage others to explore the application of the UNCRC in other global settings.

twentieth century.[2] The recent recognition of the importance of the sociology of childhood as a topic worthy of study parallels the intellectual genesis of feminist studies in the 1970s. Just as feminist studies critique male-centered scholarship, childhood studies critique adult-centered scholarship. Moreover, just as much recent feminist criticism—both in biblical studies and in other areas of feminism—aims to bring about changes for the social good of women, much of the recent scholarship in the sociology of childhood targets the social welfare of children today. Furthermore, just as feminist criticism distinguishes sex roles—i.e., biological roles--from gender roles as a social construct, the sociology of childhood distinguishes "the child" as a human being, albeit a biologically immature being, from "childhood," as a social construct, i.e., "a diverse set of cultural ideas."[3] New paradigms for feminism and the sociology of childhood move beyond models that essentialize and objectify women and children as they attempt to find "the" essence of the categories of individuals to which they refer. However, compared to feminist criticism, the sociology of childhood comes late to the scene of critical American scholarship because of ambivalence about children as a topic worthy of study.[4]

Sociological study of childhood investigates how societies conceive of and organize childhood. The social construction of childhood recognizes the child as a biological phenomenon

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[2] A convenient and thorough review of the history of the development of childhood sociology is provided by Suzanne Shanahan, "Lost and Found: The Sociological Ambivalence Toward Childhood," *The Annual Review of Sociology* 33 (2007) 407-28. See also Allison James and Alan Prout, "A New Paradigm for the Sociology of Childhood? Provenance, Promise and Problems," in A. James and A. Prout, eds., *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (London: Falmer Press, 1997), 7-33.

[3] Shanahan, "Lost and Found," 408.

[4] For more on the problematics and ambivalence towards the study of children in social scientific research, see Shanahan, "Lost and Found."

as well as the result of social, cultural, and historical developments. Such research rejects the argument that childhood was an invention of Europe in the Middle Ages as Philippe Ariès maintained in his classic work, *Centuries of Childhood.*[5] Yet, scholarly research intended to counter Ariès's perspectives resulted in a plethora of theoretical and empirical studies that reshape the study of childhood and provide documentation and analysis of the cultural and historical particulars that shape childhoods over the course of history.[6] To address the potential of recent insights from the sociology of childhood to study of the Hebrew Bible, in what follows I investigate the core economic motivations for social organization in ancient Israel as they pertain to the construction and characterization of childhood in 1 Samuel 1.[7]

B. Childhood in Biblical Israel – The Case of 1 Samuel 1[8]

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[5] Philippe Ariès, *Centuries of Childhood*, trans. Robert Baldrick (London: Jonathan Cape, 1962). For a critique of Ariès, see, e.g., Linda Pollack, *Forgotten Children: Parent-Child Relations from 1500-1900* (New York: Cambridge University Press, 1983). However, "in spite of and perhaps because of the response it has provoked, Ariès's work is still the centerpiece of historical work on childhood, and its influence remains profound," remarks Shanahan, "Lost and Found," 411.

[6] Allison James and Adrian L. James, "Childhood: Toward a Theory of Continuity and Change," *The Annals of the American Academy of Political and Social Science* 575 (2001) 25-37.

[7] Just as there are multiple constructions of childhood over time and place, I recognize that there is no one single construction of childhood in the Hebrew Bible. I leave it to other biblical scholars to analyze other biblical constructs of childhood beyond the one presented in this essay.

[8] Scholars consider 1 Samuel 2 a secondary insertion into the text; hence I will not consider it in this study. For further discussion of the Deuteronomistic purposes for the insertion of the Song of Hannah (1 Samuel 2:1-10) into the narrative at this point, see Robert Polzin, *Samuel and the Deuteronomist: A Literary Study of the Deuteronomic History.* Part Two*: 1 Samuel* (Bloomington and Indianapolis: Indiana University Press, 1993), 30-36.

Despite recent advances in theoretical studies on contemporary childhood, little work has been devoted to exploring the particulars of the social construction of childhood in ancient Israel. In the analysis that follows, I am interested in exploring the place of a child in family life in ancient Israel,[9] first from the perspective of Israelite culture itself, i.e., the "emic" point of view," and then based on contemporary concerns for the social good of the child today, i.e., the "etic" point of view.[10] Although contemporary studies of childhood exist within the academic study of religion, too often these studies fail to consider the culture-specific historical frameworks of the documents they study and only analyze ancient texts from a contemporary agenda.[11] Historical texts are mined from an ahistorical perspective, and the evidence in the texts becomes distorted in scholarship.

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[9] For further discussion of the realities of the family in ancient Israel—as opposed to a literary reading of family traditions, basic resources are Lawrence E. Stager, "The Archaeology of the Family in Ancient Israel," *Bulletin of the American Schools of Oriental Research* 260 (1985) 1-35; Leo G. Perdue, Joseph Blenkinsopp, John J. Collins, and Carol Meyers, *Families in Ancient Israel,* The Family, Religion, and Culture (Louisville: Westminster John Knox, 1997); J. David Schloen, *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East* in Studies in the Archaeology and History of the Levant (Winona Lake, Ind.: Eisenbrauns, 2001).

[10] For a history and discussion of issues relevant to "emic/etic" perspectives, see Marvin Harris, Thomas N. Headland, Kenneth L. Pike, eds., *Emics and Etics: The Insider/Outsider Debate*, Frontiers in Anthropology (Newbury Park, Colo.: Sage Publications, 1990).

[11] Marcia J. Bunge, ed., *The Child in Christian Thought* (Grand Rapids, Mich.: William B. Eerdmans, 2001); Bonnie J. Miller-McLemore, *Let the Children Come: Reimagining Childhood from a Christian Perspective* (San Francisco: Jossey-Bass, 2003); Joyce Ann Mercer, *Welcoming Children: A Practical Theology of Childhood* (St. Louis: Chalice Press, 2005); David H. Jensen, *Graced Vulnerability: A Theology of Childhood* (Cleveland: Pilgrim Press, 2005); Kristin Herzog, *Children and Our Global Future: Theological and Social Challenges* (Cleveland: Pilgrim Press, 2005); and Marcia J. Bunge, *The Child in the Bible* (Grand Rapids, Mich.: William B. Eerdmans, 2008).

For example, in Hebrew Bible scholarship, as far back as the writings of de Vaux, who correlated biblical texts with archaeological data, the romantic picture of childhood and innocence has been that of "the little Israelite [who] spent most of his time playing in the streets or squares with boys and girls of his own age. They sang and danced or played with little clay models…"[12] In contrast to the romantic view of de Vaux and others who might view children in ancient Israel as carefree individuals, and who might view delivering a child into cultic service as a privilege, I argue that the child in 1 Samuel is a victim of what *today* would be labeled child abuse. I will demonstrate that Samuel is exploited at the hands of his mother Hannah, based on his vulnerability as someone who cannot speak for himself, precisely because the social construction of childhood as represented in 1 Samuel 1 renders an object of exploitation; Samuel is chattel in light of his mother's vow.

From this perspective and the rights of a child, 1 Samuel 1 is a troubling text. As a result of Hannah's religious vows, made to reverse her infertility, Samuel is forced into a life consecrated to the service of God at the sanctuary of Shiloh. Hannah's request to God for a child who, if born, will be given over for cultic service enhances her socio-economic status by legitimizing her as a mother in a society where a woman's worth was determined by her ability to produce a son for her husband to carry on his lineage and who gains personal prestige by offering her child for service to God.1 Samuel 1:2 lists Hannah before Peninnah as wives of Elkanah, but then quickly notes that Peninnah had borne children to Elkanah and Hannah had not. This verse is reminiscent of Gen. 11:30, which recounts Sarai's childlessness as the dynamic

[12] Roland De Vaux, *Ancient Israel,* I, trans. J. McHugh (New York: McGraw Hill, 1965), 48.

that shapes family events in the generation of Abraham and Sarai (and Hagar); it underscores the jealousy between a fertile wife and a barren one. Despite the translation difficulties with 1 Sam. 1:5 regarding the portions given to Hannah and Peninnah by Elkanah[13] when the family goes to Shiloh to worship and offer sacrifices, the text bears witness to Peninnah's taunting of Hannah because "the Lord had closed her womb".

My thesis concerning 1 Samuel reacts against patriarchal, hegemonic dynamics in ancient Israel and against some earlier critical biblical scholarship. My intent is to analyze the fate of the child Samuel in light of his parents' interests. It is appropriate to focus on the character of Hannah and the social dynamics that prompt her actions and to also raise questions regarding the fate of her child—from the child's point of view**.** Not only has the topic of children been absent from most investigations of life in ancient Israel, but the fact that there are many constructions of childhood in any society has not been brought to the forefront in most past biblical investigations of 1 Samuel 1. However, the adult-centered goal of his mother Hannah renders the child Samuel a passive object—ultimately a victim of what might be seen as child abandonment by his parents. But what exactly constitutes abandonment? According to Boswell, "`Abandonment'…refers to the voluntary relinquishing of control over their children by their natal parents or guardians,

[13] The MT reads *mānâ ʾahat ʾappâyim,* but the exact meaning of the last word, which normally translates as either "nose" or "face" in the context of sacrificial offerings is uncertain here. Literally the text translates, "portion of the face." Suggests one commentator, "Perhaps 'portion of the face' signifies a particularly large piece, a portion of honour: earlier exegetes suggested a portion for two people" (Hertzberg, *I & II Samuel*, 24*).*

whether by leaving them somewhere, selling them, or legally consigning them to some other person or institution."[14]

I am arguing here that unless we examine the early life of Samuel and explore the assumptions of the adults who control his life, we fail to grasp the different dynamics working against each other in 1 Samuel 1. These dynamics are based in economics.[15] Despite a cultural emphasis on the need for children—particularly sons to continue the patrilineage—in ancient Israel a child was property of her/his parents—and typically the father. This perspective on children stems from the ancient Israelite emphasis on the family as an economic unit,[16] rather than one grounded in emotional/sentimental ties. The purpose of the Israelite family, i.e., family values, addressed production and reproduction of the kinship unit.[17] The more children, the more property a man owned. Social scientist Jack Goody labels such understand of parent-child dynamics "the hidden economy of kinship."[18] In this patriarchal family, both wives and children

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[14] J. Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York: Vintage Books, 1990), 24.

[15] In American society the economic side of childhood today focuses on children as consumers of property. In pre-industrial non-Western society, children were sometimes property to be consumed by adults.

[16] For further discussion of these issues, see Naomi Steinberg, "Sociological Approaches: Toward a Sociology of Childhood in the Hebrew Bible" in *Method Matters: Essays on the Interpretation of the Hebrew Bible in Honor of David L. Petersen,* Joel M. LeMon and Kent H. Richards, eds. (Atlanta: Society of Biblical Literature, 2009), 251-69.

[17] For an example of an application of this understanding of the ancient Israelite family in one body of texts, see, Naomi Steinberg, *Kinship and Marriage in Genesis: A Household Economics Perspective* (Minneapolis: Fortress, 1993).

[18] Jack Goody, *The Development of Marriage and Family in Europe* (Cambridge: Cambridge University Press, 1983), 183-93.

were subservient to the husband. In an effort to preserve the economics of the family, protection of family wealth took precedence over protections of wives and children. A child was chattel that could be sold or abandoned, if it served the family's interests.[19]

Before going further to recover the biblical assumptions about childhood as represented in 1 Samuel, I will provide a brief overview of the history of scholarship on the narrative of the circumstances surrounding the birth of Samuel. Although 1 Samuel has already been explored from a variety of methodological perspectives, we will see that past investigations fail to provide a culture-specific investigation of childhood from the point of view of the child Samuel.

Critical scholarly research has examined 1 Samuel 1 for its composition/source-critical history,[20] analyzed it as an example of the literary type-scene of annunciation,[21] and as an example of the barren matriarch motif,[22] and argued for it as preserving evidence of the birth narrative of Saul, based on the etymology of the name Saul—not Samuel.[23] Furthermore, from a theological perspective, the text has been used to establish that conception comes from Yahweh, at least in special circumstances as part of a plan of God.

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[19] Boswell, *The Kindness of Strangers*.

[20] Marc Brettler, "The Composition of 1 Samuel 1-2," *Journal of Biblical Literature* 116 (1997) 601-612.

[21] Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981), 82-87.

[22] Mary Callaway, *Sing, O Barren One: A Study in Comparative Midrash*, Society of Biblical Literature Dissertation Series 91 (Atlanta: Scholars Press, 1986), 35-57.

[23] Arguments that the narrative fits the etymology of the name Samuel can be found in P. Kyle McCarter, Jr. *I Samuel*, Anchor Bible 8 (Garden City, N.Y.: Doubleday, 1980), 62 and James S. Ackerman, "Who Can Stand before YHWH, This Holy God? A Reading of 1 Samuel 1-15," *Prooftexts* 11 (1991) 3-4. The evidence rests on the repeated use of the name "Saul" *(šā'ûl*), from the Hebrew root "to ask" or "to lend" in Hannah's statement that she asked for him (*šĕ'ilitiw*) (1 Sam. 1:20; cf. 1:17) and now she lends him to Yahweh (*hiš'iltihû*) (1:28).

Most recently 1 Samuel 1 has come under the scrutiny of feminist methodologies.[24] 1 Samuel 1:11 has been cited as evidence that a woman's vow could stand without the consent of her husband, despite the law in Num. 30:6-8 stating that a wife's vows are subject to her husband's approval. The focus of feminist interpretation of 1 Samuel rests on the character of Hannah and her determination and independence in circumstances requiring that a wife bear a son to her husband.

In pursuing a child-centered reading of the birth of Samuel, we should acknowledge that the story of 1 Samuel 1 has been labeled "The Legitimacy of Samuel,"[25] "Birth and Dedication

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[24] E.g., Yairah Amit, "'Am I not More Devoted to You Than Ten Sons?' (1 Samuel 1:8): Male and Female Interpretations," in Athalya Brenner, ed., *A Feminist Companion to Samuel and Kings* (Sheffield: Sheffield Academic Press, 1994), 68-76; Lillian R. Klein, "Hannah: Marginalized Victim and Social Redeemer," in Athalya Brenner, ed., *A Feminist Companion to Samuel and Kings* (Sheffield: Sheffield Academic Press, 1994), 77-92; Carol Meyers, "Hannah and her Sacrifice: Reclaiming Female Agency," in Athalya Brenner, ed., *A Feminist Companion to Samuel and Kings* (Sheffield: Sheffield Academic Press, 1994), 93-104; and "The Hannah Narrative in Feminist Perspective," in Joseph E. Coleson and Victor H. Matthews, eds., *"Go to the Land I Will Show You": Studies in Honor of Dwight W. Young* (Winona Lake, Ind.: Eisenbrauns, 1996), 123.

From a feminist literary perspective the story is an example of the type-scene of "the hero's mother;" see Athalya Brenner, *The Israelite Woman: Social Role and Literary Type in Biblical Literature,* The Biblical Seminar 2 (Sheffield: Journal for the Study of the Old Testament Press, 1985), 92-98. For another feminist critique of these type-scenes as supporting male perspectives, see Esther Fuchs, "The Literary Characterization of Mothers and Sexual Politics in the Hebrew Bible," in Adela Yarbro Collins, ed., *Feminist Perspectives on Biblical Scholarship* in Society of Biblical Literature Centennial Publications 10 (Chico, Calif.: Scholars Press, 1985), 118-19. For an analysis of the economics of Hannah's sacrifice to God when she dedicates Samuel in 1:24, see Carol Meyers, "An Ethnoarchaeological Analysis of Hannah's Sacrifice," in D. P. Wright, D. N. Freedman, and A. Hurvitz, eds., *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom* (Winona Lake, Ind.: Eisenbrauns, 1995), 77-91.

[25] Walter Brueggemann, *First and Second Samuel*, Interpretation (Louisville: John Knox, 1990), 10-28. "The Legitimacy of Samuel" includes 1 Samuel 1—3.

of Samuel,"[26] "Samuel's Birth Narrative,"[27] "The Child Asked of God,"[28] and other similar titles. Yet, the one perspective lacking in past research is the perspective of Samuel as subject in his circumstances, or the sociology of the child. Just as feminist perspectives on the text argue that male scholarship has obscured Hannah's importance in the text, I argue that an adult-centered perspective, the insider "emic" point of view, has obscured the perspective of the child in the text.

Of course, Samuel is too young to speak for himself about the circumstances of his life in 1 Samuel 1; how do we interpret what happens to him in this chapter? I maintain that Samuel's dedication to cultic service by his parents (Elkanah does not object to Hannah's plan; 1 Sam. 1:22-23) would today be identified as child abuse--even child abandonment. From the perspective of the sociology of children, in a historical context such as ancient Israel, children were of economic value. They contribute to the material life of their parents and their family. Hannah's vow promises to dedicate, literally "to give" (*nātan*) the hoped for child for cultic service according to the conditions associated with the Nazirites,[29] although she only specifically mentions one of the three conditions for the consecrated Nazirite life, i.e., that he will never cut

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[26] G. B. Caird, *The First and Second Books of Samuel,* Interpreter's Bible 2 (Nashville: Abingdon Press, 1953), 876-82.

[27] R. P. Gordon, *1 & 2 Samuel,* Old Testament Guides (Sheffield: Journal for the Study of the Old Testament Press, 1984), 23-24.

[28] Hans Wilhelm Hertzberg, *I & II Samuel*, trans. J.S. Bowden, Old Testament Library (Philadelphia: Westminster Press, 1964), 21-26.

[29] The LXX (and in the NRSV) of 1 Sam. 1:22 concludes with Hannah's vow, "I will offer him as a *nazirite* for all time." This statement is lacking in the MT.

his hair (1 Sam. 1:11), without vowing that her son will adhere to the two other conditions.[30] The ability to barter with God for her child—and to promise to "set him before" the Lord, dedicate, or abandon him to service to God, depending on the point of view -- brings her the status of motherhood in the family of Elkanah. She voluntarily makes this vow in order to receive a child from God. She hopes that by offering the child to God, God will fulfill her wish for a child and remove the shame of a wife who has not borne a child to her husband. Both before and after Hannah brings Samuel to Eli at Shiloh, she specifically states the she is giving her son to God (vv. 22-23, 27 28)) and adds (vv. 27-28) that it is because God has fulfilled her petition for a child (vv. 27-28).[31] Samuel moves from being the property of his parents to being the property of the cultic shrine at Shiloh, i.e., the property of Eli the priest and Yahweh the patron deity at Shiloh.

Hannah's gift, while appearing to be religiously motivated, also is economically motivated and motivated by the interests of God, who, it appears, needs a replacement for Eli's sons. Thus, according to this analysis, the property paradigm of childhood is evidenced in this example; Samuel is property belonging to someone else and can be bartered away by his mother to Yahweh in exchange for the gift of fertility, followed by her expected subsequent rise in status in the family of her husband Elkanah. Moreover, the story supports institutional interests in ancient Israel through its example of the appropriateness of dedicating one's child to a lifetime of service to God. Initially, Samuel is the property of his mother--Elkanah, his father, does not

[30] The two other conditions for the life of a Nazirite are 1) he abstains from drinking wine or other intoxicants; and 2) he does not approach a dead body. See Num. 6:1-21 and Judg. 13:1-7.

[31] Thus, what is happening here is a gift exchange. For this model, see Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies*, trans. W. D. Halls (London: Routledge, 1990).

attempt to block Hannah's plan, in fact, he tells his wife to do what she thinks is best (v. 23)--and later he becomes the property of Eli and the sanctuary at Shiloh where he basically earns his keep in the service of Yahweh. Thus, Samuel is denied all rights to choose his fate when he is bartered away by Hannah. He is denied a voice because adult interests dictate his fate, i.e., Samuel the child is chattel.

In an economic sense, a child's value and identity was formed based on membership in a family, i.e., a patrilineage, and what the child owes the parent based on this family identity. The economic value of a child is seen, e.g., in 2 Kgs 4:1,[32] when children are taken by a creditor to pay off a debt. Control over a child's fate resides in the hands of the child's parents when the child is viewed as property. By the same token, in the case of Samuel, his dedication to Yahweh at Shiloh requires making a sacrifice as his parents fulfill Hannah's vow. Individual actions, in a context such as this one, where family values address economic production and reproduction, represent collective family interests.

To understand the perspective of the child Samuel as property to be given away, i.e., his economic value, brings us to the topic of the ideology surrounding the first born son in ancient Israel, who is dedicated to God because God spared the Israelites when God slaughtered the first born of the Egyptians (Exod 12:29). The exchange of the first born of Israelite families suggests a theological ideal of the special nature of the first born son in ancient Israel. A sociological approach to the dedication of the first born to Yahweh interprets the child and the food that accompany his dedication at Shiloh (1 Sam 1:24) as a payment to God for a gift given or a

[32] This is also seen, e.g., in Exod. 13:13; 34:20; and Num. 18:15-16.

request fulfilled. Hannah's vow would appear to be a promise to fulfill God's claim on the first born, although the child is *her* first born, not the first born of Elkanah. 1 Samuel 1:4 is clear that Peninnah, Elkanah's other wife, has already borne him both sons and daughters. Possibly this text, in conjunction with the stories of Abraham, Hagar, and Sarah, and their sons Ishmael and Isaac—of whom only the latter is nearly sacrificed, in a literal sense, lead us to assume that the claim on the first born applied to the offspring of the primary wife, and not a secondary wife. 1 Samuel 1:2 lists Hannah's name before that of Peninnah, as the wives of Elkanah. However, while Abraham goes off to offer Isaac to God without the knowledge of Sarah in Genesis 22, in our case Hannah vows her hoped for child to God without the knowledge of Elkanah, who evidently agrees with Hannah's plan since he could have nullified her vow (Num. 30:6-8). The tension between the barren and the fertile wives is expressed in Gen. 16:4 and 1 Sam. 1:6.

The emphasis here on the economic side of childhood underscores the axis on which much of the sociology of childhood in the biblical world turns. The topic of the worth of a child —whether its economic or sentimental value—brings us to 1 Sam 1:8. The context is one in which Elkanah has given more portions to his wife Peninnah and her sons and daughters than he would give to his barren wife Hannah. Hannah weeps because of her childlessness and the taunting of Peninnah, provoking a response from Elkanah that Yairah Amit translates as "Am I not more devoted to you than ten sons?" whereas others simply translate, "Am I not more to you than ten sons?" The question is what does this statement mean? What is Elkanah trying to say? Although Amit argues that Elkanah's words express his devotion to his wife Hannah,[33]

[33] Amit, "Am I Not More Devoted to You Than Ten Sons?" 75.

Westbrook locates the statement in the context of ancient Near Eastern adoption texts and he remarks on the similarity between the reference to ten sons in 1 Sam. 1:8 and in the extra-biblical data.[34] He uses the ancient Near Eastern adoption documents to explain the difference between 1 Sam. 1:8 and Ruth 4:15b, with its reference to seven sons. Regarding Elkanah's meaning, Westbrook writes, "His point seems to be that a husband, like an adopted son, can more than make up for the lack of natural offspring."[35] However, this interpretation fails to grasp the significance of motherhood for Hannah vis-à-vis Peninnah in this text, and in ancient Israelite society.

As noted above, much of how we think about children in any society—past and present--depends on an adult point of view that determines how a child is treated. Of course, a child's age and level of maturity has bearing on whether or not she/he can speak for itself about its future. Yet, to discuss these issues takes us away from Samuel's perspective. Was he happy or sad about being placed with Eli? Was he well-fed in his new home? Were there other children around? Who were his teachers? Was he old enough to remember his siblings, i.e., the children of Peninnah? We will never know the answers to these questions because the cultural and social processes at work in the construction of childhood for Samuel as presented in the Hebrew Bible render him as property to be invested according to the interests of his parents. Samuel's life was not his own. Social construction of family life in ancient Israel gives little concern for individual autonomy, least of all for children.

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[34] Raymond Westbrook, "1 Samuel 1:8," *Journal of Biblical Literature* 109 (1990) 114-15.

[35] Ibid., 115.

It is clear from the analysis above of 1 Samuel that the social understanding of childhood in the biblical text is linked to the economic utility of the children. The text reveals a model of childhood as the property of his or her parents. I now turn to discuss issues regarding the United Nations Convention on the Rights of Children as they relate to thinking about children as individuals in need of protection, who, in tandem, have individual rights that need protection.

II.

Alongside the focus on childhood in academic research and debate, on the international political front, the second half of the twentieth century gave rise to global concerns for children as expressed in the United Nations Convention on the Rights of Children (UNCRC).[36] The UNCRC was adopted by the United Nations General Assembly in 1989 and came into force in 1990 after being ratified by the requisite number of nations. The document focuses on four issues: "non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child" (UNICEF). Children, according to the UNCRC, not only need both physical and emotional protection, they have rights as individuals. Thus, this document exemplifies the individual rights paradigm of children, and the protection paradigm, too, mentioned earlier in this paper. According to the UNCRC children are independent beings with rights to independence and to protection. However, as one analyst of the UNCRC notes, the UNCRC document does "not provide children with a full citizen's rights to travel, work, choose a place or residence and certainly not to engage in sexual activity. What the

[36] http://www2.ohchr.org/english/law/crc.htm (accessed July 1, 2009).

children's charters provide is the right to freedom from cruelty, hunger, lack of shelter, lack of 'appropriate education,' and so forth. It is adults who still decide what is 'appropriate.'"[37]

As of December 2008, only the United States and Somalia have failed to sign the UNCRC. The failure of the United States to sign the document results from 1) fear among some Americans that the UNCRC will undermine parental sovereignty and 2) earlier concern to preserve individual states' rights: the UNCRC outlaws juvenile capital punishment (children are defined in Article 1 as those under eighteen years of age), which, up until 2005, was allowed in some states for certain 16-17 year olds.[38]

Fear that the UNCRC will undermine parental sovereignty in the United States has made the documents a rallying point for many critics of children's rights to individual independence. In their own words, the intense controversy and opposition over parental sovereignty is justified by critics as follows:[39]

- Parents would no longer be able to administer reasonable spankings to their children.
- A murderer aged 17 years and 11 months and 29 days at the time of his crime could no longer be sentenced to life in prison.

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[37] J. A. Lee, "Three Paradigms of Childhood," *Canadian Review of Sociology and Anthropology* 19 (1982) 596.

[38] The United States Supreme Court outlawed juvenile capital punishment in 2005. At that time there were 72 people on death rows who were juveniles when they committed their crimes. The Oyez Project, Roper v. Simmons, 543 U.S. 551 (2005) available at: http://oyez.org/cases/2000-2009/2004/2004_03_633 (accessed November 17, 2009).

[39] http://www.parentalrights.org/index.asp?Type=B_BASIC&SEC={B56D7393-E583-4658-85E6-C1974B1A57F8} (accessed September 1, 2009).

- Children would have the ability to choose their own religion while parents would only have the authority to give their children advice about religion.
- The best interest of the child principle would give the government the ability to override every decision made by every parent if a government worker disagreed with the parent's decision.
- A child's "right to be heard" would allow him (or her) to seek governmental review of every parental decision with which the child disagreed.
- According to existing interpretation, it would be illegal for a nation to spend more on national defense than it does on children's welfare.
- Children would acquire a legally enforceable right to leisure.
- Christian schools that refuse to teach "alternative worldviews" and teach that Christianity is the only true religion "fly in the face of article 29" of the treaty.
- Allowing parents to opt their children out of sex education has been held to be out of compliance with the CRC.
- Children would have the right to reproductive health information and services, including abortions, without parental knowledge or consent.[40]

From the perspective of these UNCRC critics, the issues raised above are parent's prerogatives, rather than children's rights. The final choice in the above matters, argue these opponents, lies in

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[40] Although critics of the UNCRC work to preserve the rights of parents to control their children, in situations of abortion they advocate for the rights of the fetus over the prerogatives of the biological mother.

the hands of parents. From their perspective, children belong to their parents and the rights of parents to control their children are championed by these fierce critics of the UNCRC. Moreover, according to their argument, children are individuals who need protection from corrupting adult interests that lie outside the perspectives of the parents.[41] Critics of the UNCRC fear that when the rights of children become a public concern, parents will lose their right to control their children. Such critics argue for returning children to the private world of their parent's authority.[42] Thus, conflicting social visions of childhood separate the UNCRC goals from "the best interest of the child" of certain of its critics in the United States.

Ultimately, the objections raised above to the UNCRC construct contemporary children as objects in need of protection from the outside world. I would caution that it is important that adults be aware of projecting their own desires onto their children and then mistaking their values and needs for the best interest of the child. Should we unilaterally assume that the parent is always the best judge of the interests of the child? My answer is no.

III.

What can we learn from the above? The evidence appears to be contradictory and complex. Read against the backdrop of the UNCRC, the narrative recounting the circumstances

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[41] This perspective on childhood as a time of innocence and purity that requires adult protection can be traced back to Rousseau, who characterized childhood as the "sleep of reason." See J. J. Rousseau, *Emile*, trans. B. Foxley (New York: Dent, 1957 [1762]).

[42] For a response to these critics, see John Wall, "Human Rights in Light of Childhood," *International Journal of Children's Rights* 16/4 (2008) 523-543, and Michael Freeman, "Why It Remains Important to Take Children's Rights Seriously," *International Journal of Children's Rights* 15 (2007) 5-23. I wish to thank John Wall for calling my attention to this work.

of the birth and dedication of Samuel to the service of Yahweh provides a concrete example of child abandonment—possibly even child abuse[43]—in biblical Israel in fulfillment of his parents' needs. However, when the objections to the UNCRC are investigated, one finds that circumstances for children in many places in the world are not so different than they were in biblical times.

Viewed from a contemporary perspective such as found in the UNCRC, 1 Samuel 1 denies the child his rights. In the Hebrew Bible, the child's interests in her/his fate are of little concern to the adult authors of the texts. In biblical Israel, children were property, subject to physical discipline,[44] they could be sacrificed, and they could be abandoned. They were subject to abuse at the hands of their own parents. As the examples of the abandonment of Ishmael by his father Abraham (Gen. 21:14-21) and of the near sacrifice of Isaac by his father Abraham in Genesis 22 make clear, the biblical data do not always reveal a particularly child-friendly society.[45] It is only because Abraham has demonstrated a willingness to give up his first born son Ishmael that God promises in exchange to give Ishmael a multitude of descendants (Gen. 22:16-18).

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[43] David Jobling, *1 Samuel*, Berit Olam (Collegeville, Minn.: Liturgical Press, 1998).

[44] "He who spares the rod hates his son, but he who loves him is diligent to discipline him" (Prov. 13:24).

[45] For an analysis of these texts that comes to the same conclusions, see Terence E. Fretheim, "'God was with the Boy' (Genesis 21:20): Children in the Book of Genesis," Marcia J. Bunge, ed., *The Child in the Bible* (Grand Rapids, Mich.: William B. Eerdmans, 2008), 3-23. Some would argue that at present the United States is also not a "peculiarly child-friendly society;" see Steven Mintz, *Huck's Raft: A History of American Childhood* (Cambridge: Harvard University Press, 2004), 2.

Similarly, the UNCRC provides mixed messages about childhood globally.[46] The document is shaped by Western values. Moreover, it assumes that all children exist in a similar ecological niche and have the same continuing access to natural resources. Further, the UNCRC universalizes the age of adulthood at eighteen—rather than defining adulthood by contextualizing it based on competence. Ultimately, the document generalizes the category of "children," and uses age as a fixed category rather than recognizing that children across the globe may have the capacity to act as competent independent agents at different ages. In some settings, the age range for childhood may be brief and parents may not be able to economically support a child until the age of eighteen. However, to speak of the rights of a child without relying on age generalizations shifts the emphasis from the child as object of protection to the child as an independent being who can determine her/his own rights. Thus, laid side by side, the Hebrew Bible and the UNCRC, each in their own way, raises questions of what are the best interests of children, and who has the right to decide what these interests should be. When should a child be protected? When should a child be a self-determining individual? Both documents reveal competing systems of rights, i.e., adult rights versus children's rights. Furthermore, neither the Bible nor the UNCRC adequately consider how racism, poverty, and sexism have bearing on the social construction of childhood.

In order to grasp notions of childhood in the Bible, and to decide how and when they are relevant today to the contemporary discussion on social change for the well-being of the world's

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[46] See the discussion of the impact of the UNCRC on global constructions of childhood in W. E. Myers, "The Right Rights? Child Labor in a Globalizing World," *The Annals of the American Academy of Political and Social Science* 575 (2001) 38-55.

children, we must renew interest in the parent-child relationship. The biblical example of 1 Samuel 1, in dialogue with contemporary discussion about the protection of children and their rights, such as the UNCRC provides, juxtaposes two documents that can both challenge and inform each other in thinking about "the best interests of the child." The story of the child Samuel in the Hebrew Bible reveals issues of children's vulnerability to their parents and the need for safeguards to protect the interests of child—even against his parents. This is a problem that still exists today that children's protective services agencies must confront.

In order to move forward in bringing about changes for the social welfare of children worldwide, we must further explore how the appropriation of contested constructions of children, i.e., the notion of children as entitled to both protection and to personal rights, brings about, for some, an argument for the return to an older construction of children as innocent and pure, the perspective of those in the United States who oppose the UNCRC. We must be cognizant that conflicting constructions of childhood and "the best interests of the child" lie behind such these discussions of children's rights. As we grasp these differing understanding of childhood, we may need to challenge the ideals of the UNCRC and accept that it is not always in the best interest of a child to, e.g., dwell under the same roofs as her/his parents, or even in her/his country of birth. Furthermore, to raise several other issues that challenge our ability to generalize about the best interests of a child, in many settings not all children are viewed as having the same inherent worth, and a child's illness is not always viewed as a problem requiring medical attention, but may be seen as a result of the intervention of divine forces. Moreover, arguments for a child's right to an education fail to address global contexts where literacy is not as important for survival

as it is in other settings, and where building schools will not necessarily solve the economic problems faced by young people.[47]

Western proponents of children's need for protection and individual rights must face their ethnocentrism before it will be possible to impose values from one economic setting onto others where, e.g., emphasis is placed on the wisdom of the elders—not on the emotional value of the young to their parents. Culture bound ideas of the social construction of childhood must be exposed for exactly what they are—social constructions—in order to truly speak about the best interests of the child and to incorporate those interests into a wide range of institutions and contexts.[48]

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[47] For further thoughts on this topic, see the recent remarks of David F. Lancy, *The Anthropology of Childhood: Cherubs, Chattel, Changelings* (Cambridge: Cambridge University Press, 2008). He argues that, "traditional economies are very successful at providing a comfortable standard of living and that children willing replicate the systems that have worked in the past. There is a font of knowledge on how to adapt to a particular environment and to maintain sufficiently harmonious relations within the community so that children are cared for….Attempts to repackage the traditional culture and deliver it to students in classrooms seems perverse. They'd be better off avoiding the classroom and hanging around working adults" (374). It is important to note that Lancy is not arguing that in such contexts all children should go without education.

[48] An earlier version of this research will be published in Nancy Nam-Hoon Tan and Zhang Ying, eds., *Crossing Textual Boundaries: A Festschrift for Professor Archie Chi Chung Lee in Honor for his Sixtieth Birthday* (Hong Kong: Divinity School of Chung Chi College, 2010).