Transgressing Boundaries:

Nonproductive Sex

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## Contents

**Introduction: Nonproductive Sex**  
3  

**Adultery**  
7  

**Prostitution**  
11  

‘Rape’ as a Sexual Impropriety:  
12  

I. Incest  
17  

List of Prohibitions  
19  

II. Same-Sex Intercourse  
30  

Inset: Variations in the Assessment of Sexual Relations in Biblical Literature  
36  

III. Bestiality  
46  

Conclusion  
49  

Bibliography  
52
Introduction: Nonproductive Sex

There has been a significant amount of scholarship in the field of biblical studies on family development, and sexual relationships. Within this area of study, the challenge for many scholars examining sexuality in the ancient Near East is the task of separating their own modern construction of sexuality from the sexual mores of ancient Israel. The first step in analyzing ancient values is defining what constitutes sexuality in the ancient Near East. Hilary Lipka writes “sexuality is the network of social meanings in the form of norms, definitions, practices, interpretations, prohibitions, and representations that the members of a particular culture create, maintain, and apply to sexual roles and sexual interactions.” This network forms the social construction of the categories masculine and feminine. In this system, gender and sexuality are perceived to be the framework within which social identities are produced in ancient Israel, and the rest of the ancient world. However, these dominant gender paradigms are not ‘natural;’ and what is more, the construction of gender is not unproblematic.

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1 Hilary Lipka defines mores as “a specific sub-set of behavioral norms in which determinations of right and wrong play a central role in regulating interpersonal relationships among members of society.” See Hilary B. Lipka, Sexual Transgression in the Hebrew Bible, Hebrew Bible Monographs 7 (Sheffield: Sheffield Phoenix, 2006), 19.
2 Ibid., 2.
3 Anthropologist Pierre Bourdieu writes, “[t]he biological difference between the sexes, i.e. between the male and female bodies, and, in particular, the anatomical difference between the sex organs, can … appear as the natural justification of the socially constructed difference between the genders.” See his discussion of gender and masculinity in Pierre Bourdieu, Masculine Domination (Stanford, Calif: Stanford University Press, 2001), 11. Virginia Burrus argues that the terms women and men “demarcate positionalities both distinctly unstable and fissured by difference, joined also at times by unexpected, even unpredictable, affinities or alliances.” See Virginia Burrus, “Mapping as Metamorphosis: Initial Reflections on Gender and Ancient Religious Discourses,” in Mapping Gender in Ancient Religious Discourses, Todd Penner and Caroline Stichele (eds.) (Netherlands: Brill, 2007), 1-10, esp. 3; see also Judith Butler’s preface in Gender Trouble: Feminism and the Subversion of Identity (New York: Routledge, 1990), where she discusses the construction of gender and sexuality, and proposes a genealogical critique of gender (influenced by Foucault and Nietzsche).
4 Burrus, “Mapping as Metamorphosis,” 11. David Carr writes, “in henotheistic and monotheistic Israel, gender and love have become key concepts describing power differentials on multiple levels of the cosmic hierarchy.” For a detailed analysis of gender in ancient Israel and the history of interpretation see David Carr, “Gender and the Shaping of Desire in the Song of Songs and Its Interpretation,” Journal of
As Virginia Burrus writes, gender in the ancient world was not a fixed binary, but rather a dynamic spectrum, a gradation of masculinity and femininity. What was sexually normative in one culture or community, may not be sexually normative in another. When discussing sexuality in ancient Israel scholars must ask: what acts did the ancient Near East consider to be sexual, when and with whom was it appropriate to engage in these acts, and what boundaries did they place upon these interactions? Jeffrey Weeks argues, for example, that rather than viewing sexuality as a constituent element of gender identity, we have to recognize that there are various sexualities; such as class, racially specific, and gendered sexualities. Weeks believes as “historians of sexuality [we] must try to understand these, both in their distinctiveness and in their complex interactions.” In this paper I explore human sexual relations in the Hebrew Bible; in particular, I investigate permissible and impermissible acts of sex and physical relationships to determine the parameters of illicit sex in the ancient Near East.

6 Burrus, “Mapping as Metamorphosis,” 4. Nissinen uses Burrus’s concept of relative masculinities to argue that “the spectrum of masculinities… made it important to signify and identify acceptable ways of masculine performance. In fact, manhood was a vulnerable quality that was constantly endangered and had, therefore, always to be demonstrated, done, and accomplished by means of a proper male performance.” See “Relative Masculinities in the Hebrew Bible/Old Testament” in Being a Man: Negotiating Ancient Constructs of Masculinity, Studies in the History of the Ancient Near East, Ilona Zsolnay (ed.) ( New York, NY: Routledge, 2016), 224.

7 Lipka argues that although “sexual acts appear to be the same across cultures, the meaning of and motivations attached to such acts vary greatly from society to society, and even from subculture to subculture.” For example, “the content and meaning of man-boy fellatio in contemporary Western society is completely different from the content and meaning of man-boy fellatio among the Sambia and other Melanesian societies. While in our culture most people consider such activities to be a deviant form of sexual gratification that is harmful to the child, in Melanesian cultures boy-insemination rituals are institutionalized rites of passage that are required for a boy to become a man.” See Lipka, Sexual Transgression in the Hebrew Bible, 3, 7.
9 Weeks, Sexualities in History, 37.
10 Ibid.
This paper will begin with a general discussion of sexual acts in which some principles that determine biblical attitudes towards adultery, prostitution, and rape will be identified. My investigation of three forms of sexual deviance identified and combined in Leviticus 18 and 20 begins in section I. I will discuss the nature and range of these prohibitions with the support of data taken from comparative religion, gender theory, and principles derived from the survey of biblical proscriptions on adultery, prostitution, and rape. The paper will be summarized in a concluding section with some indications of directions for further research on the determinants of normative and non-normative sexuality in the Bible and the ancient Near East.

Deviations from the “accepted” sociosexual mores of the ancient Near East are usually assumed to consist of adultery, 11 prostitution, 12 rape, 13 incest, 14 bestiality, 15 and male same-sex relations. 16 William S. Morrow classifies these transgressions as high-handed sins. 17 The punishment for these offenses varied from social displacement to the death penalty.

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11 Davidson writes adulterous relationships are severely penalized in Lev 20:10; Deut 22:21, 24; Exod 20:14. He adds, “According to Lev 18:23, bestiality is defiling … to the person engaging in the practice. The only other prohibited practice indicated as defiling … in Leviticus 18 is adultery. Jacob Milgrom discusses the significance of this connection of adultery with bestiality: “Adultery [ v. 20] and bestiality (v. 23) are the only prohibitions in the entire list containing the root ūm’ Considering that of all the listed prohibitions, this one, adultery, was by far the most widespread, the legisl may have purposefully attached the impurity label here [Lev 18:20, referring to adultery] to allude to its grave implications." Milgrom further points out that the defilement from bestiality [um’ v. 23], like the defilement for adultery [um’ v. 20], "is not cultic, but moral.” See Richard M. Davidson, Flame of Yahweh: Sexuality in the Old Testament (Peabody, Massachusetts: Hendrickson Publishers, 2007), 174.

12 The practice of prostitution itself is suspect; however there are no explicit prohibitions against that act anywhere in the Hebrew Bible. I will elaborate more on the nature of prostitution below.

13 The Hebrew Bible does not have a word that is equivalent to rape. Rape may be implied in Deuteronomy 22:25. Genesis 19 and Judges 19 clearly prohibit male same-sex penetrative violence. Additional biblical narratives address matters of sexual violence; however “rape” may not be the issue. I will discuss the term rape and its usage later in this section.

14 Incest (father or son’s wife) Leviticus 20:11-12; sibling incest (brother and sister) Leviticus 20:17.

15 Exodus 22:19; Leviticus 20:15-16

16 Leviticus 20:13

17 High-handed sins, as defined by Morrow, are “infractions against moral and cultic regulations committed deliberately and in full knowledge (Num 15:30-31).” See An Introduction to Biblical Law (Grand Rapids: Eerdmans Publishing Co, 2017), 150.
Some scholars may also consider male masturbation\textsuperscript{18} as a departure from sociosexual norms. The emission of semen renders the male unclean (Lev15:16), and the act itself could be considered a misuse of one’s seed, or perhaps more pointedly, an irregular use of sex. Biblical scholars remain divided on the classification of masturbation, often referring to the case of Onan in Genesis 38. However, like Lev 15:16, Genesis 38 demonstrates a concern for a seminal emission and not necessarily masturbation. Further, Onan does not appear to be masturbating, as Michael Coogan writes, he was practicing \textit{coitus interruptus}.\textsuperscript{19} The phrase the “spilling of seed” also does not refer to other instances in which semen is expended without reproductive purposes, such as: “sex with a pregnant woman, sex after menopause, [self stimulation], [non-vaginal] intercourse, and birth control of various sorts.”\textsuperscript{20} As such, since the nature of masturbation is unclear, it should be considered an exception to the list of sexual deviations.

This introductory section will briefly outline the first three aforementioned sexual deviations, identifying the key issues for the authors of the ancient Near East. The rest of this paper will delve deeper into the structure of house relations with respect to three classes of sexual transgressions in ancient Israel: incest, male same-sex intercourse, and bestiality. One of its concerns will be to see how key issues operative in the proscription of adultery, prostitution and rape play out in these other categories. My focus for the latter part of this paper will be on the components of prohibited sexual acts between human and human-animal relations, and the manner in which these sex acts are embedded into the larger network of power relations in the ancient Near East, vis-à-vis family, honour, and matters of sexual productivity. Leviticus 18 and

\textsuperscript{18} As Friedman and Dolansky write, female masturbation does not appear to be a concern in the Hebrew Bible. Richard Elliott Friedman and Shawna Dolansky, \textit{The Bible Now} (Oxford ; New York: Oxford University Press, 2011), 10–11.
\textsuperscript{20} Friedman and Dolansky, \textit{The Bible Now}, 10.
20 combine issues of adultery, prostitution, and sexual impropriety as these acts—like incest, male same-sex intercourse, and bestiality—are linked by a common concern for normative gender behaviour and reproduction within the kinship group. This paper demonstrates how these laws are bound in the same corpus through concerns for illegitimate relations, sexual non-viability (non-procreative intercourse), violations of property, and the transgressing of gender roles.

*Adultery*

Adultery is defined in the Hebrew Bible as extramarital intercourse between a married woman and a man that is not her husband.\(^ {21} \) Adulterous actions for the Israelites undermined family integrity and threatened household stability chiefly because the issue of adulterous relations in the ancient world was both political and economical. Politically, “adultery affected the state because it could result in confusion about the legitimacy of its citizens.”\(^ {22} \) Economically, adulterous relations were considered “crimes of property” because a woman’s sexuality was subject to the ownership of patriarchal rule (her husband, father, or brother).\(^ {23} \) Conversely, extramarital intercourse of a married man is not adulterous (unless the male is engaging in intercourse with a married woman).\(^ {24} \)

The legislative treatment of sex acts in the Hebrew Bible varies based on the perceived severity of the infraction. As Morrow identifies, “all sins can be expiated according to Priestly

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\(^ {21} \) Berquist notes that the Israelites are warned against the dangers of “loose women” or adultery in Exod 20:14; Lev 20:10; Deut 5:18; Prov 2:16, 5:3, 7:5, 22:14, 23:27. See *Controlling Corporeality: The Body and The Household in Ancient Israel* (New Brunswick, N.J: Rutgers University Press, 2002), 97.


\(^ {24} \) See Deuteronomy 22:22-24; Leviticus 18:20; 20:10.
law, but not all could be expiated by the sacrificial system.”

According to Priestly law, the impurity of adultery, idolatry, and murder can only be reconciled by death. However, Morrow also points to other instances in the Tanakh where a lesser penalty may be accepted for adultery. Prov 6:35 suggests monetary compensation can be paid to the husband, whereas Isa 50:1-2, and Jer 3:8 stipulate divorce rather than execution. Further exceptions are made for adultery between a man and a betrothed slave woman as indicated in Lev 19:20-22. The punishment here is not death, but rather the man must present a ram to YHWH as a guilt offering. The priestly author does not address the slave woman.

The laws addressing adultery place emphasis on female virginity. We can look to the Deuteronomistic laws concerning family sexuality to explicate the relationship between virginity and adultery in the laws of Leviticus. Tikva Frymer-Kensky claims that Deut 22:13-21 and 22:28-29 “operate[s] on the premise that unmarried girls are supposed to remain virgins until they are married to a man of their father’s choosing.” These laws protect the interest of familial relations by asserting authority over the sexual and procreative rights of the daughter. The right of the father to decide the retribution for his daughter (Exod 22:16), suggests that adultery was viewed not only as a crime of honor, but was also economically disruptive. Despite Frymer-

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26 See Lev 20:10; Deut 22:22.
27 See Lev 20:2-3
29 For a thorough list of infractions and their penalties see Morrow, An Introduction to Biblical Law, 150–52.
30 Ibid., 244.
31 See ibid.
32 Frymer-Kensky further adds, “in the intercourse provision [Deut. 22:28-29], the girl’s sexual experience is revealed while she is still under her father’s jurisdiction. In the case of the slandered bride [Deut. 22:13-21], the bridegroom of the newly married girl claims that he is not the first. Both circumstances flaunt the assumption of daughterly chastity and both precipitate a crisis that the laws seek to resolve.” See “Virginity in the Bible,” in Gender and Law in the Hebrew Bible and the Ancient Near East, Victor H. Matthews, Bernard M. Levinson and Tikva Frymer-Kensky, (eds.) (New York, NY: A&C Black, 2004), 79.
Kensky argument against the value of a female as commodity, it would seem apparent that the
demand of a “bride price” supports the notion that female virginity is to some degree linked to
the economic welfare of the kin group.\footnote{Frymer-Kensky argues that adultery concerns the defilement of the family’s worth, but is not an economic concern. She suggests that “the defilement of the female unmans the men: they lose their honor by the demonstration that they lack the qualities of real men.” See ibid., 82–85 Although the honor of the male is certainly a factor within the household law, it is also possible that the concern of honor is associated with the theft of the right for the paterfamilias to determine a bride price. ; Jane Schneider argues, “intra-community conflict is a tremendously important feature of the rural Mediterranean, on both sides. Sometimes this is simply because people are competing for honor, and quarrel with each other over insults, or challenges to honor… Mediterranean people have quarreled over encroachments on boundaries, usurpations of water rights, abusive pasturing, animal theft, the destruction of crops, adultery, and murder. They consider such violations as challenges to the honor of the property holding group. Thus honor can be thought of as the ideology of a property holding group which struggles to define, enlarge, and protect its patrimony in a competitive arena.” See Jane Schneider, “Of Vigilance and Virgins: Honor, Shame, and Access to Resources in Mediterranean Societies,” *Ethnology* 10, no. 1 (1971): 2; Morrow explains, “Deuteronomy 22:28-29 also addresses a case of rape. The violation of the young woman’s virginity has economic as well as social consequences, as the ability of the family to demand a good bride-price would be lost when it became known the girl was not a virgin. The perpetrator, therefore, must pay a substantial fixed bride-price, marry the woman, and give up the right to divorce her. [He adds,] “demanding marriage without divorce extends some protection to the woman. It gave her security when she might be left socially vulnerable.” See Morrow, *An Introduction to Biblical Law*, 243–44.\protect\footnote{Danna Nolan Fewell and D. M. Gunn, *Gender, Power, and Promise: The Subject of the Bible’s First Story* (Nashville: Abingdon Press, 1993), 96.} \protect\footnote{Ibid.}}

The constructions of family values are similar in the laws of the Decalogue. The
commandments address a property-owning adult male, placing emphasis on the social
construction of class and gender within the household.\footnote{Ibid.} Danna Nolan Fewell and David M. Gunn observe that the Decalogue is framed by “powerful images…and the family or household, where the husband/father/master/owner is focal.”\footnote{Ibid.} Within this socioeconomic stratum, the patriarch has both authority and ownership over the household: in other words, the family is property.\footnote{Ibid.}
Deut 22:22-30 includes the legal proceedings for accounts of both sexual impropriety and adultery.\(^{37}\) These verses address circumstances in which the law may be mitigated.\(^ {38}\) If intercourse occurs between a man and an engaged woman within the city, both the male and female are to be punished by death. However, if the act occurs outside of the city— the woman is not perceived to be at fault as the community is to assume she was victimized. Under these circumstances the male is executed. Additionally, Num 5:11-21 enables the husband to bring his wife to trial if he assumes adultery. As Tikva Frymer-Kensky observes, “this ritual allowed a husband to resume marital relations after he suspected adultery. Otherwise, intercourse with a wife who had slept with another man could be expected to pollute the land.”\(^ {39}\) As I have noted, the transgression of an adulterous relationship extends beyond the family. Adultery posed a threat to social order (as demonstrated in Lev 18:28).\(^ {40}\) The laws prohibiting adultery control the sexuality of the family by preventing a male from illicit interactions with a woman from another household, whilst also controlling and protecting the sexuality of female kin. Adultery, can be considered an “affront to procreation because [it] produces illegitimate progeny.”\(^ {41}\) The punishment of death safeguarded the nation from the polluting effects of illicit sexual intercourse, and protected YHWH from impurity.

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\(^{37}\) For a thorough analysis of women in Deuteronomic law, see Morrow's *An Introduction to Biblical Law*, 239–57; See also Carolyn Pressler, *The View of Women Found in the Deuteronomic Family Laws* (Germany: Walter de Gruyter, 1993), 21–44.


\(^{40}\) Berquist writes, adultery “is a matter of contact between households that leads to the dissolution of one of the households; the boundaries between them are broken and destruction follows.” See Berquist, *Controlling Corporeality*, 105.

Prostitution

The arrangement of prostitution in the ancient Near East reflects an interest in protecting male privilege. It does not restrict men from procuring, marrying, or engaging sexually with a prostitute. Rather, the legal text provides regulations on the treatment of a female prostitute, chiefly because prostitution involves the act of sexual intercourse for the purpose of obtaining a pecuniary advantage. The Hebrew Bible discusses prostitution as an act practiced by both men and women in the ancient world. The Holiness Code does not govern the Israelite male laity’s use of a prostitute but it does place restrictions on the high priest. Lev 21:7, 14 prohibits a priest from “marrying a prostitute or a woman who has been defiled.” Further, Leviticus 21 prohibits the priest’s daughter from engaging in sexual acts of ill repute. The daughter’s prostitution not only defiles her sexuality, but also desecrates the holiness of her father (21:9). The punishment for the daughter’s actions under these circumstances is death through fire. Additionally, a father is prohibited from sexually exploiting his daughter as the act of prostitution defiles her sexuality and the land becomes “depraved” (19:29). It is possible that the father who commits this infraction will incur a similar punishment to the adulterous male who has fornicated with a slave woman, designated for another man—the judicial or divine treatment of these actions is unclear (Lev 19:20).

Morrow draws a link between adultery and prostitution. He writes: 42

The need for clean lines of descent is an expression of the assumption that various kinds of mixing are to be avoided in the areas of Body, Temple, and Community. Note, for example, how the motif of adultery is applied to concerns of both Community and Temple. Adultery is proscribed literally (Lev 18:20; 20:10), but it also becomes symbolic. According to Lev 20:6, turning to divination specialists and wizards is “prostitution” or “whoring” (Hebrew root z-n-h). This usage echoes the imagery of prostitution and adultery as ways of describing illegitimate religious activities in prophetic literature (e.g., Jeremiah 2; Ezekiel 16; Hosea 4).

42 Morrow, An Introduction to Biblical Law, 176.
Deuteronomy provides further restrictions on prostitution. Verses 23:17-18 acknowledges the practice of prostitution while condemning it in a manner that safeguards the holiness of the Temple. The law appears to delineate a class of prostitute; the qādēš or “Temple prostitute:”

None of the daughters of Israel shall be a temple prostitute; none of the sons of Israel shall be a temple prostitute. You shall not bring the fee of a prostitute or the wages of a male prostitute into the house of the LORD your God in payment for any vow, for both of these are abhorrent to the LORD your God.

Restrictions on the qādēš in Deuteronomy suggest the existence of sacred prostitutions. However, beyond the legal proscriptions in Deuteronomy there is insufficient evidence to determine whether sacred prostitution occurred in the ancient World.\(^{43}\) Although the verses address both male and female prostitution, there is very little that can be deduced about the role of the prostitute in this context. As Richard Friedman and Shawna Dolansky suggest, the “issue is that one should not use their price for a vowed donation to the Temple. This law does not… forbid one to be a prostitute, male or female.”\(^{44}\) The author of Deuteronomy is concerned with the donating of an impure income and its potential to defile the Temple, and in turn, YHWH. As a result, the prostitute has the potential to destabilize the community by violating the stability of the family (Lev 19:29), as well as the potential to tarnish the Israelites’ relationship with YHWH by bringing sexually charged material into the temple precincts.

‘Rape’ as a Sexual Impropriety

The Bible’s treatment of sexual impropriety teaches of Israel’s interest in protecting male privilege and family integrity. The case of nonconsensual intercourse effaces the woman’s social value, while simultaneously violating the household, chiefly because in ancient Israel, the

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\(^{44}\) Friedman and Dolansky, *The Bible Now*, 27.
forceful sexual violation of the body would not be recognized as ‘rape,’ as it is in the West.  

Rather, the defilement would be considered a sexual impropriety—which would imply any non-consensual misconduct that is sexual, as determined by the community and (or) kin group. The term most often used to describe occurrences of sexual aggression in the Hebrew Bible is ‘innah, which loosely translates to “humble, afflict, oppress, or violate.” From this we can speculate that the authors of these biblical texts found the act of sexual violence to be degrading and abhorrent. However, in this context, scholars must be discerning of perceived acts of sexual aggression in the Hebrew Bible before they determine if impropriety occurred. In this section, I will examine biblical descriptions of sexual acts in which impropriety can be assumed or is implied.

Frank M. Yamada maintains that ‘innah must be interpreted as an expression of violence rather than a form of solicitation. He acknowledges that there are several narratives in the Hebrew Bible where the verb ‘innah occurs in cases of sexual violence. However, in order to examine issues of violence, Yamada holds that scholars must first examine how “the legal

Feinstein writes that the contemporary verb ‘rape’ is problematic as the factors which qualify an act as rape in the West may not align with the legal system of ancient Israel. See Sexual Pollution in the Hebrew Bible (Oxford; New York: Oxford University Press, USA, 2014), 68–69.

Ibid., 71.

Frank M. Yamada, Configurations of Rape in the Hebrew Bible: A Literary Analysis of Three Rape Narratives (Peter Lang, 2008), 25; Frymer-Kensky writes, “In the sexual uses of this root, there are instances where it means rape in Judges 19- 20, where the concubine m Gibeah was raped to death, and in the story of Amnon and Tamar, in which he is said to have overpowered her (2 Sam 13 12-13), and in Lamentations, in which the women of Zion are said to have been raped (Lam 511). But forcible rape is not always the issue; some cases are ambiguous. In Deut 22 28-29 a man has grabbed an unbetrothed girl, he must marry her and not divorce her, because he has illicitly had sex with her The same scenario is involved in the story of Dinah and Shechem (Genesis 34) There is no indication in the story that Shechem overpowered her The issue is that she was not free to consent, and he should have approached her father first Similarly, the man who sleeps with a menstruant (Ezek 22 10) or with his paternal sister (Ezek 22 11) is said to have ‘raped’ her only in the sense of ‘statutory rape,’ i.e., that he had no right to have sex with her even if she consented In Deut 2110-13, the verb paradoxically seems to imply a failure to offer a sexual relationship.” See fn. 9 in, “Law and Philosophy: The Case of Sex in the Bible,” Semeia 45 (1989): 100.

Yamada, Configurations of Rape in the Hebrew Bible, 25.
material functions to provide an alternative to the violent post-rape responses that are found in Gen 34, Judges 19, and 2 Samuel 13."49 Yamada observes that the despite the excessive male violence illustrated in biblical sexual impropriety narratives, the legal material on this subject in the Hebrew Bible is intended to prevent extrajudicial violence.50 In consideration of the legal and narrative texts that describe non-consensual sexual intercourse, Yamada turns to Deut 22:22-30:

The Deuteronomistic legal code provides two laws to determine culpability for sexual impropriety and adultery. Culpability is addressed by stoning the engaged virgin for not calling for help in the town, as well as persecuting the man for violating his neighbor’s betrothed (22:23-24). Non-culpability is determined if the sexual act took place outside of city limits. Under these circumstances the female is vindicated when the community determines that help was not accessible, and the male is prosecuted (22:25-27). It should be noted that these proceedings are communal, with the execution taking place at the city gate.51

Yamada argues that the Deuteronomistic text can be divided into three key issues: “the marital status of the woman involved; the question of the woman’s consent or lack of consent; and the issue of who is the injured party.”52

1) The question of matrimony places emphasis on adultery rather than sexual impropriety.53 If the woman is pledged to be wed, or already married, the act is punishable by death. The law appears to present the female in these circumstances as a spoken-for commodity. The punishment of the illicit union is determined partially by whether or not the woman resides

49 Ibid., 22.
50 Ibid.
51 See Morrow’s complete discussion of judicial practices in Morrow, An Introduction to Biblical Law, 228–38.
52 Yamada, Configurations of Rape in the Hebrew Bible, 22.
53 Ibid., 23.
with her father or has been bound to a partner. This matter of ownership leads to the second bone of contention, the question of consensual behaviour.

2) The woman’s culpability is predicated on her consent; however, the act is only considered a crime on the part of the female if it happens in the jurisdiction of her family and or partner. As Yamada notes, sexual impropriety within city limits is treated as adultery, however “the woman could have cried out without anyone hearing.”

3) Finally, the last law addresses the sexual impropriety of an unattached virgin, which reaffirms my position that the woman is viewed as an object rather than autonomous. If a man forcefully lies with the virgin “and they are caught in the act, the man who lay with her shall give fifty shekels of silver to the young woman’s father, and she shall become his wife” (22:28-29).

The third law seeks the father’s consent rather than the woman’s, and assumes a non-violent approach to prosecution. The reasoning here is twofold: the male’s forceful seizing of the virgin robs the father of his entitled “bride price.” The law protects the property interests of the paterfamilias. As Feinstein explains, “the laws treat both rape and seduction of an unbetrothed virgin as property offenses against the girl’s father and secondarily as offenses against the young woman, insofar as they undermine her marital prospects.” The punishment of marriage also absolves the father from the financial burden of supporting both his unwed daughter and the unborn child; and further establishes familial ties for the young woman.

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54 Ibid.
55 David P. Wright observes that both Deuteronomy and the Covenant Code have similarities to MAL A. The Covenant Code appears to use seduction to protect the unbetrothed virgin who would likely be sold into slavery. In contrast, the Deuteronomist follows the same law set out in the case of the betrothed virgin, in which case issues of consent are related to the punishment of death. See David P. Wright, Inventing God’s Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi (Oxford University Press, 2009), 48, 110–114, and 130.
56 For more on issues of rape and property offenses see Feinstein, Sexual Pollution in the Hebrew Bible, 80; see also Lipka, Sexual Transgression in the Hebrew Bible, 176–77; Thalia Gur-Klein, Sexual Hospitality in the Hebrew Bible: Patronymic, Metronymic, Legitimate and Illegitimate Relations (Sheffield, Eng: Routledge, 2014).
Feinstein further examines the similarities between the Middle Assyrian Laws (MAL) and the Deuteronomist’s treatment of sexual impropriety. She observes that Deuteronomy’s understanding of this sex act has parallels to the account of sexual impropriety presented in MAL A §55. Feinstein maintains that the main similarity is the treatment of the virgin as property: MAL A views sexual impropriety as a property offense against the father, whereas the biblical account treats the sex-act(s) as an offense against the family. More importantly she notes, “in none of the laws is rape in and of itself a crime.” As such, Feinstein, following the scholarship of Hilary Lipka, argues that although the sex-act may not wholly be viewed as a crime, sexual impropriety is a “transgression of personal boundaries” and thus has a negative connotation in the Israelite ethos.

An examination of biblical and ancient Near Eastern laws on adultery, sexual impropriety, and prostitution reveals a preoccupation with the protection of male privilege, family integrity, and cultic purity. The purpose of this paper is to discover how these principals are connected to other forms of sexual transgressions in Leviticus 18 and 20. The following section will examine how the rules regarding too-close family relations, same-sex interactions, and licentious encounters with animals all have a homologous relationship to the previously discussed class of transgressions. I maintain that these prohibitions are designed to protect the

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57 Feinstein, *Sexual Pollution in the Hebrew Bible*, 79.
58 Ibid., 80.
59 Ibid.
60 Ibid.; Lipka explains, “Sexual norms that insure the cohesiveness of the community by preventing conflict between its members usually include those concerning adultery and incest (which prevents conflict on the level of the family, the basic unit of society), in addition to rape and other forms of sexual assault. Just as acts of adultery create a conflict between the adulterer and the cuckolded husband that must be resolved for the community to continue to function effectively, acts of rape and sexual assault create a conflict between the aggressor and the legal guardian of the victim.” See Lipka, "Such a Thing Is Not Done in Israel,” 30–31.
social structure of the family, the larger community (Israel), and define the range of male sexual privilege.

I. Incest

The fear of sexual contagion for the Priestly authors of Leviticus demonstrates a rejection of the practices of Canaan and Egypt (Lev 18:1-5). The allocution at the end of Leviticus 18 instructs the Israelite’s not to commit the listed abominations, for if they do, they will “be cut off from their people” and rejected from the land (24-30). Included in this ordinance is the prohibition against the act of incestuous relations.61 Lev 18:6 prohibits sexual liaisons between kin. Notably other legal material in the Hebrew Bible and the law codes of ancient Near East demonstrate little concern for the practice of incest.62 The laws of incest in Leviticus convey a

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61 Hilary Lipka writes, “Incest is treated as a transgression against religious boundaries in two of the legal collections (the H texts Lev 18:6-18 and 20:11-12, 14, 17-21 and the D texts Deut 23:1 and 27:14-16) and one prophetic text (Ezek 22:10-11), with some variation among these as to which relationships are considered to be incestuous. Interestingly, several sexual relations and marriages occur or are proposed in narrative texts between parties whose unions are considered incestuous (and are prohibited) in the legal collections (e.g. half-siblings in Gen 20:12 and 2 Sam 13:13, aunt and nephew in Exod 6:20, son and mother-in-law in Gen 35:22; 49:3-4 and 2 Sam 16:21-22; 20:3). These relationships are not in any way problematized as transgressions against religious boundaries. Several of the unions are considered problematic for other reasons, but there is no conception of these acts as a transgression against Yahweh.” See Hilary B. Lipka, “‘Such a Thing Is Not Done in Israel’: The Construction of Sexual Transgression in the Hebrew Bible” (Ph.D., Brandeis University, 2004), 56.

62 Debora W. Rooke observes that the topic of incest “does not occur at all in the Book of the Covenant (Exodus 20-23), and Deuteronomy, for all its concern with female sexual purity and continence, has only one actual law against incest, prohibiting males from having sex with their father’s wife (Deut. 23.1). It also curses those who lie with their father’s wife, with a beast, with one of their sisters, or with their mother-in-law (Deut. 27.20-23), although these curses are not part of the central law code… Hammurabi (c. 1750 BCE) inveighs against the man who has sex with his daughter (LH 154), the man who sleeps with his daughter-in-law (LH 155) and his daughter-in-law-to-be (LH 156), and the man who sleeps with his mother (LH 157) or his father’s principal wife (LH 158), but no other liaisons between kin by blood or marriage are mentioned. The Middle Assyrian Laws (c. 1076 BCE) have a large number of provisions on Tablet A concerning issues of marriage and fornication, but apparently nothing on incest (although, of course it is possible that there were such provision but they have not survived)… The law code with the most elaborate extant provisions on unlawful sexual couplings is the Hittite Laws (c. 1650-1500 BCE). The incestuous liaisons it prohibits are a man with his own mother, daughter or son (189), a man with his stepmother during the lifetime of his father (190), a free man with free sisters and their mother if he knows the women are related to each other (191), a man with his living wife’s daughters, mother or sister
preoccupation with sexual boundaries and the potential violation of sexual norms within the family.\textsuperscript{63} Primarily, the structure of sexuality in ancient Israel is formulated as a household experience.\textsuperscript{64} The demarcation of sex as a matter of the household functions as a method to protect the Israelites from a surreptitious corruption. Jon L. Berquist observes, “ancient Israelite culture… primarily deployed sexuality as a bond to keep households together and to define their limits in ways to protect themselves against outside incursions.”\textsuperscript{65} In addition to a concern for outside contaminants, the authors of Leviticus also express a concern for pollution within the household. By regulating sex within the household bond, Israelite culture becomes susceptible to potential problems within the home.\textsuperscript{66} This section examines how the Priestly legislators address incestuous interactions as a violation against the family.

Within the Israelite household the male head of the home “controlled the sexuality of all persons within the household; conversely the boundaries of the household were marked by the extent of the head’s sexual control.”\textsuperscript{67} Legal and sexual authority is appointed to the male in Lev 18:23: the male is told that he “shall not have sex with a beast, nor shall a woman.”\textsuperscript{68} The instruction is given to the male head, implying that in addition to the male’s sexual authority; he  


\textsuperscript{64} Berquist, \textit{Controlling Corporeality}, 85.

\textsuperscript{65} Ibid.

\textsuperscript{66} Ibid.; Rooke argues that “incest is a worse crime than (mere) adultery (which is effectively wrongful sex) because it threatens the basic family structures and disrupts the social hierarchy in a more fundamental way than adultery does.” See Rooke, “The Bare Facts: Gender and Nakedness in Leviticus 18,” 33.

\textsuperscript{67} Berquist, \textit{Controlling Corporeality}, 85.

\textsuperscript{68} Rooke, “The Bare Facts: Gender and Nakedness in Leviticus 18,” 26.
also has legal authority (and/or responsibility) over the sexual actions of his kin.\textsuperscript{69} Further, the paterfamilias was permitted to engage in sexual relations with the adult women of his household; however, he was prohibited from uncovering the nakedness of “anyone near of kin” (18:6).\textsuperscript{70} The Priestly lawgiver proceeds to list the boundaries of household sexuality (18:7-18 NRSV):\textsuperscript{71}

You shall not uncover the nakedness of your father, which is the nakedness of your mother; she is your mother, you shall not uncover her nakedness.

You shall not uncover the nakedness of your father’s wife; it is the nakedness of your father.

You shall not uncover the nakedness of your sister, your father’s daughter or your mother’s daughter, whether born at home or born abroad.

You shall not uncover the nakedness of your son’s daughter or of your daughter’s daughter, for their nakedness is your own nakedness.

You shall not uncover the nakedness of your father’s wife’s daughter, begotten by your father, since she is your sister.

You shall not uncover the nakedness of your father’s sister; she is your father’s flesh.

You shall not uncover the nakedness of your mother’s sister, for she is your mother’s flesh.

You shall not uncover the nakedness of your father’s brother, that is, you shall not approach his wife; she is your aunt.

You shall not uncover the nakedness of your daughter-in-law: she is your son’s wife; you shall not uncover her nakedness.

You shall not uncover the nakedness of your brother’s wife; it is your brother’s nakedness.

You shall not uncover the nakedness of a woman and her daughter, and you shall not take her son’s daughter or her daughter’s daughter to uncover her nakedness; they are your flesh; it is depravity. And you shall not take a woman as a rival to her sister, uncovering her nakedness while her sister is still alive.

These incest laws prohibit sex with three types of kin relations: relatives of blood origin (consanguineous relations); “adultery with the wives of fellow group members (‘incestuous adultery’ or a ‘group-wife prohibition’);” and relatives through marriage (implied affinal kin).\textsuperscript{72}

\textsuperscript{69} Ibid., 27.


\textsuperscript{71} All biblical translations are from the NRSV, unless otherwise stated. I have chosen to paragraph Lev 18:7-18 to highlight similarities.

George P. Murdock observes that incest taboos typically concern the nuclear family. However, in some communities incest taboos address both consanguineal and affinal kin relationships. The Levitical proscriptions appear to prohibit Israelite men from violating all forms of kin relations. Deborah Rooke explains that the gendering of these laws “reflect a construction of masculine sexuality, in that breaching them results in forfeiting one’s identity as part of the community that is promulgating them.” According to Rooke, the distinction is what is considered to be the sexually accepted masculine behaviours of the Israelites over and against the immoral acts of the Canaanites.

The Priestly law code demarcates different types of pernicious conduct, using the phrase uncover the nakedness both euphemistically for sexual intercourse, as well as to the possibility of incestuous marriage. Rooke posits that “the incest laws are addressing a situation where kinship links might lead men to think that they were entitled to sexual rights over particular women.” Although it is not clear that “nakedness” language applies specifically to the sexual control of the male, it does suggest an attempt to eliminate the potential solicitation of females in one’s own consanguineal family. The euphemism also emphasizes the gendered human body.

The symbolic logic of the body is attached to a social structure, as to give logical order to familial boundaries. As such, the incest laws can be interpreted as “an exercise in male bonding, 

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73 Murdock, Social Structure, 288.
74 Ibid., 289.
75 Rooke, “The Bare Facts: Gender and Nakedness in Leviticus 18,” 24.
76 Ibid.
77 Feinstein suggests “the expression “it is Y’s nakedness” in Leviticus 18 and 20 is best understood as an anatomical metaphor, similar to the metaphor expressed by the word “flesh.” While consanguineous kin share the same flesh, according to this view sexual partners share the same “nakedness,” having been joined at the genitals. As a result, when ego uncovers the nakedness of his father’s wife, he also uncovers the nakedness of his father, who is ego’s own “flesh”… This interpretation is supported by the Deuteronomic conception that sex with one’s father’s wife is tantamount to “lifting one’s father’s skirts” (Deut 23:1, 27:20).” See Sexual Pollution in the Hebrew Bible, 111.
78 Rooke, “The Bare Facts: Gender and Nakedness in Leviticus 18,” 28.
79 Ibid., 29.
80 Ibid.
that is, in protecting the kinship bonds between men by making sure that they are not in competition with each other for the same women.”

The laws of intercourse in Leviticus 18 and 20, and the assignment of autocratic authority, protect direct lines of descent from progenitor, as well as collateral descendancy.

Feinstein maintains that “the incest prohibitions in Leviticus 18 assume that the ego, [the adult male,] will mate only with females.” For example, Leviticus 18 does not address intercourse with affines in the case of terminated marital relations—by death or divorce—to the ego’s consanguine. However, she argues that the prohibition must still apply for “if this were not the case, sex with affines would be covered by the prohibition of adultery, and there would be no need to include a separate set of prohibitions based on kinship.” Anthropologically the incest taboo functions to establish and maintain social order. Judith Lewis Herman explains that the taboo protects not only the family, but also “interferes with [the family’s] natural tendency to isolate itself,” thus “family groups are organized into a society through the operation of the incest taboo.” Similarly, Claude Lévi-Strauss regards the incest taboo as universal in human culture. The prohibition of sex within the family encourages socialization outside of the family group, promoting “social alliance.”

81 Ibid., 30.
83 Feinstein acknowledges the prohibition against male same sex relations in v. 22. See Sexual Pollution in the Hebrew Bible, 104.
84 Ibid.
85 Feinstein adds, “The exception that proves the rule is the prohibition of sex with two sisters, which is explicitly restricted to the period during which both sisters are alive (v. 18). In this case, adultery is irrelevant, since the sister of one’s wife is not necessarily married, but the explicit restriction here indicated that the other prohibitions are not limited this way.” See, ibid.
87 Ibid., 58.
89 Herman, Father-Daughter Incest, 58.
Among the list of incest taboos, scholars have observed that Leviticus 18 does not prohibit intercourse between father and daughter explicitly.\(^9^0\) As Feinstein writes, Lev 18:17 achieves the desired result by declaring: “You shall not uncover the nakedness of a woman and her daughter.”\(^9^1\) She maintains that the lack of a direct prohibition can “best [be] explained as an accidental loss due to homoioarcton,” a scribal error during textual transmission.\(^9^2\) Scholars may note that the lists of sexual prohibitions in Leviticus 20 and Deuteronomy 27 are also inattentive of father-daughter incest, suggesting ignorance or acceptance.\(^9^3\) However, this is unlikely, as Feinstein observes, Lev18:10 prohibits sex between father and his granddaughter because “[her] nakedness is [his] own nakedness.”\(^9^4\) From this, one can assume that the justification used for 18:10 also applies for the nakedness of his daughter.\(^9^5\)

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\(^9^0\) Herman notes that historically men and women in a patriarchal society observe the incest taboo differently. Herman’s research indicates that “the most strictly observed incest taboo must be the prohibition on sexual relations between mother and son; [and] the most frequently broken taboo must be that on relations between father and daughter.” See, ibid.; See, Morrow, *An Introduction to Biblical Law*, 176; Deborah L. Ellens, *Women in the Sex Texts of Leviticus and Deuteronomy: A Comparative Conceptual Analysis* (London: T & T Clark, 2008), 87; Johanna Stiebert, *Fathers and Daughters in the Hebrew Bible* (Oxford, United Kingdom: Oxford University Press, 2013), 114; Berquist, *Controlling Corporeality*, 87.

\(^9^1\) Feinstein, *Sexual Pollution in the Hebrew Bible*, 170.

\(^9^2\) Ibid., 104.

\(^9^3\) Berquist argues that the son is first prohibited from engaging in intercourse with his mother “because it violates the father’s rights of sexual access to the mother.” He maintains, with little evidence, that the father was prohibited from engaging in sex with his daughter (or step-daughter) while his wife was still living. He suggests that the apparent justification of father-daughter relations appears to be rooted in the social championing of reproduction and kinship. In Israelite culture, it would appear that the social situation is regulated by attempts to safeguard an existing pattern of descent. Berquist holds that the permissibility of father-daughter intercourse after the death of the materfamilias could be linked to age, fertility, and genealogical diversity. He asserts (rather implausibly) that “it would be sensible for a man to be sexually involved with women of two different generations (let alone those separated by a generation) because it is very unlikely that these two women would both be fertile.” According to Berquist, if the probability of fertility is high within the household, a sexual partnership between father and daughter could be enforced to increase the likelihood of producing offspring. Although Berquist argues for tolerability of incest in Leviticus, the lack of condemnation does not equal approval. See *Controlling Corporeality*, 87; Feinstein, *Sexual Pollution in the Hebrew Bible*, 170.


\(^9^5\) Ibid.
Morrow presents a similar case; he cites Lev 18:6, 17; 20:14; and 21:2 as evidence prohibiting father-daughter relationships.⁹⁶ Although presented indirectly, 18:17 and 20:14 both interdict sex with a mother and her daughter.⁹⁷ Morrow further adds that “rabbinic authorities used these verses to prohibit father-daughter incest (m. Sanh. 9.1).”⁹⁸ Thus, one could intimate that the daughter is among the list of prohibited kin in Priestly thought, as implied by 18:6, and directly stated in 21:2.⁹⁹ In addition to the aforementioned prohibitions, Feinstein observes that both the Babylonian and Hittite laws condemn incestuous relations between father and daughter:¹⁰⁰

If a man should carnally know his daughter, they shall banish that man from the city (LH¶ 154).¹⁰¹
If a man sins (sexually) with (his) daughter, it is an unpermitted sexual pairing (HL¶ 189).¹⁰²

Cases of incestuous relations (from the perspective of the Holiness Code) appear multiple times in the household culture of ancient Israel. Narratologically, not all accounts of incest are depicted as unacceptable sexual relations. For example, Abraham is married to his sister Sarah, sharing the same father but a different mother (Gen 20:12).¹⁰³ Jacob marries the sisters Rachel and Leah, challenging the lines of appropriate kin relations (Genesis 29). Jacob serves Laban for seven years in exchange for Rachel. However, after Jacob completes his seven years of labour,

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⁹⁷ Ibid.
⁹⁸ Ibid.
⁹⁹ Ibid.
¹⁰² Ibid.
¹⁰³ Keith Hopkins observes that brother-sister relations were quite common among the ancients. He writes, “In the Egyptian royal family, we know of brother-sister marriages as far back as the eleventh dynasty in about 2000 BC... Brother-sister marriages in the royal family were frequent, and from the middle of the second millennium BC, perhaps in imitation of family, it became usual for commoner husbands to call their wives, 'sister.'” See Keith Hopkins, “Brother-Sister Marriage in Roman Egypt,” *Comparative Studies in Society and History* 22, no. 3 (1980): 311.
Laban forces Jacob to marry the eldest sister, Leah. Jacob agrees to work an additional seven years to marry Rachel. Seth Daniel Kunin notes that the sexual problem in this narrative is the subversive family structure: “When [Jacob] eventually marries Rachel, rather than marrying someone from the outside, he actually marries his symbolic sister, because she is his sister’s sister.”

In addition to the potential incest relations in Gen 20:12 and 29, we also have the incestuous relations of Lot and his daughters, Ruth and Boaz, Judah and Tamar, Reuben and his father’s concubine, and Ham’s exposure of Noah:

Father-daughter relations are addressed explicitly in the narrative of Sodom and Gomorrah’s destruction (Genesis 19). Lot and his family are instructed to “flee to the hills, or else… be consumed” (19:17). Lot’s wife disobeys and looks back at YHWH’s destruction of the land and is turned into a pillar of salt (19:26). After seeking refuge in a cave, Lot’s daughters believe they are responsible for repopulating the earth. Together the daughters encourage their father’s inebriation and force sex with him so as to produce and “preserve offspring through [him]” (19:34). The overt theme of incest in this narrative, coupled with Lot’s intoxication and physical vulnerability, emphasizes the antithetical relations of Lot’s descendants to Israel. The sexual encroachment on the father serves an etiological purpose. The actions of Lot’s daughters lead to the origins of two of Israel’s closest neighbours, the Moabites and Ammonites. The use of the incest motif implies not only a curse on the descendant nations, but also polemically explains why the Moabites and Ammonites are estranged from Israel. Lot’s fornication, and his daughter’s unlawful sexual behaviour, thus results in the prohibition of the Ammonites and Moabites citizenship in Israel.  


105 Amy Kalmanofsky writes, “With names Moab, “from father,” and Ben-Ammi, “from my kinsman,” there is no doubt that Lot fathers his own grandchildren. His line may be perpetuated, but it is forever
In 2 Samuel 13, we have an explicit account of sibling incest. Amnon is said to be tormented with love for Tamar. With his friend Jonadab, he devises a plan to be alone with the virgin. Pretending to be ill, Amnon asks his father, King David, to “let [his] sister Tamar come and make a couple of cakes in [his] sight, so that [he] may eat from her hand” (2 Sam 13:6). When Tamar is alone with Amnon, he requests she lie with him. Tamar refuses his proposition, saying: “No, my brother, do not force me; for such a thing is not done in Israel; do not do anything so vile!” (13:12). Amnon ignores her refusal and takes her by force. As a result of Amnon’s actions, Tamar is left defiled. The act of illicit sex means she cannot wed.  

She is publicly shamed by her loss of virginity. Amnon’s violation of his sister “brings about fratricide and civil war within the house of David.” Commentators have taken issue with David’s lack of reproach of Amnon’s actions. Punishment is expected as Lev 18:29 prescribes both death and loss of lineage. However, it should be noted that although Leviticus 20 prohibits “sex with a tainted by incest. In time, it is even made taboo because Deut 23:4 unequivocally sates: “No Ammonite or Moabite will enter into YHWH’s community, even unto the tenth generation none will enter into YHWH’s community forever.” See Dangerous Sisters of the Hebrew Bible (Minneapolis, MN: Augsburg Fortress Publishers, 2014), 84. It is also worth noting that the curse that befalls Ham’s descendants in Genesis 9- the Canaanites- serves a similar etymological function as the descendants of Lot’s daughters. The narrative explains the ideological distance between the Canaanites and the Israelites. Ham is identified as ‘the father of Canaan,’ because the author, in a broad context, appears to be explaining the disparity between Canaan and the Israelites. The curse of Ham’s actions echo the general prohibition against the practices associated with foreigners found in Lev18:28; and offer further explanation to the genealogical division found in Gen10:16-18, with the Canaanites depicted as the ‘outsider.’

Tikva Frymer-Kensky explains that Tamar “disappears into Absalom’s house and stay there as a šōmēmā, a ruined woman. Cities and women can be ruined, left with neither husband nor children. Lamentations tells us how Zion became a šōmēmā, faint all day as God rained fire upon her (Lam. 1:13). Someday, at the redemption, Isaiah promises his beloved city-woman Zion that she will have more children than the married woman (Isa. 54:19). But there is no such redemption for Tamar, who is desolate in both senses of the word: ruined and miserable. She cannot marry, not because nonvirgins cannot marry, for they could, but because her non-virginal state would have to be explained exposing Amnon. And this is exactly what Absalom has told her not to do.” See Tikva Frymer-Kensky, Reading the Women of the Bible: A New Interpretation of Their Stories (New York, NY: Knopf Doubleday Publishing Group, 2008), 167.

Kalmanofsky, Dangerous Sisters of the Hebrew Bible, 101; See also Mary A. Bader’s excellent analysis of Tamar’s rape and sibling incest in, Sexual Violation in the Hebrew Bible: A Multi-Methodological Study of Genesis 34 and 2 Samuel 13 (New York, NY: Peter Lang, 2006).
sister, sister-in-law, aunt, uncle’s wife, and menstruating women,” these acts “are outside societal sanctions and are to be punished by God.”

Instead the narrative ends with Tamar vanishing. We are told that Absalom later names his daughter Tamar in 2 Sam 14:27, which Kalmanofsky suggests “symbolically perpetuates the legacy of incest.”

Athyala Brenner believes that the incestuous action of Amnon also confronts the matter of fraternal marriage. As the daughter of a monarch, it is possible that Tamar would follow the practice of dynastic marriage. Some commentators have suggested that her request for Absalom to seek David’s approval could imply the possibility of sibling marriage. As Morrow noted in conversation, “in some Middle-Eastern societies, cross-cousin marriage is considered the ideal pairing. As Tamar is Amnon’s half-sister, this possible union is not that far removed from the cross-cousin ideal.” Tamar’s proffering of this option, coupled with Abraham and Sarah’s union in Gen 20:12, suggests that the issue of incest may not have been a concern in 2 Samuel 13. Rather, Amnon’s sexual behaviour may be interpreted as a threat to familial order, in which sexual impropriety results in a collapse of family relations.

Ruth’s story focuses on the family of Elimelech of Bethlehem at a time when the land is infertile. We are told that Elimelech moves his family to Moab, where his two sons marry Moabite women, Orpah and Ruth, who are unsuccessful in bearing children (Ruth 1:4-5). After all the men die, Naomi and her daughters-in-law begin to journey back to her homeland (1:6). On this journey Ruth clings to Naomi and pledges her loyalty (1:16-18). To prove her commitment to Naomi’s family, Ruth follows Naomi’s instructions to seduce Boaz, “a prominent rich man, of the family of Elimelech” (2:1-4). Ruth, as a Moabite, subverts the sexual customs of Deut 23:2 to

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108 Frymer-Kensky, In the Wake of the Goddesses, 194.
ensure the continuity of Elimelech’s name by seeking the nearest equivalent to levirate marriage (contrary to the spirit, if not the letter of the prohibitions in Lev 18:16 and 20:210-21): Boaz marries Ruth, and redeems the inheritance from both her departed father-in-law and husband (Ruth 3:6; 4:1-10). 111 After their union we are told Boaz and Ruth “came together, the LORD made her conceive, and she bore a son” (4:13). 112

David Biale focuses on the “erotic brashness” of Ruth, noting that “eroticism, procreation, and agricultural fertility are intertwined throughout the book, as befits a tale from a predominantly agrarian society.” 113 In this folktale, Ruth restores the lineage of Elimelech through a subversive sexual act. When she encounters Boaz “she came stealthily and uncovered his feet, and lay down”, suggesting a clear sexual intention. 114 Boaz’s “legs” here are thought to be a euphemism for genitals, indicating that Ruth exposes Boaz, and implying that her actions were indicative of a sexual violation. 115 This is further supported by Ruth’s subsequent request for Boaz to spread his cloak over her (3:6), which Biale interprets to mean marriage: “To “uncover” the genitals is a transgression, but to “cover” them by marriage makes sexual activity permissible.” 116 In the context of levirate marriage, Ruth’s sexual relationship with Boaz secures a “rebirth” of the family. What makes her act sexually subversive is the means by which she

111 Morrow in conversation has noted that Ruth’s relations may not resemble a real case of Levirate marriage. He writes, “True, she seeks sexual union with a near kinsman of her dead husband, but neither Boaz nor the unnamed kinsman redeemer appears to be actually the physical brother of her husband. Ruth is seeking the nearest equivalent she can to Levirate marriage, which certainly violates the spirit of Leviticus 18 and 20, if not the letter.” ; See also, Biale, Eros and the Jews, 11-32.
112 As Biale observes, “the point of the levirate is to perpetuate the name of the childless deceased. In a sense, the death of Elimelech and his sons at the beginning of the book is final; instead of perpetuating their names, Boaz’s redemption of Ruth creates a new family with Boaz as the patriarch and Naomi as the matriarch.” See note 13 in ibid., 235.
113 ibid., 14.
114 Ruth 6:7; see ibid.
115 Ibid., 15; See also Coogan, God and Sex, 10–11.
116 Biale, Eros and the Jews, 15.
achieves security; initiating a sexual encounter in order to prompt a levirate marriage with a
distant relative.

Ruth’s story is not the only instance of sexual subversion from the perspective of
Leviticus in the Bible that contributes to the pre-history of David. In the last chapter of Ruth
the people in the court bless Boaz saying “may your house be like the house of Perez, whom
Tamar bore to Judah” (Ruth 4:12). The author of Ruth refers to Perez because of the clear
similarities between the story of Perez’s birth in Genesis 38, and the sexual initiatives of Ruth.
As Biale notes, the commonalities between the stories of Ruth and Tamar are too apparent to be
coincidental.

Tamar’s tale, like Ruth’s, begins with the death of two brothers, leading Tamar to
sexually transgressive behaviour in order to ensure a child. Tamar disguises herself as a
prostitute and waits by the roadside to seduce her father-in-law on his way back from shearing
sheep (Genesis 38:14-16). Her seduction of Judah results in the birth of the twins Perez (Boaz’s
ancestor) and Zerah (38:27-30). Kunin suggests that the text fails to mention Tamar’s origins
because the author “is trying to intimate that she is Israelite rather than Canaanite. In most cases
Genesis describes the origins of women if they marry into the Israelite line. By not stating
Tamar’s origins, the text includes an ambiguity which creates the possibility that she was an
acceptable wife.” It would appear that although Tamar’s actions are inappropriate according to
Israel’s sociosexual order (as outlined in Leviticus and also in Deut 25:5-10), the practice of
incest was, as Kunin argues, mythologically necessary.

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117 Biale argues that the “ultimate purpose of Ruth’s sexual initiative is to bear the child who will be the
grandfather of King David.” See ibid., 16.
118 Ibid., 18.
119 Ibid.
120 Kunin, The Logic of Incest, 148.
121 Ibid., 149-50.
In Gen 35:22 Reuben engages in a sex act with Bilhah, his father’s concubine by assuming paternal privilege: Reuben is in violation of Leviticus 18:8 and 20:11, however the author appears to focus on his property violation: “assuming the rights of inheritor before his father’s death.”\(^{122}\) It is often noted that Reuben is not punished with expulsion, as directed by Leviticus 18:29. Rather, the primogeniture, the right of succession, is taken from Reuben because of his crime, and is given to “Judah, who is exalted over all his brothers.”\(^{123}\) Unlike the negative portrayal of Israel’s neighbours, the Moabites and Ammonites, in Genesis 19 Giovanni suggests that Reuben has a positive representation throughout the biblical narrative.\(^{124}\) The textual illustration of Reuben emphasizes his sparing of Joseph’s life (Gen 37:26-27); his scorn for the actions of his brothers (42:22); and his offering of his own two sons for sacrifice to rescue Benjamin from Egypt (42:37).\(^{125}\) Further, the blessing of Moses in Deut 33:6 positively address Reuben: “May Reuben live, and not die out, even though his numbers are few.”\(^{126}\) Thus we might assume that the juridical concern with Rueben’s actions lie solely in his violation of Israelite property and inheritance rights—both connected to the principal of paternal privilege.

In Leviticus, incest connotes nonproductive acts of intercourse, as they either produce illegitimate offspring (as is the case for prostitution and adultery), or they debase hierarchical relationships by transgressing their boundaries (as is the case for adultery and sexual impropriety).\(^{127}\) The illicit actions of Lot’s daughters result in the production of descendants

\(^{122}\) Ibid., 266.
\(^{123}\) Giovanni Garbini explains in further detail, “The motif of sex, present in different degrees in all the narratives about the sons of Jacob, is intertwined in some of them with the motif of primogeniture. Because of his incest, Reuben loses his rights of firstborn to Joseph’s advantage, at least according to Jacob’s words in Genesis 49.” See *Myth and History in the Bible* (Sheffield, Eng: Bloomsbury Publishing, 2003), 39, 37.
\(^{124}\) Ibid., 39.
\(^{125}\) Ibid., 38.
\(^{126}\) Ibid., 49.
unworthy of inheriting the Promised Land. For the ancient Israelites, incest, like other intentional sexual transgressions, could lead to the pollution of the sancta, the defilement of the land, or a corruption of household order. This section demonstrated that male privilege is constrained in the interest of the family. The laws against incestuous relations protect the boundaries of the household by maintain normative gender relations. The following section will consider how same-sex relations, are moral transgressions that are similar, if not analogous, to the crime of incest and bestiality.

II. Same-Sex Intercourse

Analyses of the biblical perspective on same-sex relations primarily focus on Lev 18:22 and Lev 20:13. These laws forbid sexual intercourse between men, labeling such activity as an “abomination” (tōʾēḇāh), thus potentially providing insight into Israelite social practices. In this section we find that concerns over same-sex relationships between males may actually be limited by the same constraints that limit male sexual privilege in incestuous relationships. I maintain that the biblical material does not have to be read as extending the prohibition of same-sex relationships beyond definable consanguineous and affinal relations. The potential same-sex interactions in the Hebrew Bible should not be dismissed as a result of the prohibitions in Leviticus; rather these relationships should be reconstructed against the fabric of their social and cultural environment. I examine how ancient Israelite society regulates male same-sex intercourse, and the ways in which these sexual restrictions connect to notions of sexual possession, domination, and male-male power relations. I posit that the sexual regulations of Leviticus reflect Priestly ideals and principles that may not have reflected the norms of all of ancient Israel. Finally, I observe how the perspectives of male same-sex relations in the Holiness

Friedman and Dolansky, The Bible Now, 15-22.
Code, when appraised in light of ancient Near Eastern laws and narratives related to sexuality, are evidence of a variety of different constructions of sexuality and masculinity in first millennium BCE Israel.

The study of same-sex relations in ancient Israelite society is limited by modern Western notions of sexual orientation in which we assume sexual relations exist as a binary. The categories of homosexual and heterosexual, for the purposes of my argument, are intended as descriptions of performed behaviours rather than of social identities. In other words, we cannot examine nonconforming identities on the expectations of a fixed gender binary, as matters of gender and orientation are fluid. As the historian Robert Padgug states, a homosexual “identity” is not an inherent human attribute. In order for a male to be viewed socially as a homosexual in the ancient context, he must demonstrate “more than individual inclinations” towards the same sex. Furthermore, as indicated by Martti Nissinen, “[a]ncient authors did not create the binary categories of homosexuality and heterosexuality but rather made observations about same-sex preferences, among other deviations of conventional sexual practice.” By acknowledging this distinction we are able to conceive of same-sex interactions in the ancient Near East without concerning ourselves with an implicit category of sexual orientation.

The use of the term homosexuality, despite its Western connotation, does not need to limit one’s ability to discuss sexual preference within the ancient world. For example, Susan

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129 Robert Padgug writes “‘[h]omosexual’ and ‘heterosexual’ behaviour may be universal; homosexual and heterosexual identity and consciousness are modern realities… society create[s] all of the sexual categories and roles within which they act and define themselves.” For a more thorough discussion of class and gender as social constructions. “Sexual Matters: On Conceptualizing Sexuality in History,” Radical History Review 1979, no. 20 (1979): 14.
130 Ibid.
131 Ibid.
132 For a historical discussion of homosexuality see Nissinen, Homoeroticism in the Biblical World, 8.
Ackerman argues that just because we lack a word for $x$ it does not mean that $x$ ceases to occur.\textsuperscript{133} The practice of taxonomically categorizing individuals based on sexual orientation existed before the terms heterosexual and homosexual were applied to human behaviour in the nineteenth century.\textsuperscript{134} Despite not having a distinct system of classification in the ancient world, we as scholars can recognize practices that are or may appear to be \textit{homosexual} according to our modern taxonomy. I will use the designation homoerotic and homosocial to refer to same-sex erotic acts and close same-sex relations; I will use the term homosexual when engaging with scholarly analysis of these relationships.

In ancient cultures, same-sex relations or interactions, sexual or cordial, although widely practiced, did not constitute a mode of being.\textsuperscript{135} I demonstrate, based on ethnographic data that the social construction of sexuality in the ancient Near East reflects a system not based on sexual preference, or any contradistinction to heteronormativity.\textsuperscript{136} Ancient concerns with male same-sex relations appear to stem from concerns with male virility, and the sexual misconduct of the neighboring nations.\textsuperscript{137} As Virginia Burrus writes, men in the ancient Near East must establish

\begin{itemize}
\item \textsuperscript{133} Susan Ackerman, \textit{When Heroes Love: The Ambiguity of Eros in the Stories of Gilgamesh and David} (New York: Columbia University Press, 2013), 5.
\item \textsuperscript{134} Ibid.; Alice Ogden Bellis and Terry L. Hufford, \textit{Science, Scripture, and Homosexuality} (Eugene, Oregon: Wipf and Stock Publishers, 2011), 17.
\item \textsuperscript{135} Dolansky writes “[h]istorical texts from the ancient Hittites, Babylonians, Assyrians, Egyptians, and Greeks describe legal and cultural boundaries pertaining to male homosexuality, and male homosexual intercourse is actually depicted in art from Uruk, Assur, Babylon, and Susa from as early as the third millennium BCE.” For a detailed discussion of homosexuality see, Friedman and Dolansky, \textit{The Bible Now}, 28.
\item \textsuperscript{136} Ackerman, \textit{When Heroes Love}, 9.
\item \textsuperscript{137} Nissinen observes that the word $\textit{tốēbā}$ as it appears in Leviticus 18:22 and 20:13, “is often used in connection with different, usually not fully defined customs of a mostly cultic nature affiliated with worship of foreign gods… Both the term $\textit{tốēbā}$ as well as the sermon that frames the commands has led many commentators to think that same-sex sexual acts between men were attached to a cult that involved sexual activity and that was practiced by the neighboring people… The surprising reference to child sacrifice in a list of sexual offenses strengthens the impression that there is a cultic background. It has been commonly assumed, therefore, that the writers of the Holiness Code associated homoerotic behaviour with sex connected to cultic practices.” See Nissinen, \textit{Homoeroticism in the Biblical World}, 39.
\end{itemize}
their virility, or risk being feminized.\textsuperscript{138} The issue of male-male sexual contact in the ancient Near East was viewed in the same context as male and female sexual relations.\textsuperscript{139} Male homoerotic relations in ancient Israel “caused the [passive] partner to acquiesce in a female role. Hence, the penetrated partner lost his manly honor, gender boundaries were transgressed, and gender roles mixed.”\textsuperscript{140} In order to understand the nature of these boundaries, we must turn to the Israelite legal codes.

The topic of sexual purity was of primary concern for the authors of the Holiness Code and Priestly source (P) of the Pentateuch. The prohibitions against male same-sex intercourse in Leviticus are both found in the Holiness Code, where the concern with same-sex acts are rooted deeply in the priestly fear of sexual pollution and the defilement of the land.\textsuperscript{141} The Holiness Code is later than much of P, and is “characterized by certain distinct literary, thematic, and theological features.”\textsuperscript{142} Eve Levavi Feinstein outlines these distinctions in three points. First

\begin{itemize}
  \item \textsuperscript{138} Burrus, “Mapping as Metamorphosis,” 4.
  \item \textsuperscript{139} Nissinen, Homoeoticism in the Biblical World, 44. The Levitical prohibition against same-sex intercourse only applies to men. There appears to be no equivalent interdiction against female same-sex relations. Tikva Frymer-Kensky reasons that the lack of concern with female same-sex relations is “not because these Levitical laws concern only male behavior: bestiality is explicitly specified to include both male and female interactions with beasts.” The absence of a prohibition against female same-sex intercourse in the legal code could simply translate to a lack of concern among the priestly authors for female-female sexual engagement. As Frymer-Kensky notes, sex between two women in the ancient context did not “result in true physical ‘union’ (by the male entering the female).” The lack of injunction against women could also be explained in light of ancient Israelite social roles. In the case of male same-sex relations, the act of penetration marks the receptive partner as socially inferior and therefore feminine. It appears that women are not forbidden from same-sex acts as there is not the same concern for maintaining social status. See, Frymer-Kensky, In the Wake of the Goddesses, 196.
  \item \textsuperscript{140} Ibid.
  \item \textsuperscript{141} In recent scholarship there has been a great deal of attention on the nature of purity and pollution in the Hebrew Bible. For a complete discussion on this topic I recommend, Feinstein, Sexual Pollution in the Hebrew Bible, 11–41; Jonathan Klawans, Impurity and Sin in Ancient Judaism (New York: Oxford University Press, 2000); Friedman and Dolansky, The Bible Now, 12, 20–24; Olyan, Rites and Rank: Hierarchy in Biblical Representations of Cult, 38–62; Tracy M. Lemos, “‘Where There Is Dirt, Is There System?’: Revisiting Biblical Purity Constructions,” Journal for the Study of the Old Testament 37, no. 3 (2013): 265–294; and Lipka, Sexual Transgression in the Hebrew Bible.
  \item \textsuperscript{142} Feinstein, Sexual Pollution in the Hebrew Bible, 101; See William Morrow’s discussion on the dating of P and H in his An Introduction to Biblical Law.
\end{itemize}
Feinstein argues the Holiness Code is more concerned with life rather than cult structure and function (although the text does deal with cultic matters). Second, the Holiness Code illustrates a more personal God, using direct statements from the deity, unlike P which has YHWH speak through Moses. And finally, the use of the term “holy” refers to a quality of YHWH and his people in the Holiness Code, whereas in P refers to cultic space.\textsuperscript{143}

The two laws prohibiting male-male intercourse are part of the purity system in the Holiness Code. The way the Bible’s priestly regulations are viewed is largely dependent on one’s understanding of Israel’s purity system. In the ancient Near East notions of purity and impurity represented cultural ideologies. The construction of purity is a social boundary; it not only draws distinctions between pure and impure acts, but it also differentiates one community from another.\textsuperscript{144} Purity systems, as we see in the Priestly literature, regulate social functions, and their laws establish and enforce proper modes of conduct (both cultic and communal).\textsuperscript{145} The construction of imposed boundaries over the body and one’s behaviour is seen in many of the prohibitions found in P and the Holiness Code. The following two, found only in the Holiness Code, are the focus for our discussion of same-sex relations.\textsuperscript{146} These laws say: \textsuperscript{147}

\begin{quote}
You shall not lay a male the lyings of a woman; it is an offensive thing.
\end{quote}

\textsuperscript{143} For Feinstein's analysis of the Holiness Code see ibid., 100–103.
\textsuperscript{145} Saul Olyan examines in great detail how both social and cultic hierarchies are created and regulated by purity constructions. See Olyan, \textit{Rites and Rank: Hierarchy in Biblical Representations of Cult}, 38; See also, James W Watts, \textit{Ritual and Rhetoric in Leviticus from Sacrifice to Scripture}. (Leiden: Cambridge University Press, 2007); David P. Wright, “The Spectrum of Priestly Impurity,” \textit{Priesthood and Cult in Ancient Israel} (Sheffield: JSOT Press, 1991), 150–81; and Feinstein, \textit{Sexual Pollution in the Hebrew Bible}.
\textsuperscript{146} Friedman and Dolansky state, the “Priestly laws in general and…the Holiness Code in particular are concerned with purity, and this law about homosexual acts is a matter of purity to these priests…[In] Leviticus purity is placed alongside holiness in importance to priests (‘to distinguish between the holy and the secular, and between the impure and pure’).” See Friedman and Dolansky, \textit{The Bible Now}, 20;
\textsuperscript{147} Klawans, \textit{Impurity and Sin in Ancient Judaism}, 55.
\textsuperscript{147} A literal translation from Friedman and Dolansky, \textit{The Bible Now}, 10.
(Lev 18:22)
And a man who will lay a male the lyings of a woman: the two of them have done an offensive thing. They shall be put to death. Their blood is on them.
(Lev 20:13)
In discussing the Priestly source, many scholars treat the impurity laws and the pollution that results from their transgression as a unified system that “encompasses all of the Hebrew Bible.” What scholars ignore in doing so however is that these laws, like the narratives of the Bible, are composed by different authors who have distinct ideologies and experiences. As Lipka asserts, “there is very little in the way of sexual behaviours or attitudes that may be considered universal”—even within biblical Israel. We must then recognize that the authors of the Priestly source were constructing ideals and principles for their people that may not have reflected the norms of all of ancient Israel. Moreover, even if Leviticus 18 and 20 prohibit male same-sex intercourse, this cannot be interpreted as normative for all ancient Israelite communities; these prohibitions do not represent the ideals of all authors of the texts of the Hebrew Bible, nor the communities whose mores were never recorded or preserved in writing. This claim is further supported by Morrow, who writes:

Leviticus 18 and 20 may be based on independent formulations of a common tradition. This tradition must have originated in the Holiness school, because it mandates stringent punishment for sexual relationships that were not necessarily disapproved of in earlier times. Consider the following:

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148 Tracy Lemos argues that “those who have written on Israelite purity ideas have in the majority of cases tried to subsume all of the references to purity under one overarching rubric.” In her paper she demonstrates that “there is no one rubric that can make sense of all of the sources of impurity attested in Israelite texts and that the attempt to uncover one structure…is at best counterproductive.” She proposes that we evaluate the diversity of these systems and examine the impurity constructions and lived experiences of Israelites.” See “Where There Is Dirt, Is There System?,” 265–267.
149 Lipka, _Sexual Transgression in the Hebrew Bible_, 2.
150 Friedman and Dolansky, _The Bible Now_, 19–20.
151 Inset: Variations in the Assessment of Sexual Relations in Biblical Literature, as seen in Morrow, _An Introduction to Biblical Law_, 175.
In order to understand what ancient Israelite ideas about same-sex relations may have been, beyond the laws in the Holiness Code cited above, we must look to the wider ancient Near Eastern context. Although the prohibitions of male-male intercourse may be clear for the communities of the author of the Holiness Code, comparative data indicates that a similar ban was not applied anywhere else in the ancient Near East.152 This prohibition of male same-sex intercourse is found “only in the law code of one biblical author,” which is also among the latest of the legal texts.153 Saul Olyan’s examination of male same-sex intercourse in Leviticus is noteworthy. He writes:154

The law of Lev. 18:22 addresses only one of the participants (“you” m.s.); in contrast, the formulation in 20:13 begins by mentioning “the man who lies” (i.e., “you” of 18:22) but changes number from singular to plural in the middle of the verse. As it now stands, the formulation with the penalty in Lev. 20:13 emphasizes the guilt of both parties: “they—the two of them—have committed a tô’ēbâ; they shall certainly be put to death; their blood is upon them.” The change of number from the beginning of the law to its conclusion is awkward; it suggests redactorial activity intended to widen the scope of the law to include both parties. The emphatic attention to the culpability of both partners also leads me to suspect editorial recasting. Are there analogous cases of such redactorial reworking elsewhere among the laws in the Holiness Source? The best example is Lev. 20:10, a law concerning adultery, which shares characteristics with Lev. 20:13. Leviticus 20:10 begins by mentioning “a man who commits adultery with the wife of his neighbor” and states that “he shall surely be put to death” (môt yûmat); then it adds, awkwardly,

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152 Sexual Pollution in the Hebrew Bible, 175.
153 Friedman and Dolansky, The Bible Now, 19-20.
154 Olyan, “‘And with a Male You Shall Not Lie the Lying down of a Woman’: On the Meaning and Significance of Leviticus 18:22 and 20:13,” Journal of the History of Sexuality 5, no. 2 (October 1, 1994).
“the adulterer and the adulteress” (ḥannōʾ ēp wēhannōʾ āpet). As in Lev. 20:13, the law begins by focusing on a singular subject (“the man who commits adultery”); in contrast to 20:13, the penalty is prescribed for the man alone, and only afterward is the adulteress included in the penalty. At all events the effect is the same: laws originally mentioning a single guilty party were recast awkwardly in order to apply the death penalty to both partners. In the case of Lev. 20:10, the law originally applied to the adulterer alone; in the case of Lev. 20:13 (as in 18:22), to the insertive partner in a male-male coupling. If my suggestion of editorial reworking is correct, then only the respective insertive partners (the adulterer and the insertive partner of the male-male coupling) were punished by both of these laws at an earlier stage in their formulation. In the final form of the various laws of Lev. 20, all parties involved in sexual boundary violations are to be put to death or otherwise penalized. But this says nothing about the earlier form of these laws, several of which appear to have been more restricted in their application.

I acknowledge Jerome Walsh’s criticism of Olyan, in which he argues that the Levitical text does not reflect a concern for the transgressing of gender boundaries. However, I give distinction to Olyan as his research in this area has not only greatly advanced our understanding of the verse, but he is also championed by a number of scholars who support his claim. Daniel Boyarin similarly suggests that the Levitical author is concerned with the insertive partner, as his actions render the receptive partner “feminine.” Olyan reframes however, from examining the similar nonproductive acts of incest, bestiality, and adultery.

Friedman and Dolansky note that “[there] are at least four separate authors of biblical law, writing over a period of centuries in ancient Israel.” In the three other legal sources we do

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not find any laws prohibiting same-sex relations or homoerotic acts.\textsuperscript{159} This shows that male same-sex intercourse may have only been a concern for one author in one ancient Israelite community.

In addition to having only one source in the Pentateuch that condemns male same-sex intercourse, comparative evidence reveals that there are no similar proscriptions against same-sex acts in the rest of the ancient Near East.\textsuperscript{160} The extant legal collections from Babylon are silent on the matter.\textsuperscript{161} The Middle Assyrian and Hittite laws both address male-male intercourse; however unlike the Priestly source, neither are a direct prohibition.\textsuperscript{162} By focusing on the comparative literature we see that the cultural discourse on male same-sex interactions varies within the ancient Near East.

Feinstein observes that within the Hittite Laws, a man was only prohibited from having intercourse with his male kin, thus suggesting that same-sex intercourse outside of the family unit was permissible.\textsuperscript{163} Jacob Milgrom comes to a similar conclusion; he observes that the prohibition in Leviticus only addresses “illicit heterosexual unions. Thus carnal relations are forbidden only with males who are of the equivalent degree of the females prohibited in these lists.”\textsuperscript{164} Milgrom argues that the regulation of same-sex intercourse, within the priestly text,

\textsuperscript{159} Ibid.
\textsuperscript{160} Ibid., 30; See also Feinstein, \textit{Sexual Pollution in the Hebrew Bible}, 175.
\textsuperscript{161} Friedman and Dolansky, \textit{The Bible Now}, 30.
\textsuperscript{162} Feinstein, \textit{Sexual Pollution in the Hebrew Bible}, 175. This claim is further supported by Saul Olyan who observes that “[n]where in this corpus is there a general interdiction of male-male couplings.” He further writes, “[p]aragraph 189 of the Hittite Laws states that a man may not have sexual relations with his mother, daughter, or son. The context suggests that kinship is the issue in the case of the son, not his sex: he is mentioned as one-third of the family triad.” See Olyan’s comparative analysis in Saul M. Olyan, “‘And with a Male You Shall Not Lie the Lying down of a Woman’: On the Meaning and Significance of Leviticus 18:22 and 20:13,” \textit{Journal of the History of Sexuality} 5, no. 2 (October 1, 1994): 192. Also see Friedman and Dolansky, \textit{The Bible Now}, 28–35 for a critical analysis of these laws.
\textsuperscript{163} Feinstein, \textit{Sexual Pollution in the Hebrew Bible}, 175.
\textsuperscript{164} Milgrom writes, “the occurrences of the prohibition (18:22; 20:13) contain the phrase \textit{miškevê iššâ}, an idiom used for only illicit heterosexual unions…For example, the prohibited relations would be nephew-aunt, grandfather-granddaughter, and stepmother-stepson, but also nephew-uncle, grandfather-grandson,
concerns only those who are within the same family."\textsuperscript{165} Renato K. Lings provides further supports for this claim, noting that the "Leviticus legislator is warning Israelite men that incestuous acts with members of either sex are punishable."\textsuperscript{166} As such, one might conclude that same-sex acts outside of the family may not have been condemned.\textsuperscript{167}

In the Middle Assyrian Laws (MAL) we have two passages which address the act of male same-sex intercourse. MAL A-19 "concerns false accusations of a male engaging in repeated, apparently voluntary receptive intercourse; [notably] it says nothing about repeated penetration of other males."\textsuperscript{168} It is found in a series of laws concerning wrongful acts against married women.\textsuperscript{169} When they are viewed in their cultural context we can conclude that these Middle Assyrian authors considered the receptive partner in male same-sex intercourse as analogous to a female.\textsuperscript{170} Olyan writes, "Middle Assyrian Laws A 19-20 occur in the context of a series of laws addressing crimes committed against married women. G. Cardascia and J. Bottero have both concluded that the placement of MAL A 19-20 suggests that the receptive partner in a male-male coupling was viewed in this legal setting as the equivalent of a woman."\textsuperscript{171} Likewise, the phrase, "the lyings of a woman" in Leviticus 18:22 implies that the penetrated male is analogous to a

\textsuperscript{165} Prohibited relations, according to Milgrom, "would be nephew-aunt, grandfather-granddaughter, and stepmother-stepson, but also nephew-uncle, grandfather-grandson, and stepfather-stepson." See ibid.
\textsuperscript{168} Emphasis added. Olyan, “And with a Male You Shall Not Lie the Lying down of a Woman,” 192.
\textsuperscript{169} Friedman and Dolansky, \textit{The Bible Now}, 31.
\textsuperscript{170} Ibid.; Feinstein notes that the penalty for this act is rape and castration. She further states that “the penalty of rape clearly indicates that homosexual intercourse was not prohibited in all circumstances.” See Feinstein, \textit{Sexual Pollution in the Hebrew Bible}, 175.
\textsuperscript{171} Olyan adds, “It seems as if the law in A 20 is concerned with the rape of a man by another of equal status or close relationship, while the law in A 19 concerns repeated, voluntary assumption of the receptive role in intercourse.” See Olyan, “And with a Male You Shall Not Lie the Lying down of a Woman,” 193.
female’s role in heterosexual intercourse. In both texts, the receptive male partner appears feminized.

In MAL A-20, a man is prohibited from forcefully penetrating a male of the same status. Olyan states the “equal status of the partner is suggested by the word tappā’u, often translated “companion,” “colleague,” or “neighbor.”

Olyan further observes that “[o]nly the insertive partner is punished in MAL A 20 (and with rape and castration); the receptive partner (the tappā’u) is apparently viewed as the victim of aggression so that no penalty is prescribed for him.”

It is noteworthy that the punishment of the active agent is anal penetration—which

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172 According to Boyarin, “penetration of a male constituted a consignment of him to the class of females, but rather than a degradation of status, this constituted a sort of mixing of kinds, a generally taboo occurrence in Hebrew culture… Thus when one man ‘uses’ another man as a female, he causes a transgression of the borders between male and female…the issue does not seem to have been status so much as an insistence on the absolute inviolability of gender dimorphism.” See “Are There Any Jews in the History of Sexuality?,” Journal of the History of Sexuality, 1995, 341–43. Although I agree that the receptivity of the male partner constitutes feminization. Boyarin’s claim that the act does not result in a degradation of status goes unfounded. As Michael Satlow observes, later rabbinical interpretations suggest a concern for the humiliation of the penetrated male. What is more, in the Greco-Roman world, as seen elsewhere in the texts of the ancient Near East, “To penetrate was to reaffirm, perhaps even assert, this power. To be penetrated was perceived as being as women were perceived, that is, weak and dominated. The adult male citizen who allowed himself to be sexually penetrated, especially in Roman society, was looked upon with loathing.” See “‘They Abused Him Like a Woman’: Homoeoticism, Gender Blurring, and the Rabbis in Late Antiquity,” Journal of the History of Sexuality 5, no. 1 (1994): 9, 2. Similarly, Olyan, following the scholarship of Thomas M. Thurston, argues that the prohibition in Leviticus 18:22 “is present because the receptive male in anal intercourse does not conform to his class (male as opposed to female); boundaries are blurred when a male plays the receptive role.” See “And with a Male You Shall Not Lie the Lying down of a Woman,” 199. For Steven Greenberg the prohibition in Leviticus addresses the act of penetration. He writes, “The receptive party’s guilt is interpolated into the prohibition in one way or another, but he is not the main focus of the interdiction. This is particularly remarkable because in many societies men who penetrate other men are not considered deviant. It is receptive men who violate the given social order by playing a woman’s role in sexual intercourse. Whatever the reason or reasons that undergrid the prohibition in Leviticus, the text appears to be concerned primarily with the male on top, the penetrating partner, and only in a derivative fashion with the receptive partner.” See Wrestling with God and Men: Homosexuality in the Jewish Tradition (Madison, Wisc: University of Wisconsin Press, 2004), 84. Morrow provides a similar explanation; he writes “Leviticus 18:22 and 20:13 appear to reflect an ancient opinion that it was wrong for a man to allow himself to be penetrated like a woman.” See Morrow, An Introduction to Biblical Law, 176–77.

173 Olyan, “And with a Male You Shall Not Lie the Lying down of a Woman,” 193.

174 Ibid.; Feinstein suggests that the punishment of rape, “which reenacts the penetration and ‘feminization’ that the perpetrator inflicted on his fellow…clearly indicates that homosexual intercourse was not prohibited in all circumstances.” See Sexual Pollution in the Hebrew Bible, 175.
suggests that penetrative same-sex intercourse is a permissible act during legal proceeding. As Martti Nissinen explains, the regulations regarding these sexual acts “apply the principle of talion, that is analogous punishment… On the other hand, the intent is to prevent the male-factor from repeating the crime (by castration).” The punishment of castration and non-consensual penetration has the same perceived effect as the act of same-sex intercourse, shame and feminization.

The fixation on the social classification of the penetrated partner demonstrates a regard for gender classifications and a fear of feminization. As Friedman and Dolansky note, these Middle Assyrian “laws and cultural norms do not seem concerned with homosexual behaviour itself. They are concerned rather with the issue of social status and the shame of being feminized when a freeborn male citizen assumes the passive/receiving role in a homosexual partnership.” These laws express a concern not categorically for male same-sex relations, but more specifically, how these exchanges are perceived in the male social space. Further evidence on the nature of male passive and active same-sex relations comes from the Middle Babylonian divination text, Šumma Ālu.

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176 Ibid.
177 Feinstein points to similar proscriptions in Athens and Rome which permit male homoeroticism “so long as the receptive partner is a social inferior.” See Feinstein, Sexual Pollution in the Hebrew Bible, 175.
178 Friedman and Dolansky, The Bible Now, 31. Texts from Ugarit make no single clear reference to homoeroticism. Some Hittite laws resemble the literary context of the biblical prohibitions of sexual conduct between two men (Lev. 18:22; 20:13). They forbid various forms of incest, including sexual relations with one’s own son, but mention no other types of same-sex acts.” See Nissinen, Homoeroticism in the Biblical World, 20; Richard M. Davidson writes, “No solid evidence for homosexual practice has yet been discovered in the art or literature of Ugarit, although, as will be discussed below, such evidence does appear for bestiality and incest. There is one reference in ‘The Bow of Aqhat’ to the Canaanite goddess Anath as one who ‘takes away men’s bows, that is, who changes men into women’; this may imply, as in the similar Mesopotamian statements about Ishtar, that the goddess has transformed men into homosexuals.” See Davidson, Flame of Yahweh, 141.
In the Šumma Ālu there is no direct prohibition against male same-sex intercourse, only a concern for the roles and statues of the men involved. The passage reads: “If a man copulates (iṭehhe) with his equal (meḥrīšu) from the rear, he becomes the leader among his peers and brothers.” Friedman and Dolansky write, “[For] the Babylonian author in this period, being the active partner in homosexual intercourse with someone of high social status…brought good luck.” Moreover, the active partner assumes the status superior position over “his peers and brothers.” Following Martti Nissinen we may also consider these relations as homosocial rather than homoerotic. Homosocial, as defined by David Morgan, is “a collective name for an important set of relationships, referring not simply to the preference of men for each other’s company, but for the location of these relationships in public or semipublic regions… and for the particular set of exchanges and interdependencies that grow between men.” The affinity for male same-sex bonding could be explained by the division of social space in ancient Mesopotamia. As Nissinen observes, the sexes were socialized in different spaces, thus creating an environment for intimate companionship and homosocial bonding.

As Friedman and Dolansky observe, in the case of ancient Near Eastern literature, “sexual acts between men were expressed only when they concerned the… enforcement of power hierarchy.” Modern interpretations of Leviticus 18:22 and 20:13 often wrongly construe the sexual ideologies of the priestly author of the Holiness Code with the sexual

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179 Friedman and Dolansky, *The Bible Now*, 30.
180 Translation in, ibid.
181 Ibid.
185 Ibid.
186 Friedman and Dolansky, *The Bible Now*, 32.
attitudes of all of Israel. Lipka has noted that “even when they are dealing with other genres such as narrative and prophetic text, scholars often seek to reconcile the construction found in these texts with the sexual prescriptions and proscriptions presented in the legal collections.” Rather than force coherence, Lipka proposes that we emphasize the difference and diversity of other forms of biblical evidence. By doing so, she believes “we can attain a more rounded view of the constructions of sexuality in ancient Israel, revealing at least some of the culture’s heterogeneity.” The sexual regulations of Leviticus reflect Priestly ideals and principles that may not have reflected the norms of all of ancient Israel. As indicated by the historical texts from the ancient Hittites, Babylonians and Assyrians, the prohibition on male homoeroticism and same-sex intercourse was not normative; but same-sex relations between classes, if the penetrated partner was of a lower status was normative, or at least acceptable everywhere except in the community of Leviticus 18 and 20.

While the Holiness Code gives us our only categorical prohibition against any male-male intercourse in the entire ancient Near East, other ancient Near Eastern texts appear to be only concerned with social distinctions, namely the status-superior male. The nonlegal sources of the Hebrew Bible, and the Pentateuch’s other legal codes, do not provide convincing evidence for “either categorical acceptance or categorical rejection of homosexuality in ancient Israel”; in fact they do not mention it at all. The absence of similar laws suggests that “this proscription can only be considered in the context of the Holiness legislation.” Furthermore, as we see in the

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188 Hilary Lipka argues that this “tendency to interpret texts from other genres in light of the legal collections has led them to draw conclusions about sexuality in Israel as a whole based on limited, incomplete, and potentially non-representative evidence.” See ibid.
189 Ibid., 13.
190 Ibid.
191 Ibid.
192 Feinstein, *Sexual Pollution in the Hebrew Bible*, 175.
narrative and legal comparative literature, the rest of the ancient Near East assumes homoeoeroticism as normative.

From the discussion above, it will be clear that scholars differ about whether the party originally condemned in Levitical law is the passive or active partner in same-sex male intercourse. Lings’s perspective on the meaning of the phrase “the lyings of a woman,” therefore, is important to consider.\(^{193}\)

That *miškevē *iššâ may be rendered in English with the clumsy-sounding expression “the lyings of a female.” If at the same time we keep in mind the massive emphasis on incestuous relations in Lev. 18, “a female” may tentatively be interpreted as “a female family member.

Lings furthers his argument by suggesting that the prohibition against same-sex interactions are included in, and not paralleled with, the incest laws of Leviticus. He writes:

> The amplified equivalent of Lev. 18.22 is found in 20.13. From a literary point of view, the most remarkable detail is the fact that the two preceding verses clearly speak of incest. Thus Lev. 20.11 and 12 announce the death penalty for incestuous acts. According to 20.13, the same punishment applies to all males who engage in *miškevē iššâ.* Following a brief parenthesis, which presents the penal framework for other sexual crimes, the incest theme is resumed in v. 17 and vv. 19–21. In this context, and in the light of the material examined so far, the composition of Lev. 20 invites a preliminary conclusion. It is impossible to speak with absolute certainty, but various factors point in the direction of a possible location for *miškevē iššâ* within the biblical vocabulary pertaining to incestuous relationships.

The overlap between the prohibitions suggests that the laws regarding same-sex actions are not independent. The logic espoused by Lings is also supported by Milgrom, who maintains that the priestly attitudes towards illicit same-sex interactions only concerned kin groups.\(^{194}\) Both the incest laws and the prohibition of same-sex liaisons concerns male kinship and household boundaries. Berquist argues that Leviticus bans “a man taking another man into the household for sexual purposes and treating that man as member of the household, of the same status as a

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\(^{193}\) Lings argues that “*iššâ* has not two but rather three meanings: ‘woman,’ ‘wife,’ and ‘female.’” See Lings, “The ‘Lyings’ of a Woman,” 242–43.

\(^{194}\) Milgrom, *Leviticus 17-22,* 1786.
head of household treats the women” primarily because this would confuse the social stratification of the family.¹⁹⁵

Further, the concern with improper sexual couplings in both interdictions could be reduced to the nonproductive nature of the sex act. Male same-sex relations raise questions of reproduction insofar as the act of anal penetration is a non-normative and non-procreative act: the male’s seed is wasted. However, female sexuality does not involve issues of procreation, as although the act is non-generative, female same-sex intercourse does not involve the waste of an ejaculate, nor does it hinder a woman’s reproductive abilities. As previously discussed, incest is nonproductive as it creates genealogical corruption.

The concerns among the ancient authors appear to be with the physical, social, and economical consequences of same-sex relations. The regulation of male same-sex relations functions to maintain power distinctions. Socially, power and authority is given to the active penetrating partner during sexual intercourse. The phrase “the lyings of a woman,” suggests that the receptive male partner acquiesces into a position of inferiority, in which, once feminized he becomes devoid of honour and is given a subordinate status among the totality of his community. Further, if we accept that the “the lyings of a woman”—as presented in conjunction with the Levitical laws on incest—can be interpreted as “the lyings of a female family member,” than we have good reason to believe that the author is concerned with same-sex relations between close relatives. From the previously discussed legal codes one may deduce that the punishments of homoerotic acts in Leviticus were designed to discourage same-sex penetrative intercourse in the family. It is plausible that the purpose of the legal text is to orient males within their social circles by establishing boundaries between same-sex liaisons with male kin. The penalty towards

¹⁹⁵ Berquist, Controlling Corporeality, 95. A man taking another man into the household for sexual purposes could suggest a slave relationship, in which case “the situation of Israelite slaves…is analogous to that of women. They were considered property of their master.” See Kunin, The Logic of Incest, 56.
penetrative intercourse established and maintained a social hierarchy in homosocial groups, thus illustrating the transformative power of sexual relations in androcentric communities. The social stratification of the family is connected with gender gradation and social class; thus Israel must maintain the relative position of sex and function in the household.

III. Bestiality

Scholarship on the practice of bestiality in the ancient Near East is less extensive than previously discussed sexual transgressions. Bestiality laws are addressed in all three extensive legal collections (Leviticus 18:23, 20:15-16; Deuteronomy 27:21; and Exodus 22:19). The only other known prohibition against bestiality appears in the Hittite laws (HL ¶ 187-88; 199-200).196 These laws permit sex with a horse or mule (HL ¶ 200A), however, intercourse with an ox, sheep, pig, or dog was forbidden.197 In Deuteronomy, like Leviticus, the prohibition against sex with animals appears alongside three incest prohibitions: sex with one’s father’s wife (27:20); sex with one’s sister, “whether the daughter of his father or the daughter of his mother” (27:22); and sex with one’s mother-in-law (27:23). Bigger observes that these laws “were motivated by concerns similar to those behind the laws of Leviticus 18, but exhibit no interdependence.”198 He argues that these laws are unified by the term šākab, “to lie with”—which he believes expresses a concern for the improper mixing of seed.199 Feinstein also notes that “the inclusion of the word “any” in Lev 18:23 (and in the parallel laws in Lev 20:16 and Deut 27:21) suggest a deliberate

196 Milgrom, Leviticus 17-22, 1570.
197 Ibid.
199 Bigger further writes, “The Priestly Code formulated more detailed laws relating to personal purity for use in the postexilic period. They reveal that ‘pollution’ resulted from childbirth, menstruation, sexual intercourse and the ejaculation of semen, and had to be countered by purification rituals.” See, ibid.
effort to include all nonhuman members.”\(^{200}\) The punishment for these crimes also appears to coalesce, with the laws sanctioning curses or death:

You shall not have sexual relations with any animal and defile yourself with it, nor shall any woman give herself to an animal to have sexual relations with it: it is perversion (Leviticus 18:23).

If a man has sexual relations with an animal, he shall be put to death; and you shall kill the animal.\(^{201}\) If a woman approaches any animal and has sexual relations with it, you shall kill the woman and the animal; they shall be put to death, their blood is upon them (Leviticus 20:15-16).

“All cursed be anyone who lies with any animal.” All the people shall say, “Amen!” (Deuteronomy 27:21)

Whoever lies with an animal shall be put to death (Exodus 22:19)

One possible reading would suggest that interspecies intercourse, like male same-sex penetration, and incest, are united by their perversion of natural and social boundaries. As Piers Bierne writes, “crimes against nature have…been proclaimed to those in which the emission of seed is not accompanied by a procreative intent, as in masturbation, anal and oral sex, incest, adultery, rape, and bestiality.”\(^{202}\) Incest, same-sex copulatory acts, and bestiality are affronts to the procreative purposes of heterosexuality. Bestiality, like same-sex intercourse, results in the blurring of bodily boundaries, with the mixing of semen violating human and animal roles.\(^{203}\)

The regulation of the animal-human boundary, like the other household boundaries, functions to maintain “the categories of existence (pure and impure, holy and profane, 

\(^{200}\) Feinstein, *Sexual Pollution in the Hebrew Bible*, 115.

\(^{201}\) Elijah Judah Schochet suggests “that an animal, like a human being, bears blood-guilt. In cases of sexual contact between man and beast, both the former and the latter are put to death…The animal has come to symbolize the degradation of a human being, and its death may more accurately be viewed as the eradication of a degrading symbol than as an infliction of a punishment per se.” See Elijah Judah Schochet, *Animal Life in Jewish Tradition: Attitudes and Relationships* (New York: Ktav, 1984), 54.


permissible and impermissible foods, family lines, sacred time, sacred space).” Frymer-Kensky suggests that human-animal mating threatens these categories for the same reasons as same-sex intercourse, or incestuous relations—these sexual transgressions are associated with the cultic pre-Israel inhabitants. Illicit sex, as illustrated in Leviticus 18:28 and 20:22, defiles the land. The prohibitions mediate sexual behaviour by enforcing a hierarchical order. The following illicit unions demonstrate a scribal extension of the principals implied in incestuous and male same-sex relations, against the abstract possibility of animal intercourse. For example, father-daughter intercourse poses a threat to the internal order of her kin group. Their actions are both a crime of property against the family as well as a violation against Israel’s social order. Inbreeding pollutes bloodlines, and thus results in a “collapse of family relations: sex with daughter-in-law is explicitly called tebel (“mixing”) in Leviticus 20:12.” Similarly, Davidson writes:

A Hebrew word describing bestiality serves to underscore the innate defiling nature of this practice and linkage to the creation order. According to Lev 18:23, bestiality is tebel, "perversion." Derived from the verb bālal, "to mix, confuse," tebel refers to a "confusion" or "mixture" of categories—"a violation of the order of nature." Such a violation is not tied to the society of Israel; as a preservation of the creation order, the prohibition has universal and permanent force.

Davidson further explains that bestiality defiles because the act extends beyond normal human-animal boundaries: Structurally, the laws concerning bestiality are similar to the anxieties around male same-sex intercourse within the household. The author parallels the illicit behaviour with the actions of neighboring nations, implying that the Israelites are also guilty of these

205 Ibid., 196.
206 Milgrom writes that the laws consist of a “discernible order... Consanguinity and affinity are the principles that govern the primary relationships in [Leviticus] 18:6-18, and they are followed by miscellaneous sexual practices in 18:19-23... In chap. 20, another principle is operative: the penalties. They are precisely graded according to their severity.” See Milgrom, *Leviticus 17-22*, 1593.
infractions. The use of the term abomination applies to both misdemeanors, with the punishment of nonproductive sex being social displacement and death.\textsuperscript{209}

In Mesopotamian and Ugaritic texts the attitude towards bestiality is quite different. Milgrom suggests this is because the practice is “limited to the realm of mythology.”\textsuperscript{210} In the \textit{Epic of Gilgameš} sex transforms Enkidu from animal to human. In addition to the transgression of gender roles, “Ishtar is depicted as the wanton lover of a bird, lion, and stallion (ANET 84, 11. 48-56); [and in a Ugaritic poem] Baal copulates with a cow and fathers an ox, a heifer, and a buffalo (ANET 142).”\textsuperscript{211} In other words, the practice of bestiality takes on a normative or non-transgressive role in some of the literature and art of Mesopotamia and Ugarit. These cultic myths cast further light on Israel’s interdiction against animal-human relations. They suggest that bestiality is proscribed in part because it reflects the homology between body, temple, and community. The rule against sex-acts with beasts concerns the self-organization of the body against the human-animal boundary. The sexual impurity of the body has the potential to defile the temple. Further, the holiness of the community is compromised by the impurity of the Israelite- which could result in being “vomited from the land.” In Leviticus, the judicial condemnation of bestiality reinforces Israel’s aversion to foreign cults as well as to bodily defilement.

\textbf{Conclusion}

This paper explored the Hebrew Bible’s categories of sexual infractions and illicit relations. The objective was to examine the Israelites transgressions of personal boundaries and the commonalities in the Holiness legislations attitude towards these behaviours. This analysis

\textsuperscript{209} Ibid., 170.
\textsuperscript{210} Milgrom, \textit{Leviticus} 17-22, 1570.
\textsuperscript{211} Milgrom, \textit{Leviticus} 17-22, 1570.
demonstrated that the laws of Leviticus function as a measurement of a family’s composition. I have argued that the social stratification of the household is threatened when kinship ties are compromised by illegitimate sexual unions. My investigation of sexuality in the Israelite ethos has produced a number of key observations.

The prohibitions of Leviticus 18 and 20, which focus on the sins associated with neighboring nations, predominantly address various forms of nonproductive sex, followed by the allotment of punishments for these transgressions.\(^{212}\) The list of prohibited sexual relationships is formulated within the Israelite household. As such, it would appear that the laws concerning incest and other sexual offenses are analogous; expressing a concern for nonproductive sex and the violation of male privilege. What characteristically links these illicit sexual acts together are the threat to procreation and proper descent within the family.

Among the list of prohibitions, incest, same-sex relations, and bestiality have the following commonalities: they result in a sexual actions that are a) non-procreative and therefore debase hierarchical relations (as is the case bestiality and same-sex unions); b) result in illegitimate offspring (as is the case for incest and adultery); c) and they govern the range of sexual privilege that can be exercised by males. In all cases of illicit sexual actions, the text reflects a preoccupation with procreation. These laws oppose actions that transgress household lineage and pose a threat to the land of Israel and YHWH. Moreover, through the homology of Body, Community and Temple in Holiness thinking, they threaten the purity of the Israelite cult.

Leviticus explicitly expresses anxieties about transgressing divinely sanctioned boundaries. The lists of prohibited relationships are designed to protect both the social structure of the family and Israel. With respect to the incest laws, I have illustrated that the sexual

\(^{212}\) Lipka, “‘Such a Thing Is Not Done in Israel’: The Construction of Sexual Transgression in the Hebrew Bible” (Ph.D., Brandeis University, 2004), 56.
infractions of the household are also implicated in the laws concerning same-sex unions. Although the prohibitions against same-sex intercourse have commonly been read separate from the incest laws, the translation of the “lyings of a woman” in Lev 18:22 implies that the prohibitions of same-sex liaisons concern only sexual interactions with one’s own kin. The priestly legislator was concerned with incestuous relations between both sexes. Similarly, incest shares commonalities with adultery and bestiality as it confuses lines of descent and the boundaries of the family.

Illicit sex in priestly thought reflects a variety of sociosexual mores in Israel and the ancient Near East. The similarities within the Holiness code to other laws and narratives of the Hebrew Bible, Mesopotamian and Ugaritic texts, and the Babylonian and Hittite laws, reflects a multitude of influences that work to shape and change the dominant gender ideologies of Israelite religion.

We are not done examining nonproductive sex in the ancient Near East. Scholars must continue to investigate the relationships between juridical concern with illicit sex and the social stratification of the family. I hope this paper has shown some useful directions for future research on the nature of sexuality in biblical and ancient Near Eastern literature.
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