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*Women in the Sex Texts of Leviticus and Deuteronomy:
A Comparative Conceptual Analysis*

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The primary goal of this study is to move beyond the recognized purity/property distinctions of the writers/final redactors of Leviticus and Deuteronomy, respectively, and to expose the ways in which the intrinsically different ideologies of these editors shape the extrinsically different conceptualizations of women in Leviticus and Deuteronomy. According to the introduction, “Whereas the interest of the Leviticus sex texts (LST) is *ontology*, that is the classification or order of kinds and their relationships; the interest of the Deuteronomy sex texts (DST) is *property*, that is, the man’s ownership of the woman’s sexuality and its protection” (3–5, emphasis original). For the purposes of her analysis, Ellens defines “sex texts” as those “in which women *are present* and which intend to regulate the act of sexual intercourse” (32, emphasis original). These texts include Lev 15:18, 24, 33; 18; 19:20–22, 29; 20:10–21; 21:9 (LST) and Deut 5:18; 21:10–14; 22:13–23:1; 24:1–4; 25:5–10; 27:20–23; 28:30 (DST).

This volume is a revised 1998 Claremont dissertation written under the direction of Rolf Knierim, whose methodology of conceptual analysis informs it. The format of the volume as well as the character of its prose reflects its origins as a dissertation, although the notes and bibliography have been brought up to date since the completion of the dissertation ten years ago. The volume is divided into five parts. Part 1 details the thesis of the study and the methodology of the work. Here Ellens lays out her exegetical methodology, that is, “conceptual analysis” pioneered by Knierim, with its roots in both form and literary criticism. Ellens proposes to accomplish her goal of examining the differing conceptualizations of women and gender differentiation according to (1) the nine topics

occurring in the sex texts: menstruation, incest, adultery, homosexuality, bestiality, prostitution, rape, virginity, and slaves and captives; (2) the genre features: structure of the series of texts, structure of boundaries or properties, and structure of literary sources; and (3) the three rhetorical components of marginalization, objectification, and focalization.

Part 2 consists of six chapters providing exegesis of the LST; part 3, five chapters, focuses on the DST. These eleven chapters are the heart of the book. One of the criticisms that Ellens levels against past scholarship addresses the application of contemporary categories to ancient texts. Thus, she correctly notes that the understanding of rape in the twenty-first century has no counterpart in biblical Israel. Yet her footnotes in parts 2 and 3 bring in explanations from modern medical texts as well as biblical scholarship discussing human sexuality that most likely does not correspond with ancient male knowledge of female biology and sexuality.

Ellens then moves to part 4, a comparison of the ways in which the LST and the DST conceptualize women. Here she argues

LST and DST share a conceptualization of women as circumscribed by and subordinate to men. In all laws of both groups, women are marginalized and objectified. To varying degrees, the marginalization is ameliorated and on occasion the objectification is ameliorated as well. LST and DST, however, differ in their focalization of women. In LST she is, for the most part, focalized as agent responsible to the law.... In DST, on the other hand, woman is, for the most part, focalized as property, even while manifesting an accrual to agency by way of implied addressee and active participation in the infraction. (285–86)

Based on differences in how women are focalized in these texts, Ellens concludes that women are so depicted in order to protect the classificatory concerns of LST and the proprietary interests of DST. Finally, part 5, chapter 16, discusses the implications of her work on conceptualizations of women and notes factors that are relevant for future study of women in the biblical texts. In the appendix, her study is transformed into six charts that display the biblical texts in various formats in order to highlight the categorizations she introduces in the text.

According to Ellens, conceptual methodology and its focus on the final form of the text, where the systematizing intentions of the authors are found, results in an objective reading of the implicit and explicit intentions of the text and makes manifest the conceptual coherence of the text. Assuming the coherence of the text provides one lens

for avoiding the imposition of the interpreter's presuppositions and for understanding the conceptual messages of the redactors of the material.

Ellens argues that, based on its intentional systematized conceptual coherence, Deut 27:20–23, whatever its original purpose, in its present form and context reflects the property interests of the sex texts in Deuteronomy. For example, Deut 27:21, a curse against a man having sexual intercourse with an animal, could be interpreted as a curse against the mixing of categories; that is, it could reflect the ontological ideology of the LST. Says Ellens, “Undeniably, the author, by including the bestiality curse, has included a curses which guards against mixing of categories, a classificatory idea. However, the fact that property concerns characterize all four curses argues against ‘mixing’ of categories. Deduction of the classificatory idea, from the ‘mix’ as a primary concern, is possible only if the total mix warrants it and only if no other narrower concern explains the mix. In Deut 27:20–23, a narrower concern explains the mix” (275–76). Such an approach raises questions of whether methodology controls the meaning of a text.

Acknowledging that the topic of bestiality also finds expression in Lev 18:23 and 20:15–16, Ellens argues that Deut 27:21 presents a differing ideology than the Levitical texts based on textual organization and structure of the respective texts. Although one might argue that Levitical laws against bestiality guard against a violation of sexuality as property, she thinks Lev 18:23 and 20:15–16 refer to purity based on the texts' contextual structure; Deut 27:21, although it could be interpreted as referring to purity, refers to property. Thus, argues Ellens, the curse against bestiality reflects the property concerns of the DST because it appears in Deuteronomy rather than in the LST. The logic of this conclusion is open to serious questioning.

Moreover, Ellens maintains Deut 27:21 fits within the range of texts included in her study on the conceptualization of women in Deuteronomy—despite the fact that the curse only speaks about man-animal sexual intercourse—because women are present, that is, because the material is addressed to “all Israel.” Such a judgment depends on where the unit of study begins. To be sure, in Deut 27:1 Moses and the elders speak to “the people,” and in Deut 27:9 Moses and the Levitical priests address “all Israel.” However, at the inception of the curses, the pericope that Ellens analyzes, the Levites address only “the men of Israel” (27:14).

Ellens's conclusions about the meaning of these “sex texts” would find support if she could move from the biblical literature to the contexts of the redactors of the LST and the DST. However, by reading only on the synchronic, rhetorical level, and not raising historical, diachronic concerns, it may be difficult to offer an accurate analysis of ideologies. Although women may appear to be subordinate to men in Deuteronomy, some scholars

(e.g., Joseph Blenkinsopp, *Treasures Old and New: Essays in the Theology of the Pentateuch* [Grand Rapids: Eerdmans, 2004], 175–91) have recently argued that the family laws in Deuteronomy—in comparison to those in Exodus—serve the larger political goal of rendering both women and men subordinate to the political hierarchy of centralized government in contrast to the way in which family laws functioned in a society based primarily on kinship groups. For example, when Deuteronomy is compared with earlier law on the seduction of an unbetrothed virgin in Exodus (e.g., Exod 22:16–17 with Deut 22:28–29) it becomes clear that the Deuteronomic family law (which in many cases is equivalent to the sex laws in this study) works to break down early extended family structure in favor of later nuclear family units. Administration of justice in Exodus by the *paterfamilias*, in whose hands the fate of his daughter lies, shifts to the categorical imperatives in the context of Deuteronomy, so that a man who rapes an unbetrothed virgin must marry her—with no place given to the will of the father. In Exodus the father receives the marriage present for virgins even if he refuses to allow the rapist to marry his daughter; thus, he could actually benefit financially from this rape by withholding his daughter, receiving the money for her, and then marrying her later to someone else and receiving more money for her. This development subverts the power of the father over the daughter in the former to subordination of both to justice under the elders in the latter. This change was probably intended to weaken extended family units that might come together to challenge hierarchical political structures. In order to understand the position of women in such a text one must not only look at women vis-à-vis men but also attend to the larger social and political issues reflected in the texts. Neither the DST nor the LST emerged in a vacuum.

There is much interesting material presented in this study. Moreover, the topic of women in Israelite legal literature will no doubt continue to draw scholarly attention. However, biblical scholars will need to attend to social and political issues as well as literary and conceptual matters in order to analyze adequately the significance of that literature.