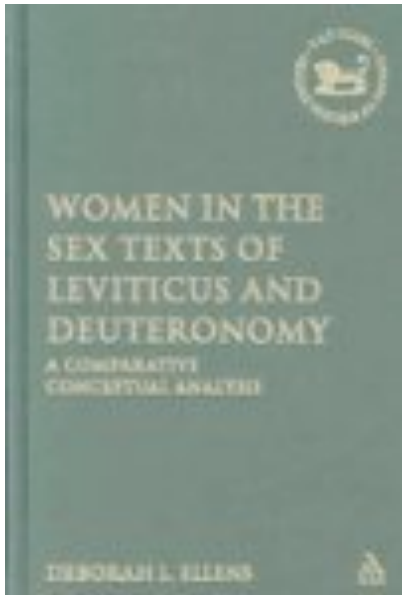


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Ellens, Deborah L.

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

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This revision of Ellens's Ph.D. dissertation (Claremont Graduate University, 1998), offers the first extended comparison of women in the "sex texts" of Leviticus and Deuteronomy. The volume comprises five parts.

In part 1, Ellens meticulously defines and delimits her study. By "sex texts," she means only those cases that explicitly refer to women and that regulate sexual intercourse, not marriage more generally. Ellens's thesis is that the primary concern of the Levitical sex texts is classificatory, that is, the maintenance of boundaries and structures of creation. In contrast, the primary interest of the Deuteronomistic sex texts is proprietary, that is, protecting a man's property rights to a woman's sexuality.

Her method, conceptual analysis, a literary approach developed by Rolf Kneirem and his graduate students, examines surface elements such as "structure, content, rhetoric, grammar and syntax" (39) to identify the subsurface "conceptualities that control and shape the surface" (38). In this study, Ellens analyzes the conceptualities shaping the sex texts under three rubrics: marginalization, objectification, and focalization. "Marginalization" is shown by the addressee of the law, as well as the choice of pronouns, and the "application of taboos" (that is, who is prohibited to whom.) The texts Ellen investigates consistently marginalize women, though a number of factors mitigate against

that marginalization in some cases, especially in Leviticus. The “objectification” of women in the sex texts of both Leviticus and Deuteronomy is demonstrated by the fact that in all but one instance, men are the subjects and women the objects of verbs denoting acts leading up to sex or the sex act itself. Ellens understands “focalization” in terms of the relationship of women to the main concern of the law.

Of the three categories, “focalization” varies the most from law to law and most distinguishes the conceptualization of women in Levitical sex texts from those in Deuteronomy. The woman in Levitical laws is most often focalized as “agent,” bearing responsibility for maintaining boundaries outside of herself. The focalization of the woman in the Deuteronomic sex texts is that of “property.”

In addition to delineating the problem and explicating the method, in part I Ellens situates her study within the relevant literature. Throughout the book she extensively engages the burgeoning literature on gender, law, and related topics. Her study is characterized by impressive breadth and depth, if not always by an awareness of the history of research on the topic. Ellens is particularly to be commended for the thoroughness of her revisions. Over two dozen of the books and articles in her bibliography were published at the same time as or subsequent to the completion of her dissertation; Sophie Lafont’s foundational work is the most notable gap.

Ellen’s study is fundamentally exegetical in nature. The heart of the book consists of careful analyses of each of the sex texts in Leviticus (part 2: 15:18, 24, 33; 18; 19:20–22, 29; 20:10–21; 21:9) and Deuteronomy (part 3: 5:18; 21:10–14; 22:13–23:1; 24:1–4 [which she exegetes to demonstrate that it does not belong to her study]; 25:5–10; 27:20–23; 28:30). Space limitations do not permit me to summarize and evaluate Ellens’s often controversial conclusions in any comprehensive way, though her study merits such attention. Rather, I lift up a few key characteristics of her exegesis.

The study is thorough and detailed. Ellens raises and carefully works out her position on disputed issues—as well as on some issues not previously seen as disputed. Ellens’s penchant for thoroughness occasionally leads her to argue for points that seem self-evident (e.g., that *betulah*, used of the slandered bride in Deut 22:19, means “virgin at the time of marriage” rather than virgin when the case is tried sometime after the wedding night). The level of detail can also seem fragmented, as when outlines assign each word to a separate section. In general, however, her painstaking attention to detail leads to careful, controlled interpretations, as well as to some fascinating and helpful excurses.

Ellens consistently resists the temptation to impose anachronistic categories or critiques on these ancient texts. For example, Ellens acknowledges that from our twenty-first-

century perspective, the law of the captive bride (Deut 21:10–14), regulating how a man may legally marry a woman whom he has captured in battle, legalizes rape. The captive woman has no say. Ellens then rightly argues that ancient Israel, in common with surrounding cultures, lacked the concept of rape as we understand it, because it had no understanding that a woman’s sexuality was her possession. Ellens takes pains to critique the violence against the captive woman encoded in the case in terms of ancient authors’ attitudes toward violence that might be inflicted on Israelite women; that is, she critiques the case on “its own grounds” (177–78). Her approach, which both respects the distance between the ancient text and ourselves and allows for critique, has the potential to be developed and used with other biblical texts.

My most significant issue with Ellens’s exegesis is that she at times interprets the language in which a law is couched far too literally. Ellens’s interpretation of Deut 22:25–27, two sexual offense laws involving a betrothed woman, is the most extreme example. These laws distinguish between a case where the man and the woman engage in sex in the town and are both deemed guilty and hence subject to stoning, and the case where the offense takes place in the countryside and the woman is emphatically described as innocent; only the man is to be executed. In contrast to most other interpreters, Ellens argues that the woman’s intent is immaterial; only the location matters. “Whether a woman is raped in the city or whether she cooperates in the city, *she is guilty*. Whether she is raped in the field or she cooperates in the field, *she is innocent*.” Ellens then explains at some length the assumptions that led the drafters of the laws to hold such a position (230–33).

Such a reading is entirely too wooden. Ancient Near Eastern laws, including Deut 22:13–23:1, regularly use descriptions of concrete situations to express abstract ideas. Here the drafters have used “town” and “countryside” to indicate whether the woman engaged in sex voluntarily or was coerced. This is suggested by the wording of the case in which the woman is exempt from punishment; the case is like someone being attacked and murdered (v. 26); that is, the young woman has been assaulted. Consideration of comparative ancient Near Eastern legal collections also argue against Ellens’s interpretation. The laws of Eshnuna (26) and Hammurabi (130) and the Middle Assyrian laws (12) all distinguish between forced and voluntary sexual intercourse. In each case of the former, the man is to be killed; there is no punishment for the woman. The Hittite law concerning adultery (par. 197=HL II 83a), like Deut 22:23–27, uses location to determine whether the man or the woman is the guilty party. It seems highly unlikely that Israelite law alone treated a raped woman as subject to death, regardless of where the offense took place. Rather, the interpreters of the law were expected to use their reason when turning to these cases for guidance.

Numerous other exegetical positions that Ellens takes raise questions. That is indeed one of the significant contributions of her study; the questions that she raises are often as helpful as the answers that she offers. I found this particularly true of her exegesis of Deut 24:1–4, which prohibits a man from remarrying a woman whom he had divorced if she has in the meantime entered into a second marriage that was subsequently dissolved either through the husband’s death or by divorce. Ellens argues for Raymond Westbrook’s reading. Westbrook believes that the first husband divorced the woman for cause, which would have allowed him to keep her dowry and his bridewealth. The second husband either died or divorced the woman without cause; in either case, she would have kept the dowry and bridewealth. The intent of the law, according to this interpretation, is to prevent the first husband from exploiting the woman by remarrying her in order to gain possession of the monies she received from her second marriage. While I am not—yet—completely convinced by Westbrook’s argument, I am grateful to Ellens for reintroducing it to scholarly conversation. Most scholars have dismissed Westbrook’s interpretation with one or two brief sentences. His cogent and economical explication of this enigmatic text deserves much more focused consideration.

Indeed, I am grateful for the contribution Ellens has made to the conceptualization of women in biblical law more generally. My questions do not greatly challenge Ellens’s overarching thesis that different underlying conceptions of women and women’s sexuality have shaped the Levitical sex texts, on the one hand, and the Deuteronomic sex texts, on the other.

Part 4 of the book offers an extended analysis of those two views with the same careful attention to detail and rigorous methodology found in the three earlier parts. The analysis proceeds “with respect to three classes of rubrics: (1) nine topics” (menstruation, incest, adultery, homosexuality, bestiality, prostitution, rape, virginity, and slaves and captives), “(2) genre features, and (3) the three rhetorical components of marginalization, objectification, and focalization” (286). Nuanced discussion of each rubric supports her thesis that the concern of the Levitical sex texts is classificatory, that of the Deuteronomic sex texts proprietary. The Levitical texts focalize women for the most part as agents responsible for maintaining boundaries; the Deuteronomic texts, as “property with implied status as agent who must protect that property.” In her brief conclusion (part 5), Ellens offers a nuanced summary of those differences and commonalities between the Levitical and Deuteronomic sex texts. The conclusion also asserts the validity of her method and points to two areas—progeny and inheritance—for which her study has implications yet to be explored.

With this book, Ellens has made a substantial contribution to the literature on gender and pentateuchal law. Her work underscores both the subtle interplay of concepts within a

specific law or set of laws and the diversity of views underlying and shaping different sets of laws. In the manner of dissertations, Ellens sometimes overstates her case. Further debate may show that neither the conceptualizations of women in the sex texts of Leviticus nor those underlying Deuteronomy are as completely consistent as Ellens believes. That would not, however, undermine the value of her constructive argument that the primary interests of those two sets of laws differ or her caution against generalizing from one set of texts to another. Also typical of dissertations (revised or not), Ellens is more attentive to precise and comprehensive analysis than to accessibility. Some will find her use of structuralist jargon off-putting; others, especially lay persons or undergraduate and seminary students who have not been trained in exegetical method and biblical languages, may find it obscure. For advanced students and biblical scholars, especially those specializing in biblical law, gender, and the Hebrew Bible or conceptual-analytical readings of the text, the book will be worth the effort. Ellens has made a substantial contribution with her thoughtful, precise study.