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Impurity and gender in the Hebrew Bible : ideological intersections in the books of Leviticus, Ezekiel and Ezra

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Impurity and Gender in the Hebrew Bible: Ideological Intersections in the Books of
Leviticus, Ezekiel and Ezra

A dissertation submitted in partial satisfaction of the requirements for the

Degree Doctor of Philosophy

in

History

by

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The Dissertation of Elizabeth Wayne Goldstein is approved, and it is acceptable in quality and form for publication on microfilm and electronically.

Chair

University of California, San Diego
2010

To Tamar
with gratitude
לתמר
רב תודות

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Chapter 5, in part, is a reprint of the material as it appears in “‘By the Blood that You Shed You are Guilty’: Perspectives on Female Blood in Leviticus and Ezekiel in *Jewish Blood: Metaphor and Reality in Jewish History, Culture, and Religion* (Mitchell Hart, ed. *Jewish Blood: Metaphor and Reality in Jewish History, Culture, and Religion*. London: Routledge 2009) 57-69. The dissertation author was the primary investigator and author of this paper.

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ABSTRACT OF THE DISSERTATION

Gender and Impurity in the Hebrew Bible: Ideological Intersections in the Books of
Leviticus, Ezekiel and Ezra

by

Elizabeth Wayne Goldstein

Doctor of Philosophy

in History

University of California, San Diego, 2010

Professor William H.C. Propp, Chair

The central argument of my dissertation is based on two bodies of literature. The first area deals with the categorization of biblical impurity and is articulated most effectively by Jonathan Klawans.¹ Klawans demonstrates that there are two ideologies of purity in the Hebrew Bible, ritual and moral. The state of ritual impurity pertains to the human body, is unavoidable, temporary and can be cleansed. Conversely, moral impurity is incurred through behavioral choice. Three grave sins cause moral impurity: murder, violation of sexual prohibitions, and apostasy. No purifying activities can reverse the impurity. Moral impurity,

¹ Jonathan Klawans, *Impurity and Sin in Ancient Israel* (Oxford: Oxford University Press, 2000).

unlike ritual impurity, has severe consequences. Either the land will expel its inhabitants or violators will be subject to *krt*, being cut off from their people.

I have also based my argument on source critical scholarship and linguistic studies that demonstrates that priestly writing predates the writing of the exilic prophet Ezekiel. I show that Ezekiel distorts priestly ideas about women and their blood by intentionally confusing the categories of ritual and moral impurity. Furthermore, in the still later book of Ezra-Nehemiah, the word *ndh*, a term that previously referred only to menstruation, a cause of ritual impurity, has now come to refer to the general contamination of moral impurity. In Ezra, this transition has occurred, perhaps, unbeknownst to its author.

Thus, there is a correlation between the ideologies of impurity in the Bible (ritual and moral) and an increasingly negative portrayal of women and their bodies. For prophetic writers, moral impurity became an effective way to speak about the experience of exile (586/7-530). The deity literally expelled the people for their sins. To the detriment of women, a regularly occurring bodily function, which even the pre-exilic priestly writers viewed as normative, became the symbol of the people's gravest transgressions.

Chapter 1: Introduction and Underlying Assumptions

“In ways that cannot always be traced with great precision, women, and particularly gentile females have come to symbolize the forbidden.”² I believe the birth of this symbolism is linked to a change in the focus of the purity laws. As biblical literature moves toward a heightened focus on moral impurity as opposed to ritual impurity, an increasingly negative literary representation of women begins to emerge.

In approaching this dissertation, I have drawn from two bodies of literature: the study of impurity in the Hebrew Bible and feminist-critical analysis. I owe my understanding of cultural systems and the function of taboo in those systems primarily to the late Mary Douglas and the late Claude Lévi-Strauss.³ From these anthropologists, I have learned that taboo often operates through multi-faceted and complex symbolism. For example, in some social systems, though “taboo” substances often convey some element of danger, their power is not always negative.⁴ In other words, the power to harm is not always bad. Views such as these have heavily shaped my own understanding of the way taboo can function in various communities including ancient Israel.

I began this work from the premises that taboo existed in ancient Israel and that it manifested itself through the system of ritual purity (טהרה) and impurity (טמא).

² Helena Zlotnick, *Dinah's Daughters: Gender and Judaism from the Hebrew Bible to Late Antiquity* (Philadelphia: University of Pennsylvania, 2002) 1.

³ Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (New York: Praeger, 1966). *Natural Symbols: Explorations in Cosmology* (New York: Pantheon, 1970). *Leviticus as Literature* (Oxford: Oxford University, 1999). Claude Lévi-Strauss, *The Savage Mind* (Chicago: University of Chicago, 1968). *Totemism* (trans. R. Needham; Boston: Beacon, 1963).

⁴ See Thomas Buckley and Alma Gottlieb, eds., *Blood Magic: The Anthropology of Menstruation* (Berkeley: University of California, 1988).

However, these states do not by themselves carry a positive or negative valence. It is the context that determines the value of being טמא or טהור in a given biblical narrative, prophecy or law. Since we cannot talk to actual Israelites and examine the ways impurity affected their communities, we are left to compare the different ways that the Hebrew Bible represents and depicts the state of impurity. My overall goal is not to reconstruct how the system of impurity and purity actually shaped the lives of ancient Israelites. It is, instead, to contrast the descriptions of impurity as presented by different literary witnesses, and then to examine how they intersect with gender.

In this chapter, I will lay out the underlying assumptions upon which I rely for the rest of the dissertation. First, I will explain why I believe it better to view biblical impurity as having two distinct ideologies rather than one. Second, I will identify and explain the Hebrew Bible's use of the term "sin" and then discuss the connection between women and sin. Third, I will look briefly at the history of feminist scholarship on the Hebrew Bible and try to contextualize this dissertation within that category. Lastly, I will discuss my view on the dates and chronology of the biblical sources from which I draw. This chronology is critical to my argument since I am claiming that later biblical texts have more anti-female rhetoric than earlier ones.

A. Approaches to Biblical Purity

1. A Single Ideology

Thirty years after Mary Douglas wrote that dirt is "matter out of order" and explained the concept of impurity as such, she advanced a new theory of biblical impurity. First, I am going to explain her new theory and identify the points with which I agree. Then, I will show why, ultimately, her analysis cannot be comprehensive. The

greatest problem lies in her view that impurity in the Book of Leviticus is a singular ideology.

Leviticus, Douglas says, is a theological work in that it explains the actions and intent of God.⁵ Love and justice are at its core.

“The main new feature of this interpretation is the attitude to animal life. In this new perspective, Leviticus has to be read in line with Psalm 145:8-9: the God of Israel has compassion for all that he made. His love for his animal creatures lies behind his laws against eating and touching corpses. The flocks and herds of the people of Israel are brought under the covenant that God made with their owners, and the other animals benefit from the promises he made in Genesis after the flood, that he would guarantee the regularity of the seasons and the fertility of the ground.”⁶

Animals and their treatment are a primary feature of her 1999 work. One can see it in the example of the shrimp, a water creature considered impure in Leviticus 10. The impurity comes, in part, from its vulnerable state. No longer are they impure because they feed on the dirt of the ocean floor, as she might have proposed in the 60's, but now they are impure because they require a shell to protect to their fragile core.⁷ She arrives at this analysis by navigating a circuitous route through the meaning of the architecture of the book itself (it is built like the Tabernacle with outer and inner screens, and layers of meaning) and through the ideas of fertility and fecundity. Fecundity, set forth in Gen 1, also a Priestly text, is central to Douglas' understanding of the system of impurity.

Douglas' analysis of fecundity and its relationship to impurity is a wonderful addition to the literature on pollution and taboo in the Bible. She begins her analysis with the priestly idea that the world is divided into two kinds of human beings, those

⁵ Douglas, *Leviticus as Literature*, 12

⁶ Douglas, *Leviticus as Literature*, 1-2.

⁷ Douglas, *Leviticus as Literature*, 168-169.

under covenant and the rest. There are two kinds of land animals; those under covenant and the rest. The rest are not evil and the system, though binary, is not black and white.⁸ The purity system has within it the love of all creatures, even impure ones. The key to understanding Douglas' approach to the creatures (which is foundational to her new perspective) is her understanding of the term abomination or תּוֹעֵב. תּוֹעֵב is different than impure. Unlike Deuteronomy which counts all unclean things as abominable (Deut 14:9-10; cf. Lev 11:10), to Douglas, Leviticus is a more complex system. Abominable things are not the same as unclean things because contact with abominable things does not require any purifying actions, such as water immersion or waiting until evening.⁹ Leviticus does not offer any rationale for why these things are abominable, and Douglas thinks we should refrain from applying any of our preconceived notions about the term to its usage in Leviticus. She is correct about the term abominable. Anyone who has lived during the past 30 years in America associates the word "abominable" with "homosexuality," as it is found in ultra-conservative rhetoric. "Abominable," in the vocabulary of Leviticus, means "should be shunned." People should beware of them and stay away from them. In fact, argues Douglas, these species should be *protected* from human harmfulness.¹⁰

Douglas retranslates another Hebrew word, שָׂרָץ, in her reconfiguration of the purity system. She would rather translate it as "teeming" since it portrays water and air creatures more positively, as in Gen 1:20-1. When Bible translators use the word, "swarming," as in Exodus 1:7 when the Israelite birth rate is seemingly compared to

⁸ Douglas, *Leviticus as Literature*, 152.

⁹ She cites Migrom *Leviticus 1-16*, 1992. Douglas, *Leviticus as Literature*, 155.

¹⁰ Douglas, *Leviticus as Literature*, 168-169

swarming insects, a negative shadow is cast over the word. Douglas would like to redeem “swarmers” from their vermin-like connotation and recast them as “teeming creatures,” who wear their fecundity as badges of honor in the diversity of God’s creation. Her theory is somewhat of stretch at first glance, but as she provides examples, it becomes clear that there is credence to her argument.¹¹

When Lev 11:43 says “don’t make yourself abominable with them,” Douglas says this can only mean, “don’t harm them.” “The animals in question are part of God’s beautiful creation, saved from the flood by his express command, and it is forbidden to attack them.”¹² In other words, read Lev 11: 10 as she does, “Anything in the seas or the rivers that has not fins and scales, of the swarming creatures in the waters and of the living creatures that are in the waters, is *an abomination* to you [to be shunned by you].

Other examples are as follows:

11:13-19 And these you shall have *in abomination* [avoid] among the birds, they shall not be eaten, they are *an abomination* [to be shunned].

11:20:3 All winged insects that on all fours are *an abomination to you* [to be shunned by you]

Douglas writes, “The balance between the divine attributes, justice and mercy, gives a more intelligible reading than does the idea of God’s horror of impurity.”¹³ It is more in keeping with the overall goals of Leviticus to understand the purpose of animals in this way. Land animals can be unclean but not abominable, and sea and air creatures can be abominable and not unclean. Either way, the people are not supposed to eat them, albeit

¹¹ In fact, I think her argument would work even better if she dated Leviticus earlier than Deuteronomy, which she does not.

¹² Douglas, *Leviticus as Literature* 167.

¹³ Douglas, *Leviticus as Literature*, 174.

for different reasons.¹⁴ From comparative anthropology, Douglas reminds us that more often animals are forbidden in a society because they are totem, precious, revered, and limited, rather than because there is something disgusting about them.¹⁵ God, as in Genesis 1, takes a protective stance over all creatures, and this attitude continues into Leviticus. According to Douglas, no animal should be abhorred because Israelites are forbidden to eat it.

Douglas' understanding of the animals is intricately connected to her understanding of the human body and the impurities relevant to it. Douglas reconnects each instance of biblical impurity such as leprosy, semen, and menstruation, to themes of fertility and fecundity. And, although she does not say it explicitly, I would add fragility. Since the composition of Leviticus (as architecture) is so important to her understanding of the book, she highlights the fact that the placement of chapters 12-15, the impurity of bodily fluids, comes directly after the laws of the animals.

Chapter 12 is short but deals only with the impurity of a woman who gives birth to a child. The first descriptive action is תָּרִיַע, “when a woman bears seed” (Lev 12:2). The theme of fertility is obvious in this chapter. I will discuss Lev 12-15 in much more depth in Chapter 4, but for now I am only mentioning them as part of Douglas' analysis. Following the laws for the parturient, are two chapters dealing with leprosy (13-14), a skin disease that burgeons and swells like birthing, and like animals that teem.¹⁶ Leprosy is followed by Chapter 15, which deals with all reproductive fluids of both men and women. These fluids are also connected through fertility and reproduction.

¹⁴ Douglas, *Leviticus as Literature*, 154.

¹⁵ Douglas, *Leviticus as Literature*, 158-159.

¹⁶ Douglas, *Leviticus as Literature*, 182.

Douglas understands the laws of justice and holiness, outlined in Lev 17-26, as the clear complement to the first half of the book because, for her, the whole thing is about God's love for his creatures and the justice that must ensue in an ordered world. Although I agree that Leviticus has this message at its core, I do not accept that the first and second halves were written at the same time, nor do I think they reflect the same issues.¹⁷ Especially with regard to the ideological notions of purity, I cannot see these two halves as originally part of the same whole.

One of the main reasons that, with regard to the purity system, the two halves of Leviticus do not work together is because the purification process for ritual and moral impurities are completely different. Douglas overlooks this difference, either intentionally, to prove her theory, or unintentionally. For example, Douglas attributes the creation of the priestly purity system to the effort, on the part of the priests, to rid the community of their belief in demons. However, in explicating this theory, which by itself is logical, she betrays a misunderstanding of the purification process in Leviticus. I have italicized (second set) the sentence that demonstrates the problem with the theory.

“Briefly, Leviticus separated the theory of impurity from the belief in demons, and classified impurity as a form of *lèse majesté*, an attack on God's honour as the covenanted lord of the people of Israel. The simple move, expressed in rules for controlling ritual contagion, teaches the people not blame non-existent demons for misfortunes. The rules prescribes action to remove impurities, sacrifice *in the case of bloodshed, genital discharges, and the set of skin afflictions called leprosy*....But they still suffer from all of the things that used to be attributed to demons. They are taught that they are safe so long as they keep the rules and control impurity.”¹⁸

¹⁷ See my discussion of P and H in the last section of this chapter.

¹⁸ Douglas, *Leviticus as Literature*, 10-11.

Douglas is collapsing two kinds of impurity found in the biblical record, and indeed, even in Leviticus itself. She will later defend her belief that not only is Leviticus written by one author but all impurity found therein stems from the place. All impurity offends the Deity whether intentional, or unintentional, whether ritual or moral. But she belies the problem with this when she says, “sacrifice in the case of bloodshed, genital discharges etc...” However, sacrifice is not demanded in the case of bloodshed, unless she means human sacrifice in the case of blood vengeance (Num 35:33) or the burning of the red heifer in the case of one who has dealt with a corpse (Num 19:1ff). Bloodshed does not require purification because it cannot be purified (see below). These offenses cannot be categorized in the same way.

The main problem with Douglas’ theory is that she collapses a two-part ideological system into one. In the next section, I will show how Jonathan Klawans’ description of the biblical purity system accounts for the inconsistencies in Douglas’ analysis.

2. A Two-Part Approach to Purity

Although scholars since the time of Adolph Büchler (1867-1939) have identified two different kinds of biblical impurity, only with the invaluable work of Jonathan Klawans (2000) were all of the approaches surveyed in one place, critiqued, and reconfigured.¹⁹ Klawans uses the terminology of “ritual” and “moral” impurity to

¹⁹ Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University, 2000). Klawans’ chronological survey of approaches can be found on pages 3-20. Among others, he reviews the following important works on the dichotomy of ritual and moral impurity in Ancient Israel: Adolph Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (London: Oxford University, 1928); Gedalyahu Alon, “The Bounds of the Laws of Levitical Cleanness” in *Jews, Judaism and the*

describe the trend that scholars have long seen as different if not separate types of impurity. “Ritual” impurity describes impurities which are not only “tolerated”, as Wright suggests,²⁰ but which fulfill a necessary function in Israelite society. Women menstruate and give birth to babies, men have seminal emissions, and members of the community must bury their dead. According to Klawans, all of these impurities should be categorized under the term “ritual impurity” and have three distinct characteristics.

- (1) The sources of ritual impurity are generally natural and more or less unavoidable. (2) It is not sinful to contract these impurities. And (3) these impurities convey an impermanent contagion.²¹

Moral impurity, conversely, has different characteristics. Moral impurity can and most definitely should be avoided. Incest and other sexual prohibitions (e.g. Lev 18:24-30), murder (Num 35:33-34), and apostasy (e.g. Lev 19:31; 20:1-3) cause moral impurity and are considered intentionally sinful. Not all sins are cause moral impurity. These sins, as I discussed above with regard to Douglas’ work, are specific violations of the covenant from a priestly perspective. Repentance can remove the stain of moral impurity, but one cannot simply “wash” away moral impurity with a sacrifice, an immersion in water, or by waiting for a certain amount of time. On the plus side, there is no ‘contact-contagion’ associated with moral impurity.²² “Moral impurity leads to a

Classical World (Jerusalem: Magnes, 1977) 190-234. David Z. Hoffman, *Das Buch Leviticus* (2 vols.; Berlin: M. Poppelauer, 1905-1906); Jacob Neusner, *The Idea of Purity in Ancient Judaism* (Leiden: Brill, 1973); Tikva Frymer-Kensky, “Pollution, Purification, and Purgation in Biblical Israel” in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of his Sixtieth Birthday* (ed. Carol Meyers and M. O’Connor; Winona Lake: Eisenbrauns, 1983), 399-410.; David P. Wright, “Unclean and Clean (OT),” *ABD* 6:729-741. Ultimately, Klawans rejects the terminology used by these scholars with preference for his own terms: “ritual” and “moral”. However, he acknowledges that he is building on the work of many who have grappled on this issue.

²⁰ David P. Wright, “The Spectrum of Priestly Impurity” in *Priesthood and Cult in Ancient Israel* (ed. Gary A. Anderson and Saul M. Olyan; Sheffield: JSOT Press, 1991), 150-181.

²¹ Klawans, *Impurity*, 23.

²² Klawans, *Impurity*, 26

long lasting, if not permanent, degradation of the sinner and, eventually, the land of Israel...Moral impurity is achieved by punishment, atonement, or, best of all, by refraining from committing morally impure acts in the first place.”²³ One could easily ask why these transgressions are not merely categorized as sins (עון, חטא), rather than as impurity, but the biblical authors unified both types with a single term. Klawans would argue that a difference exists between sin and moral impurity in that the former indicates the action and the latter is the state which results.²⁴ We can imagine that the people involved could distinguish between the two types since one was the result of natural occurrences while the other the result of only the gravest sins. These transgressions defile the sinners, the sanctuary and the land of Israel (Lev 18-20).²⁵ They are so heinous that they either cause כרת (a shortening of life or lineage)²⁶, or worse, they may cause the land to expel its inhabitants.

Although I believe that Klawans’ provides the best explanation of the two manifestations of impurity in Ancient Israel, one could challenge his choice of terminology by asking what makes incest, bloodshed, and idolatry more moral than ritual. After all, both instances of ritual and moral impurity offend the Deity and his sanctuary and both require purification in the general sense. Even Klawans admits that “moral” is an imperfect term, but it defines this aspect of the purity system in the

²³ Klawans, *Impurity*, 26.

²⁴ As his comment in note 27 (on p. 172, corresponding to text on p.26) makes clear.

²⁵ Klawans, *Impurity*, 27.

²⁶ The root כרת means cut in the general sense as has both positive and negative connotations. One can “cut” a covenant with the Deity, one cut down trees and one can be cut off (in the *Niphal*) from the people of Israel as a result of grave sin. For a longer explanation of the use of this term in the Hebrew Bible, see W.H.C. Propp, *Exodus 1-18* (AB 2A, New York: Doubleday, 1999) 403-404.

Hebrew Bible.²⁷ The term moral cannot be weighed against modern philosophical notions of morality, but instead should be seen as a linguistic marker, one that separates one kind of impurity, that which is central to the cult from another, that which is central to the land. And, in a very real sense, incest may offend the sanctuary, but ultimately the damage which can ensue from an incestuous relationship will strain the family system and ultimately the successful function of the extended family unit. Bloodshed is offensive to YHWH but this causes obvious ethical disruptions, notwithstanding the economic loss of a family member, to the family. Idolatry is the hardest sin to put in moral terms since by its nature it belongs to the realm of the cult. However, here the social body and the collective body meet. YHWH is a paternal figure and a husband. Idolatry is betrayal of the marital relationship and rejection of the authority of the father. In the biblical patriarchy, these sins are immoral.

We should also take a moment to examine the special status of sexual sins because they pertain to women more than they do to men. As we will explore more in Chapter 4, the episode of the suspected adulteress in Num 5:13-14 demonstrates that a woman is morally defiled, and not ritually defiled, since she is not only permitted, but compelled, to be present for the ordeal in the sanctuary. If she were even suspected of being ritually impure as result of the adultery, the woman would not be allowed anywhere near the sanctuary. The issue is whether or not she has morally degraded herself. The other matter with regard to sexual sins, pertaining especially to women, is that moral defilement, even if forced upon a woman, will disqualify her from marrying a priest (Lev 21:7, 13-14). This is a permanent status for which no repentance or

²⁷ Klawans, *Impurity*, 26.

purification is possible.²⁸ If she is guilty of having brought moral impurity upon herself, she is also guilty of a capital crime and could be put to death. Of course, the man involved is subject to the same punishment.

In 1973, Neusner advanced the idea that what Klawans now calls “moral impurity” should be considered only a metaphorical understanding of impurity. In other words, the writer of the Holiness Code (Lev 17-26) and prophetic writers who utilize purity language are merely using the language of ritual/physical impurity to make a statement about morality.²⁹ However, Klawans shows that while purity can be figurative in the Hebrew Bible, it does not substitute for real cases of moral impurity.³⁰ He brings the following example from Leviticus 18:24-25 to demonstrate this real aspect of moral impurity: “Do not defile yourselves in any of these ways, for it is by such that the nations that I am casting out before you defiled themselves. Thus the land became defiled.”³¹ On this verse, Klawans says:

“Let us focus for the moment on the idea that the land became defiled—a point that many commentators assume to be metaphorical. To say this passage is a metaphor ought to involve two claims, neither of which is correct in our view. First, to say that Leviticus 18 is a metaphor should mean that the usage of purity language in this context is secondary. I fail to see why Leviticus 18:24 cannot be taken literally...”³²

I fully agree with Klawans’ assessment. Klawans concedes that purity language can be used metaphorically in the Hebrew Bible but demonstrates how they are functionally different from cases of moral impurity. He then provides several examples in which

²⁸ Klawans, *Impurity*, 29.

²⁹ Jacob Neusner, *The Idea of Purity*, 11-15, 108.

³⁰ Klawans, *Impurity*, 35.

³¹ Translation Klawans.

³² Klawans, *Impurity*, 33.

purity language is used metaphorically, specifically cases where ritual impurity is used to express hope for atonement.³³ The following is one example.

“Wash me thoroughly of my iniquity, and purify me of my sin; For I recognize my transgressions and am ever conscious of my sin...Purge me with hyssop till I am pure; wash me until I am whiter than snow.”
(Psalm 51:4,-5, 9)³⁴

Metaphors with purity language are not the same as the very real instances of moral impurity that we discussed above.

The last point that Klawans’ contributes to the purposes of this work is that moral impurity plays a larger role, than has been understood in the past, in the post-exilic period and into the 1st c. C.E. This is important because it supports my claim that exilic and post-exilic literature in the Hebrew Bible has more instances in which purity language negatively affects the portrayal of women. I would go a step further than Klawans, who argues that both ritual and moral impurity can be *found* in both biblical and extra-biblical literature.³⁵ I would say that moral impurity is *found more often* in Second Temple literature. If moral impurity is the ideology of impurity that pervades Second Temple Writing, then I can argue that more frequent occurrences of moral impurity, in combination with female images, become increasingly more problematic with regard portrayal of women in the Hebrew Bible.

B. The Hebrew Bible, Gender, and Sin

³³ Klawans, *Impurity*, 35.

³⁴ Translation Klawans.

³⁵ See Chapter 5 on Ezekiel and moral impurity that supports this position. See also Klawans, *Impurity*, 63.

There is a great difference between the biblical conception of sin and that of impurity, even though one can commit a sin by remaining in a state of ritual impurity for too long³⁶ or by approaching the sanctum in a state of impurity. The biblical conception of sin encompasses a wide range of actions. When we think of the English word “sin” we usually conceive of trespasses that are knowingly and intentionally committed. Sins in the Bible can be committed knowingly or unknowingly, intentionally or unintentionally, against God or human beings. There are several different terms for sin in the Bible and sometimes, though not always, these reflect a specific kind of sin. For example, עָוֹן usually refers to an intentional trespass (e.g. Ex 20:5; Lev 10:17). Sins against God are usually of two kinds: Apostasy, which is clearly intentional, and sins against the cult which can be unintentional. For example, in 2 Samuel 6:6, YHWH kills for touching the Ark of the Covenant, even with good intentions. Bringing the wrong sacrifice or erring in the process of carrying out a ritual offering also falls under the category of biblical sin (Lev 10:1ff). The word for sin with the most frequent occurrences is חָטָא, which has the following meanings: to go astray, to miss the mark, and to err. When I use the term “sin” in this dissertation, I am usually referring to sins that are intentional.

How is it, though, that women, more often than men, are associated with sin? In his article in the *Anchor Bible Dictionary*, Robin Cover proposes an interesting, yet

³⁶ Jacob Milgrom, “Israel’s Sanctuary: The Priestly Picture of Dorian Grey” *RB* 83 (1976): 390-399. For example if one has become impure through skin affliction (Lev 13-14) or through childbirth (Lev 12) and this man or woman does not undergo the appropriate purification rituals, after some time the impurity will begin to have a semi-magical, negative affect on the sanctuary. Milgrom illustrates this through the analogy of the picture of Dorian Grey. One cannot see the sins accumulating on the Dorian’s face, but sins are piling up until they implode in his portrait.

ultimately untenable, solution.³⁷ He explains, “The tradition of the ‘fall’ preserved in Genesis 3, which became so important in early Christian thought, was not alluded to in the classical Hebrew writings. Instead, human sinfulness was related merely to creaturliness. Humans were made of a dusty chthonic substance (hence, frail and ephemeral), born of impure women in a tainting birth process (hence, morally tainted) and made to inhabit a polluted, lower-than-celestial realm called earth (hence, having even more natural proclivity to sin than celestial creatures, who themselves all too frequently fall into error).” An important proof-text for Cover’s position is the Book of Job which connects creaturliness to sinfulness in passages such as Job 4:17-20. “Can a person be more righteous than God? Can a man be more pure than his Maker? If He does not trust his servants and he believes his angels to be mad,³⁸ how much more so those who live in clay houses, whose foundation is in dust? He will be crushed like a moth. From morning to night they are reduced to dust without anyone paying attention; they are forever destroyed.”

An even sharper connection between a human being’s proclivity to sin and being born of woman, who is impure, can be found in Job 15:14-16.

מה־אנוש כִּי־זָכָה וְכִי־צַדִּיק יֵלֶד אִשָּׁה:
 הֵן (בְּקִדְשׁוֹ) [בְּקִדְשׁוֹ] לֹא יֵאֱמִין וְשָׁמַיִם לֹא יִזְכּוּ בְּעֵינָיו:
 אִף כִּי־נִתְעַב וְנִאֶלַח אִישִׁ־שָׁתָה כַּמַּיִם עֹלָה:

“What is man that he be pure [זָכָה], or one born of woman that he be righteous? If he puts no trust in celestial beings, and heaven achieves no merit in his eyes, how much

³⁷ Robin C. Cover, “Sin, Sinners (OT)” *ABD* 6:31-40.

³⁸ הֵלֵל is a *hepax*. I based my translation “mad” on the reasoning of Edouard Dhorme (*A Commentary on the Book of Job* [trans. Harold Knight; Nashville: Thomas Nelson, 1984] 52.), who follows the Jewish medieval commentators Rashi and Ibn Ezra in reading the root, הֵלֵל, ‘to be mad.’

less one who is abominable and corrupt; man, who drinks sinfulness like water.” The same theme is reiterated in Job 14:1- 4 “Man, who is born of woman . . . Who can bring a pure thing [טהור] from an impure thing [טמא]” and in 25:4 “How can a man be just before God, or clean [זכה], that is born of woman?” זכה is an interesting word because it means “purity,” but only in the moral sense (Job 14:14, 25:4; Psalm 51:6, 119:9), which supports Cover’s point that human beings commit wrongs because of their dust-like nature, because they are like worms and maggots (Job 25:6).

The problem with Cover’s overall argument is his own confusion with moral and ritual impurity. That human beings are born of woman does not make them impure. I read the word “woman” in the quote from Job as “human.” In other words, we sin because we are human. There is nothing highlighted in the Job quote about a woman’s body being either ritually impure, or sinful due to the inherent sinfulness of woman. The Hebrew Bible does not even consider a newborn impure, even though it has come into contact with female blood. Human beings sin because they are prone to do so, not because they experienced birth through a woman’s womb.

Cover refers to the Christian conception of the “Fall.” Because of Eve’s sin in Genesis 3, women have come to be associated with sinfulness. Cover tries to correct this reading by suggesting that some are reading Christian theology into the Hebrew Bible’s conception of sin.³⁹ Sex is impure in a ritual sense, but not in a moral sense. Normative sexual intercourse, as the Hebrew Bible construes it, is not sinful. Reproductive fluids cause ritual impurity (Lev 15).

³⁹ For example, one might look at Romans 5:12-21 and the Church fathers, such as Augustine of Hippo for a theological expansion of Eve’s sin in Genesis 3.

Moving away from Christian interpretations of Gen 3 and its theological problems for feminists, the problem with gender, sinfulness and the Hebrew Bible lies elsewhere. The problem, articulated best in the writings of the Prophet Ezekiel, is the following: when moral impurity is conveyed through images connected to female blood, sinfulness becomes intertwined with femaleness. I will address this problem and its ramifications for future ideologies of biblical impurity in Chapter 5.

C. Feminist Criticism and the Bible

My work started as a project that had little to do with Women's or Gender Studies. I wanted to study different aspects of the purity laws and to identify their interconnections. After I found the work of Klawans, I realized that notwithstanding his large contribution to the study of impurity, more needed to be said about the connection between impurity and gender. In exploring the variations in the biblical texts on purity, I gradually discovered an evolutionary trend in which women and aspects of their bodies are increasingly depicted in negative ways.

Since my project cannot be extricated from the fields of Women's and Gender Studies, I would like to situate my feminist approach within the context of previous feminist theories. Feminist criticism of the Bible is not a new field and my work follows that of many who have come before me. Here, I want to mention two works that resemble and have influenced my project. One is Julie Galambush's *Jerusalem in the Book of Ezekiel: The City as Yahweh's Wife*⁴⁰ and the other is Tarja Philip's

⁴⁰ Julie Galambush, *Jerusalem in the Book of Ezekiel: The City as Yahweh's Wife* (Atlanta: Scholar's Press, 1992).

*Menstruation and Childbirth in the Hebrew Bible.*⁴¹ Philip's work was published after I began to build my evolutionary model. Her analysis of the term *niddah* provided some of the groundwork for the development of my own ideas which, ultimately, moved in a different direction.⁴² In Galambush's volume on the city as Yahweh's wife, I found a sharp articulation of the problems in Ezekiel's language I had noticed as far back as the mid 1990's. I am grateful for her clear presentation of the anti-female rhetoric embedded in Ezekiel's imagery.

I prefer to speak of "feminisms," rather than feminism, in order to acknowledge the many historians and theologians who have brought feminist critiques to the study of religion in general and specifically to the study of the Hebrew Bible. I could not have asked the questions I do in this thesis if I had not been trained by professors of Religion, Women's Studies, and History. Unlike early feminist biblical scholars such as Elisabeth Schüssler Fiorenza and Phyllis Trible,⁴³ however, I am not attempting to redeem the entire Bible, or any part of it in order to reconstruct an acceptable biblical canon for feminist women. Deborah Sawyer describes Trible's attempt to focus on female characters who are theologically acceptable models for contemporary society as somewhat limited. This approach, argues Sawyer, may unintentionally hinder the search

"as to why certain texts do in fact challenge the boundaries (of patriarchy)...To understand the concepts of power and patriarchy in the

⁴¹ Tarja Philip, *Menstruation and Childbirth in the Hebrew Bible: Fertility and Impurity* (New York: Peter Lang, 2006).

⁴² In 2007, I met Dr. Philip in person at a conference on gender and priestly writing at King's College in London, England. I am grateful for this opportunity that provided us time to discuss our shared interests.

⁴³ As Deborah F. Sawyer categorized them in her article "Gender Criticism: A New Discipline in Biblical Studies or Feminism in Disguise?" in *A Question of Sex: Gender and Difference in the Hebrew Bible and Beyond* (Deborah Rooke, ed.; Sheffield: Sheffield Phoenix, 2007) 4.

Bible more profoundly, a wider lens is needed. The manner in which masculinity is presented is an additional vital issue, and, of course, so is the nature of the deity. Changing to this wider lens takes us into the area of gender critique.”⁴⁴

Gender Studies emerges from the third wave of feminism, the post-modern attempt to understand both femininities and masculinities. Sawyer points out that “the Bible comprises multiple, contesting discourses which contradict and parody one another in a state of tension.”⁴⁵ For example, the story of Eve has been traditionally critiqued by feminists as portraying a negative depiction of women. Sawyer says, rather, that one could view Eve’s actions through a different lens, as one who is unafraid to rebel, and thus “ensures that humanity does come of age.”⁴⁶ By looking closely at the role of desire, power, the deity and gender, and their interconnections, as opposed to just the place of women in the Bible, more interesting questions will emerge for both male and female readers of the Hebrew Bible.⁴⁷

All scholarship needs to be held to rigorous, academic standards and all agendas need to be stated outright. In the introduction to the edited volume, *Feminist*

Perspectives on Biblical Scholarship, Adela Yarbo Collins writes:

The essays in this volume show clearly that historical-critical scholarship and feminism are not exclusive alternatives. Feminist biblical interpretation cannot do without historical-critical methods...Historical Criticism has always claimed to be critical of the text and to approach it without bias or at least with self-consciousness about biases...It would seem that the current tension between historical criticism and feminism is a creative one, a tension that leads us to be hopeful about the

⁴⁴ Sawyer, “Gender Criticism,” 5.

⁴⁵ Sawyer, “Gender Criticism,” 15.

⁴⁶ Sawyer, “Gender Criticism,” 15.

⁴⁷ My interpretation of final remarks in Sawyer, “Gender Criticism,” 14-15.

possibility of new insights into the texts as well as about the possibility of social transformation.⁴⁸

While I agree with Yarbo Collins' sentiment that feminism can inform scholarship and scholarship can inform feminism, I am concerned about what she writes at the end of the quote concerning social transformation. It would be nice to think that social transformation is a possible result of feminist scholarship or any scholarship. Many feminist scholars, both male and female, express this kind of hope in their writings, but social transformation can only be a byproduct not a goal. In the same way biblical scholarship should be free of stated or unstated religious agendas, academic readings of a text should aim to interpret it rather than to change the political and social landscape.

This interpretation should be based on the most agreed upon and up to date scholarly work in the fields of history and archaeology. Although facts about the Ancient Near East are difficult to prove, given our great distance from it, there are ways in which we can make good guesses. Historians, archaeologists, textual critics, linguists, and those who work primarily with literary theory are all trained to do different things and yet, each one is equipped with the tools to interpret the Hebrew Bible. The very best scholarly work is done when two or more scholars with different expertise collaborate, although this is not done enough in Biblical Studies. The worst scholarly work is done when one person, who is trained in one specific area of Biblical Studies, writes a book covering questions that pertain to some or all of the areas listed above. For example, when someone is trained in literature and has a background in

⁴⁸ Adela Yarbo Collins, *Feminist Perspectives on Biblical Scholarship* (SBLCP 10; Chico: Scholars Press, 1985) 9.

theology, but has little or no knowledge of the Hebrew language, the scholarship suffers and it is hard to take seriously, even if the writer has a good idea. I have used the most solid scholarship that I believe is available. Though I believe that as a scholarly community we will never know answers to many questions about Ancient Israel, I do believe that we can learn a lot from careful readings of text and their synthesis with the archaeological record. My aim is to read the Bible in the most accurate way I can as a scholar. I do this with the full acknowledgement that even those who strive for objectivity fail to be as objective as they wish.

D. Literary Priority of the Biblical Sources

The historical claim that is most important for this work pertains to the primary sources I am utilizing and their chronological relationship to each other. My assertion is that the following sources follow one another diachronically: 1. P, 2. H, 3. Ezekiel, 4. Ezra-Nehemiah.⁴⁹

I will address the dates of P, H and Ezekiel since these are the most controversial.⁵⁰ I will begin with the date of P, the term which signifies the body of writing attributed to priestly authorship with the exclusion, primarily, of the Holiness Code (Lev 17-26). Based on the linguistic work of a significant number of scholars, I subscribe to an early date for both the narratives and the laws in P, but I am open to the

⁴⁹ Most scholars now see the books of Ezra and Nehemiah as one work, with parts of the former written and/or added after segments from the latter. See discussion in J. Blenkinsopp, *Ezra-Nehemiah* (OT Library, Philadelphia: Westminster, 1988) 39-47. See also H.G. M. Williamson, "The Composition of Ezra i-iv," *Journal of Theological Studies (JTS)* 33 (1983) 1-30.

⁵⁰ Although there is disagreement about the precise date of Ezra-Nehemiah, no one would contest its clear post-exilic date.

possibility that the book took its final shape in the exilic period.⁵¹ P narratives make the most sense as alternatives to J and E material and therefore must have been written subsequent to them and their redaction.⁵² If, as Friedman holds, J and E were completed before the destruction of the northern kingdom in 722 BCE and were subsequently combined, P narratives do not appear until, at least, 722 B.C.E.⁵³ P highlight matters important to the Aaronid priests of the southern kingdom. These include the foundational story about the cave of Machpelah (Gen 23) in support of Hebron as a central city for priests and the covenant of circumcision (Gen 17). In addition, priestly writing demonstrates a belief in a specific ordering of the cosmos, as set forth in Genesis 1. Each priestly narrative in Genesis can be found to comment on its complementary JE narrative. In addition, I am convinced that linguistic evidence places P before the Babylonian exile. Thus, the arguments set forth in this work assume a date for P between 722 and 587/6 BCE.

When I am specifically referring to P as separate from H, I will indicate this by capitalizing the P in Priestly or by simply using the term “P”. When I am referring to both P and H, I will use a lowercase “p” in the word priestly. While Friedman, Douglas, and Levitt Kohn do not see evidence that P and H are distinct from one another, many attribute the difference in language and emphasis to the work of different

⁵¹ J. Milgrom, *Leviticus 1-16* (AB 3; New York: Doubleday, 1991), 3-12. A. Hurvitz, “The Evidence of Language in Dating the Priestly Code.” *RB* 81 (1974): 24-56. G. Rendsburg, “Late Biblical Hebrew and the Date of ‘P,’” *JANES* 12 (1980) 65-80. R.E. Friedman, *Exile and Biblical Narrative: The Formation of the Deuteronomical and Priestly Works*, (Chico: Scholars’s Press, 1981) 61-64, 75. Z. Zevit, “Converging Lines of Evidence Bearing on the Date of P.” *ZAW* 94 (1982): 481-511. R. Levitt Kohn, *A New Heart and a New Soul: Ezekiel, Exile, and the Torah*, (New York: Sheffield) 2002. B. Schwartz, “Ezekiel, P and the Other Pentateuchal Sources,” Paper presented at the national meeting of the SBL. Washington, D.C., November 19, 2006.

⁵² See also David Carr, *Reading the Fractures of Genesis* (Louisville: Westminster John Knox, 1996) 67.

⁵³ Richard E. Friedman, *Who Wrote the Bible?* (New York: Summit, 1987) 190-206.

authors.⁵⁴ Scholarship in the mid 20th century tended to think that the Holiness Code (Lev 17-26) was an early substratum of the Priestly source, later incorporated into the larger work.⁵⁵ This opinion also assumes P is a product of a post-exilic author. Since I believe that P is a pre-exilic work and, based on the work of Levitt Kohn, both P and H must pre-date the exilic work of Ezekiel, I therefore submit that H is also pre-exilic. I do, however, think that P and H are separate works and that H follows P. This chronology is primarily based on the linguistic work of Jacob Milgrom, who shows that H reinterpreted some of the laws in P.⁵⁶ Both Milgrom and Israel Knohl give a 10th-9th c. date for P and an 8th c. date for H. Both leave open the possibility of final redacting in the exilic period. Although I agree that H follows P and that both are pre-exilic, I am more comfortable with the dates I suggested above for priestly writing, that is, between 722 and 586/7 B.C.E.

Knohl finds “holiness” writing in many more places than the Holiness Code. While I think Knohl observes important theological variations in priestly writing, Knohl’s work has been criticized for both its content and its method. Frank Gorman highlights problems with Knohl’s early date (743-701 B.C.E.) for HS (Holiness School), calling into question the nature of his evidence in general.⁵⁷ However, Gorman finds two of Knohl’s proposals “suggestive” even though he calls for more work to be

⁵⁴ Richard Friedman, *The Bible With Sources Revealed* (San Francisco: HarperSanFrancisco, 2003). Douglas, *Leviticus as Literature*, 34-35. Risa Levitt Kohn, *A New Heart and a New Soul: Ezekiel, the Exile and the Torah* (New York: Sheffield, 2002) 2, no. 3.

⁵⁵ For example, see the following: Julius Bewer, *The Literature of the Old Testament*, (New York: Columbia University, 1922), 198-188. J. Wellhausen, *Prolegomena to the History of Ancient Israel*, (New York: Meridian, 1957), 86, n.1.

⁵⁶ Milgrom, *Lev 1-16*, 35-42. Milgrom, *Leviticus 17-22* (AB 3A; New York: Doubleday, 2000) 1349-1352.

⁵⁷ Frank H. Gorman, review of Israel Knohl, *Sanctuary of Silence: The Priestly Torah and the Holiness School*, *JBL* (116) 1997: 119-121.

done. The first is that two priestly schools are evident in the Pentateuch. The second is that HS edited the work of PT (Priestly Torah [Knohl's term for priestly writing that does not include H]). I agree with both of these premises.

Richard Friedman also critiques Knohl's starting assumption, the presupposition that all scholars agree that Numbers 28-29 are P.⁵⁸ Like Gorman, Friedman is open to the possibility of more evidence for an HS editor of P, but fails to see a logical progression in Knohl's argument. Most recently, William Propp, reviewed Knohl's formulation of evidence and wrote the following in his commentary on Exodus: "[W]hen I read Knohl, I cannot avoid the uncomfortable feeling of circularity, of presupposing what is argued and arguing what is pre-supposed."⁵⁹ Propp does not so much disagree with his conclusion as with his method. A full analysis of Knohl's method is required to assess his claims that an H editorial stratum is found outside of the Holiness Code. This analysis is beyond the scope of this work, but I do find the following three claims that he makes to be both logical and important. 1. I feel that he has keenly observed important differences between the priestly writing of P and H. Certain texts do function, as he argues, as updates to previous ideas, including the ideology of purity. For example, if a man and woman have sex during the woman's menstruation they are regarded as merely impure for 7 days in P, but in H, they are punished with *karet*, a "cutting off" of either their lives or their lineage. H has a more stringent and "updated" repercussion for this act. As Milgrom and Knohl both emphasize, the Holiness writer focuses on the purity of the land of Israel, a more

⁵⁸ Friedman, *The Bible With Sources*, 297.

⁵⁹ W.H.C. Propp, *Exodus 19-40*, (AB 2A; New York: Doubleday, 2006) 731.

expansive and likely later theological idea than the Priestly writer's narrow focus on the purity for the purposes of entering the Tabernacle.⁶⁰ (H also concurs that impurity affects the Tabernacle [Lev 15:31; 20:3]). 2. Knohl shows that the emphasis in H concerns the holiness of all of Israel, while P stresses the authority of the priests in the lives of the Israelites.⁶¹

The most recent and comprehensive work that shows Ezekiel's reliance on both P and H is Risa Levitt Kohn's discussion and index of terms that appear in both priestly writing and in Ezekiel.⁶² Her argument that the prophetic writer, "appropriates P's [for her, both P and H] terminology but feels comfortable situating it in new, different, and even contradictory contexts" is convincing, and I rely on it to show that Ezekiel post-dates the totality of priestly writing.⁶³

After discussing the anthropological questions in the next chapter, I will spend the next two chapters examining how the distinctions between the Priestly (P) concept of טְמֵאָה and that of the Holiness Code (H) render different biblical notions of women and their bodies. Chapter 5 will show that the interconnection of gender and purity in P and H is expanded upon by the prophet Ezekiel. Without Ezekiel's metaphor of sinful Jerusalem as a menstruating woman, the equation of female : impurity :: impurity : sin could not have arisen. Finally, in Ezra-Nehemiah, this connection is explicit, although, ironically, the damaging intimation of the terminology was overlooked by the writer of Ezra himself.

⁶⁰ Knohl, *Sanctuary*, 184-186. Milgrom, *Lev 17-22*, 1373.

⁶¹ Knohl, *Sanctuary*, 154.

⁶² Levitt Kohn, *A New Heart*, 85.

⁶³ Levitt Kohn, *A New Heart*, 84.

Chapter 2: Women and Inferiority: An Anthropological Overview and its Applicability to Ancient Israel

Since this dissertation is about the intersection between gender and impurity, it is relevant to discuss whether women are universally inferior and whether they have always been associated with impurity. This question is most famously addressed by the anthropologist Sherry Ortner. In her study, Ortner asks universal questions about the symbolic role of women in all cultures. She finds that women are always viewed as inferior because of their symbolic association with nature. Ortner's claim concerning the universally inferior place of women has been critiqued in the last 20 years, most importantly by Maria Lepowsky. I will review Lepowsky's critique, discuss the anthropological work of Carol Meyers on ancient Israel, and offer suggestions about how these theories might apply to my overall thesis that biblical texts written in the exilic and post-exilic period have increasingly negative portrayals of women.

In the 1970's Ortner wrote a ground breaking article entitled, "Is Female to Male as Nature is to Culture?"⁶⁴ in which she says, "The secondary status of women in society is one of the true universals, a pan-cultural fact. Yet within that universal fact, the specific cultural conceptions and symbolizations of woman are extraordinarily diverse and even mutually contradictory. Both of these points –the universal fact and

⁶⁴ Sherry B. Ortner, "Is Female to Male as Nature Is to Culture?" *Feminist Studies* 1 (1972): 5-31. Reprinted in Sherry Ortner, *Making Gender: The Politics and Erotics of Culture* (Boston: Beacon Press, 1996) 21-42. All subsequent citations will be from the reprinted version.

the cultural variation—constitute problems to be explained.”⁶⁵ Her goal in the paper is “to expose the underlying logic of cultural thinking that assumes the inferiority of women...the highly persuasive nature of the logic, for if it were not so persuasive, people would not keep subscribing to it.”⁶⁶ Through a careful argument, Ortner concludes that women are more often equated with nature and men with culture. Incidentally, she points out that pollution/purity laws present in some form in every culture, fueling the fire of her argument since pollution is part of nature.⁶⁷ “Since it is always culture’s project to subsume and transcend nature, if women were considered part of nature, then culture would find it ‘natural’ to subordinate, not to say oppress, them.”⁶⁸ Even in cultures where women are perceived as transcending nature, such as when they take on more masculine roles like leadership, they are perceived to be more rooted in nature than are men. So why, questions Ortner, are women viewed in this way?

She begins with the obvious fact of the natural procreative function that is specific to women. She argues that this physiological fact has significance on three levels.

“(1) Woman’s *body and its functions*, are involved more of the time with ‘species life,’⁶⁹ seems to place her closer to nature, in contrast to man’s physiology, which frees him more completely to take up the projects of culture. (2) woman’s body and its functions place her in *social roles* that in turn are considered to be at a lower order of the cultural process than man’s; and (3) woman’s traditional social roles, imposed because of her body and its functions, in turn give her a different *psychic structure*,

⁶⁵ Ortner, *Making Gender*, 21.

⁶⁶ Ortner, *Making Gender*, 22.

⁶⁷ Ortner, *Making Gender*, 26.

⁶⁸ Ortner, *Making Gender*, 27.

⁶⁹ A term she borrows from Simone de Beauvoir .

which like her physiological nature and her social roles, is seen as closer to nature.”⁷⁰

After Ortner develops each of these ideas, she concludes that while women are perceived as closer to nature, it cannot be denied that at the same time women are full participants in culture. Women, therefore, occupy an intermediate position between nature and culture.⁷¹ It is this intermediate position that allows us to understand how “a single system of cultural thought can often assign to women completely polarized and apparently contradictory meanings, since extremes, as we say, meet. That she [i.e. women] often represents both life and death is only the simplest example one could mention.”⁷²

In 1995, Ortner revisited her 1972 work before an audience at the American Anthropological Association’s annual meeting and includes her discussion of this idea in her 1996 collection of essays. Ortner remarks that she would not write the same essay today since the academic community is now less interested in universal assumptions to expose an underlying logic, but rather, we look more at the “politics of representation at play.”⁷³ By this, I think Ortner means that we are more interested in why we have the questions that we do and from what cultural contexts these questions arise. In her 1995 essay, Ortner points to our gradual acceptance of relativism.

⁷⁰Ortner, *Making Gender*, 27.

⁷¹ Ortner, *Making Gender*, 38.

⁷² Ortner, *Making Gender*, 40.

⁷³ Ortner, *Making Gender*, 174.

Although she stands by her basic argument, she has come to understand that there may not be a stark dichotomy between nature and culture.⁷⁴

“But the *problem of the relationship* between what humanity can do [which she had called nature], and that which sets limits upon those possibilities [which she had called culture], must be a universal problem—to which of course the solutions will vary enormously, both cross-culturally and historically. Now add gender to the equation. Gender difference, along with nature/culture, is a powerful question. And the gender relationship is always at least in part situated on one nature/culture border—the body. What I think tends to happen in most if not all cultures is that the two oppositions easily move into a relationship of mutual metaphorization: gender becomes a powerful language for talking about the great existential questions of nature and culture, while a language of nature and culture, when and if it is articulated, can become a powerful language for talking about gender, sexuality and reproduction, not to mention power and helplessness, activity and passivity, and so forth.”⁷⁵

Gender, as Ortner so aptly puts it, is a vehicle by which society expresses internal tensions and communal values.

Just before Ortner published her new essay, in which she reexamines her earlier ideas, Maria Lepowsky published a study of an egalitarian society in Micronesia that challenged Ortner’s original thesis. Lepowsky writes, “Male dominance and female subordination have thus until recently been perceived as easily identified and often as human universals. If women are indeed universally subordinate, this implies a universal primary cause: hence the search for a single underlying reason for male dominance and female subordination, either material or ideological.”⁷⁶ Lepowsky rejects the idea that females are universally subordinate and, therefore, the search to locate its primary

⁷⁴ Ortner, *Making Gender*, 179.

⁷⁵ Ortner, *Making Gender*, 179.

⁷⁶ M. Lepowsky, *Fruit of the Motherland: Gender in an Egalitarian Society* (New York: Columbia, 1993) 282.

cause. Lepowsky's argument is cogent, and presents a clear challenge to Ortner's earlier claim.⁷⁷ A closer look at Lepowsky's data and analysis is in order.

In Lepowsky's study of gender relations on Vanatinai (an island near New Guineau in the Louisiade Archipelago), the roles of men and women cannot be distinguished by the categories of nature and culture. On Vanatinai, both men and women share elite social functions such as accruing wealth, participating in exchange of goods, hunting, and having access to wisdom, sorcery, and the ability to commune with dead ancestors. Although some visible gender asymmetry in the areas of hunting and sorcery exist on Vanatinai, no clear argument can be made for a greater affinity of men with culture and women with nature. Neither can one argue, based on Lepowsky's data, that men have greater access to power.

Lepowsky attributes this unusual egalitarianism, in part, to its matrilineal system. Women are respected, especially those who hold positions of acquired leadership in a matrilineage. Men or women can gain the respect of the matrilineage by bringing it honor through generosity. One who gives more than s/he receives is revered on Vanatinai and can be called "gia." "Gia" is a non-gendered term denoting an elite position to which both men and women aspire.⁷⁸ In the matrilineal system, a newly married couple lives with the wife's family and the groom serves his mother-in-law. There is a groom price which is paid to the matrilineage, and a child price paid to the father's family when children are born, to compensate them for the gift of a child.⁷⁹

⁷⁷ However, it is not clear to me that Sherry Ortner, if working with Lepowsky today, would agree with Lepowsky's conclusions. Ortner's most recent essay, as I discussed above, attributes women's social to status to internal and external factors, more so than any preset natural order.

⁷⁸ Lepowsky, *Fruit*, 79.

⁷⁹ Lepowsky, *Fruit*, 88.

Later on, the couple will switch back and forth between the wife's family and the husband's family, serving the needs of both families of origin.

On Vanatinai there is no taboo attached to menstrual or lochial blood. However, both, along with male and female sexual fluids, are taboo in relationship to the planting of yams and to the rituals that appeal to supernatural powers for help sustaining the yam crop. Other crops are neither taboo to menstruating women nor to men or women who have recently had intercourse (99-101). The taboo of uterine blood and both genders' sexual fluids is specific to the production of yams because they are an important ceremonial food for the people of Vanatinai.

That all reproductive bodily fluids, male and female, have a generative, and therefore taboo, quality is reminiscent of Leviticus 15, especially, and also of the Priestly purity system in general. As I show in Chapter 4 in analyzing the chiasmic structure of Leviticus 15, there is a clear intention on the part of the Priestly Writer to cast the bodily fluids of men and women in similar light. Both have the potential to pollute sacred spaces and rituals, and both men and women are barred from these spaces during times of impurity. However, unlike the ritual system on Vanatinai in which women can be ritual experts, women in the priestly system cannot act as priests and do not have the power to offer sacrifices that will end the period of impurity. Thus, despite similarity to the Vanatinai system, where male and female generative fluids are taboo and that the pollution affects one space primarily (yam crops and the Temple, respectively), the Priestly system cannot be considered egalitarian in its clear preference for male ritual experts.

However, even more than the matrilineage and the equal opportunities offered to women on Vanatinai, Lepowsky attributes the island's egalitarianism primarily to the strong sense of autonomy that is fostered there. Children are respected as adults and are accorded responsibility while also being allowed to be themselves, that is to act like a child (for example, the right to have a tantrum). Their outbursts and needs are given the same courtesy one would give to an adult who acts immaturely or irrationally. The elderly are also cared for diligently, given special tasks, and turned to for wisdom in ritual expertise. Lepowsky finds that the sense of autonomy, without regard for age is a major contribution to the development of an egalitarian society.

“Vanatinai sociality is organized around the principle of personal autonomy. There are no chiefs, and nobody has the right to tell another adult what to do...Respect and tolerance for the will and idiosyncrasies of individuals is reinforced by fear of their potential knowledge for witchcraft or sorcery....Unlike in many cultures where men stress women's innate inferiority, gender relations on Vanatinai are not contested, or antagonistic: there are no male versus female ideologies which vary markedly or directly contradict each other. Vanatinai mythological beliefs, beliefs about supernatural power, cultural ideals of the sexual division of labor and of the qualities inherent to men and women, and the customary freedoms and restrictions upon each sex at different points in the life course all provide [the] ideological underpinnings of sexual equality.”⁸⁰

To summarize Lepowsky's study, the following criteria allow for an egalitarian society on Vanatinai: 1. Elite social roles are open to both men and women. 2. There is no concept of female pollution while there are taboos around male and female procreative fluids. 3. Myths of origin speak about men and women; both have roles in creating the island and the life therein. 4. Aside from annual taxes, there is no external force

⁸⁰ Lepowsky, *Fruit*, 282.

imposed on Vanatinai. Further, it is difficult to gain physical entry to the island due to its surrounding reef structure. This isolation allowed protects the island's people from outside influence. In this particular case, less outside influence has been positive for gender relations. 5. There is a greater emphasis on the sense of the individual than on group identity. 6. Lifecycle boundary crossings, such as marriage, are fluid. One tries several marital partnerships before settling down and, even afterwards, it is typical to be married several times. 7. When western style schools are open (there is one on Vanatinai and it is new), both girls and boys are encouraged to attend.

There are several issues that seemingly challenge Lepowsky's assertion of egalitarianism on Vanatinai. First, although women hunt on Vanatinai, men are more closely associated with death and killing. Because of this prevailing gender ideology, men have a greater advantage in ceremonial exchange and mortuary ritual. Additionally, men can threaten challengers to their successful exchange with sorcery, for which men are more feared.⁸¹ In defense of her argument, Lepowsky reports that Vanatinai women are associated with life-giving and that life-giving is "more highly valued than the life-taking associated with male warfare and sorcery."⁸² The second issue that seems to challenge egalitarianism on the island of Vanatinai is that, albeit rare, men are allowed to have more than one wife while women cannot have more than one husband. Lepowsky does not explain this seeming contradiction to her argument. I agree with her that this issue is not enough to overturn her theory. Thirdly, as described above, menstrual taboos on Vanatinai are not associated with danger (there is

⁸¹ Lepowsky, *Fruit*, 286.

⁸² Lepowsky, *Fruit*, 287.

no prohibition of sex with a menstruating woman) but one of their myths has negative connotations about female blood. However, as Lepowsky observes, the myth “is recounted in tones of amusement rather than awe.”⁸³ The myth is an etiological tale. It explains that the origin of menstruation is the result of a combined severing of the genitals of a male spirit being and a married woman when they are caught in the act of illicit intercourse.⁸⁴ According to this myth, menstruation is the result of an immoral act and is associated with castration of both male and female. Lepowsky’s experience of observing menstrual taboos on Vanatinai brings her to conclude that menstrual taboos are “multivalent cultural markers of female power,”⁸⁵ in much the same way as Buckley and Gottlieb concluded in their cross-cultural study of menstrual taboos.⁸⁶ Despite the several gender asymmetries that are legitimately raised against Lepowsky’s argument for an egalitarian society, in more ways than not, Vanatinai communities do meet the definition of an egalitarian society.

A careful reading of Lepowsky’s assessment of Vanatinai again underscores the frustration with not being able to hear the tone with which ancient peoples, such as the Israelites, talked about menstrual taboos. Lepowsky’s judgment about Vanatinai society lacking pollution taboos that negatively impact women comes more from the tone of the myth than from the implications of the myth itself. Lepowsky speaks of seeing the smile on the faces of the women when they laugh confusingly at her question about whether they were sexually prohibited from their husbands during menstruation.

⁸³ Lepowsky, *Fruit*, 288.

⁸⁴ Lepowsky, *Fruit*, 288. The end of the myth is as follows: “The male’s severed genitals become the giant clam (*Tridacna*), which they are said to resemble, and the woman begins to bleed from her vagina in the first menstruation.”

⁸⁵ Lepowsky, *Fruit*, 288.

⁸⁶ See reference to Buckley and Gottlieb’s *Blood Magic* on p.1-2 of Chapter 1.

Thus, an outsider reading the myth of menstruation recorded on a tablet by Vanatinai people 200 years earlier, could misunderstand it as conveying negative attitudes about menstruation that an insider with knowledge of the culture would dispute.

When looking at society in ancient Israel, one does not have the obvious benefit of a personal, ethnographic account such as Lepowsky's. However, some of the criteria that Lepowsky sets forth can be compared with data collected and analyzed by archaeologists. For example, the most important questions that emerge from Lepowsky's study are: 1. Was there any role for the individual in Ancient Israel outside of the extended family system? 2. Did the role of the individual change after the emergence of the monarchy? 3. Did the freedom of the individual affect gender relations in Ancient Israel in the same way that it did on the island of Vanatinai? 4. Due to the absence of a comprehensive study of life in ancient Israel, can we assess how the emergence of the monarchy might have changed gender relations? 5. Are notions of danger and pollution, as Lepowsky infers, always indicative of a society in which women are inferior?

Carol Meyers provides the groundwork for answering some of these questions. There are certain trends in the archaeological record and in studies of ethnography, which provide general historical context to the literary analysis I will be presenting in the following chapters. However, Meyer's study of pre-monarchic Israel, *Discovering Eve*, stands out as the best comprehensive study of the way in which archaeology can help us reconstruct the lives of women in Ancient Israel.

In pre-monarchic Israel between 1200-1000 B.C.E., settlements in the highlands increased significantly. There was no central authority, leaving each household to

subsist on its own. Ethnographic comparisons demonstrate that both men and women were heavily involved in food production of food and maintaining the household.

Meyers says, “staying at home and raising children” was not a concept that can be applied to ancient Israel. While there was a division of labor, each gender’s contribution to the household was crucial for survival. It was the household that was the “central unit of an agricultural society during the centuries preceding the establishment of a centralized government at the beginning of the 10th c. BCE.”⁸⁷

These households were self-sufficient and isolated. Everyone, with the exception of the tiniest and the oldest, were involved in the upkeep of the home. The only technology done exclusively by men was metallurgy.

Because the household unit was so essential to pre-monarchic society, centralized activities were non-existent. Most of the time there was little food surplus, and therefore little opportunity for the exchanging of commodities or luxury goods.⁸⁸ “These conditions characterize groups that social scientists have identified as being rather homogenous and somewhat free of the kinds of hierarchical differentiation that appear in more complex societies. They lack a class system and have limited ways of differentially rewarding people along gender lines. Early Israel might readily be termed an egalitarian society.”⁸⁹

⁸⁷ Carol Meyers, *Discovering Eve: Ancient Israelite Women in Context* (Oxford: Oxford University, 1988), 168.

⁸⁸ Meyers, *Discovering*, 168-169.

⁸⁹ Meyers, *Discovering*, 169.

Meyer's quotes an important study by Sanday who argues that most balanced societies have a 40:60 ratio of women to men performing subsistence tasks.⁹⁰ Sanday finds that the ratio is always a little unbalanced because women are ultimately occupied, at least for part of their lives, in reproductive tasks such as birthing and caring for children. In a clever comparison, Meyers brings evidence from Lev 27⁹¹ to demonstrate that the ratio of female to male labor was the same for subsistence tasks in pre-monarchic Ancient Israel.⁹²

A minimal requirement for gender equality is that men and women participate in the same tasks. However, Meyer's cautions against the idea that if a division of labor breaks down according to gender, a hierarchy is implied. Similarly, we would be mistaken if read gender hierarchies into the early period of Israelite agrarian society from biblical texts that date from the monarchy and later. Meyers writes, "When females as well as males serve as skilled managers in critical areas of economic life, as in household production systems, women as well as men are accorded prestige and experience self-esteem. Gender hierarchy in work roles is virtually non-existent."⁹³

With regard to mobility, Israelite women left their households and moved to those of their husbands because the men inherited land. There seems no doubt that even the earliest Israelite societies were patrilineages. However, despite the males' functional hegemony (בעל) over women, animals and property, there are no overtly

⁹⁰ P.R. Sanday, "Female Status in the Public Domain" in *Women, Culture and Society* (M. Z Rosaldo and L. Lamphere eds., Stanford: Stanford University Press, 1974) 189-206.

⁹¹ which she thinks is old –see 1983 study listed as 1983c in her bibliography

⁹² Meyers, *Discovering Eve*, 170-171.

⁹³ Meyers, *Discovering Eve*, 173.

negative tones to this social structure. It is the term אֲדֹנָי that has the connotation of having absolute power over the life of another.⁹⁴ Meyers says,

Did the Israelites invent or select patriarchal, or patrilineal, patterns as a matter of policy? One would hardly say so. Yet, existing patterns continued (and perhaps others were initiated) in the social organization because they met certain functional needs. Where gender differentiation appears discriminatory to women, the possibility that there are compelling functional origins must be entertained. What is labeled exploitative or dysfunctional in the modern world may in fact have had a vital functional grounding in the Israelite highland villages.⁹⁵

Meyers opens the door to looking at gender in Ancient Israel in a new way. She continues to develop her theory that modern thinkers were reading more female inferiority into the biblical text than is there. In 2007, Meyers wrote an essay contesting the use of the term ‘patriarchy’ altogether in reference to ancient Israel because

it lags behind advances in anthropology in two ways. First, it does not take into account the reconstruction of family dynamics that is now possible by utilizing the burgeoning engendered research in anthropological archaeology and ethnography, research that time and again contests existing notions of hierarchies involving patriarchal dominance. Second, it does not engage a new heuristic model that can replace the flawed hierarchical one in attempts to reconstruct Israelite society.⁹⁶

Meyers thinks it is particularly important, and noticeably absent in assessments of Ancient Israel, are female “guilds.” Though they were informal, these guilds demonstrate that women had power in their society.⁹⁷ The power and influence of female social roles in Ancient Israel is validated by Lapowsky’s study of Vanatinai.

⁹⁴ Meyers, *Discovering Eve*, 182.

⁹⁵ Meyers, *Discovering Eve*, 182.

⁹⁶ Meyers, C. “Contesting the Notion of Patriarchy: Anthropology and Theorizing of Gender in Ancient Israel,” in *A Question of Sex: Gender and Difference in the Hebrew Bible and Beyond* (ed. Deborah W. Rooke; Sheffield: Sheffield Phoenix, 2007) 90.

⁹⁷ Meyers, “Contesting”, 90.

According to Meyers, the guilds in Ancient Israel were as follows: 1. Musical traditions (singers and various instrumentalists) 2. Prophetic roles 3. Funerary services (keepers or reciters of dirges) 4. Psychological care (counseling by wise women) 5. Midwifery and other forms of health care.⁹⁸

Better than “patriarchy” and “hierarchy” (also problematic according to Meyers because it evokes gender-based hierarchy⁹⁹) is the term “heterarchy.”¹⁰⁰ Heterarchy is “a model that includes the recognition of hierarchies but is more flexible than hierarchy alone for acknowledging the variability, context, and fluctuation of power structures in pre-modern societies.”¹⁰¹ Meyers explains that the use of the term “heterarchy” avoids the problem inherent in the binary opposition of hierarchy and egalitarian and allows for a “variety of hierarchies, such as those of the formal and informal associations of women...”¹⁰² I agree that the removal of the terms “patriarchy” and “hierarchy” from discussions of gender in Ancient Israel would allow for more productive discussion about the life in Ancient Israel and even the circumstances of women in the Hebrew Bible.¹⁰³ Although I would not dismiss Meyers’ claim outright, I do think it prudent to judge different sources and genres of biblical literature in their own right. For example, it is not appropriate to apply the term “patriarchal” to Song of Songs, but quite relevant with regard to the Pentateuch. I will discuss the use of the term patriarchy and its relevance for Priestly writing in the next chapter.

⁹⁸ Meyers, “Contesting,” 90-91.

⁹⁹ Meyers, “Contesting,” 89.

¹⁰⁰ Meyers, “Contesting,” 94-97.

¹⁰¹ Meyers, Contesting, 95.

¹⁰² Meyers, Contesting, 97.

¹⁰³ However, until Jewish and Christian interpretative traditions allow for Meyers’ updated approach, I do not foresee the disposal of “patriarchy” in related discourse

However, even Meyers agrees that after the onset of the monarchy, gender roles began to change. Meyers suggest that the growth of urbanism and the transitions in Israelite society with regard to relating to foreign powers such as Assyria and Babylonia sparked an erosion of the household as a subsistence unit. This opens the door for further separation between men and women, which leads to more suspicion between them over time. Wealthy women were more often blamed for problems, though less so, the rural ones because the household infrastructure was still intact outside of the cities. In contrast, women who lived in cities had more leisure time, bringing to mind the pronouncement on wealthy, idle women in 1 Isaiah (3:16-18). Additionally, the city is the personified sinful woman in Ezekiel (e.g.16).¹⁰⁴ This metaphor could only emerge after the onset of the monarchic period.

Ancient Israel, in the monarchic period and later, began to have tighter internal boundaries mostly because they began to have tighter external boundaries. Even though openness to foreign trade and the idea of marriage outside of local tribes coincided with the rise of the monarchy, group identity among the Israelites grew stronger and more cohesive. Unlike the people of Vanatinai, the Israelites were not terribly difficult to reach and they were susceptible to pressures from whichever nations possessed the most control of the surrounding regions. The centrality of the monarchy and the rise of priestly power gave way to food taboos and taboos around bodily substances. Simply put, the society of Ancient Israel became more unified around cult and culture, but cohesion often demands other areas of differentiation. For the purposes of Ancient Israel, these areas of differentiation involved a highly complex purity system.

¹⁰⁴ See Chapter 5.

In the discussion of Leviticus 15 (bodily ritual impurities), which I will address in detail in Chapter 4, the Priestly source distinguishes between male and female in obvious ways, but it does not intend to elevate males over females, or, in any way, suggest that female bodily fluids are more dangerous. Before we turn to bodily impurities in the Priestly source, we will first examine the Priestly view of women in general.

Chapter 3: Gender and Narrative in P

The Priestly¹⁰⁵ source contains both narrative and law, even though P is better known for its legal material than its narratives. Some have noticed the literary connections between Genesis and the Priestly concern for proper ordering in the law code.¹⁰⁶ However, aside from literary parallels in selective writings, there has been no comprehensive attempt to look separately at Priestly narrative and law, or at the totality of P altogether.

According to scholarly consensus, the major narratives attributed to the P source are:¹⁰⁷ Gen 1 (creation), Gen 6 -9 (the flood narrative; some but not all is P), Gen 17 (the covenant of land and fertility with the sign of circumcision), Gen 23 (the purchase of the Cave of Machpelah as a burial site for the ancestors), Ex 12:1-20 (the Passover offering), Ex 35-40 (the Tabernacle), Lev 10 (Aaron's sons and the strange Fire), Lev 25:6-19 (The heresy of Peor).

My task is to isolate the P narratives that reveal perspectives on women and the female body. Important advances in this area have come from recent studies of gender in the legal chapters Leviticus 12 and 15.¹⁰⁸ These studies have shown that in the basic

¹⁰⁵ As I wrote in Chapter 1, the designation 'P' refers to the work of the Priestly writer alone, as distinct from the Holiness Code (H). I will use 'P' or 'Priestly' to indicate this specific source. To refer to the totality of priestly writing, both P and H, I will use the lower-case 'priestly'.

¹⁰⁶ Douglas (*Leviticus*, 180, 190, 194) draws parallels between the opposition of Leviticus and the ordering of creation in Genesis. The opposition inherent in the categories "clean and unclean," and "holy and profane" in the legal texts parallel the opposition of "earth and sky," "land and sea," and "male and female," in the Gen 1 narratives. See also Howard Eilberg-Schwartz (*The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* [Bloomington: Indiana University, 1990]) 219) as another example.

¹⁰⁷ For a full listing of texts attributed to the P source, see Friedman, *Who Wrote*, 246-254.

¹⁰⁸ Tirzah Meachem, "An Abbreviated History of the Development of the Jewish Menstrual Laws," in *Women and Water: Menstruation in Jewish Life and Law* (Rahel R. Wasserfall; Hanover: Brandeis, 1999)

literary structure of Leviticus 15 and in the overall structure of Leviticus 12-15, there is a tendency to view female impurity and male impurity as equally part of the same system. Because women come into contact with uterine blood (which creates a higher degree of impurity than, for example, semen) on a regular basis, they are consistently subject to more stringent restrictions. I will return to the discussion of the purity laws in P in the next chapter, but it is necessary to explore the intersection of gender and P in narrative before delving into P's purity laws.

Without denying the essential importance of male lineage to P, I will argue that P narratives provide evidence that women are important cosmologically. I will begin by examining the genealogies in Genesis 5 and 11. Although I agree that women are excluded from these genealogies, I question whether these materials are part of the P source. Turning next to authentically P narratives in Genesis, I will show that women have an important, though clearly secondary, place in these narratives. I will then look briefly at one narrative in Exodus and conclude by discussing the major role of gender in the P narratives of Numbers.

A. Genealogies in the P Source

I am not challenging the obvious fact that male lineage takes precedence over female lineage, nor am I trying to cast doubt on the hierocratic system that permeates priestly writing. More generally, studies have pointed to the secondary (though not

23-37. Deborah Ellens, "Menstrual Impurity and Innovation in Leviticus 15" in *Wholly Woman, Holy Blood: A Feminist Critique of Purity and Impurity* (ed. Kristin de Troyer et al.; Harrisburg, PA: Trinity Press International, 2003) 29-43.; Nicole J. Ruane, *Male Without Blemish: Sacrifice and Gender Ideologies in Priestly Law* (PhD dissertation, Union Theological Seminary, 2005) 119-67; Tarja Philip, *Menstruation and Childbirth in the Hebrew Bible: Fertility and Impurity* (New York: Peter Lang, 2006) 47-72, 111-22.

necessarily unimportant) roles that women occupied in the public life of Ancient Israel,¹⁰⁹ and one need only look to the passage in Num. 30.3-17 on women and vows in ancient Israel to see that from a priestly perspective women had essentially no rights to their own property.¹¹⁰ However, a grave difference exists between institutionalized patriarchy¹¹¹ and an established pattern of misogyny (understood literally as the hatred of women) and violence (against women), of which very little can be found in P.

Although I am making a careful distinction between misogyny and patriarchy, I am doing it with the knowledge that I am breaking with an established pattern which views them as one in the same. Starting with Simone de Beauvoir, patriarchy has been and continues to be seen as the universal root of female oppression.¹¹² While de Beauvoir grounds female oppression in a secular context, feminist theologians, such as Elizabeth Johnson, have articulated the additional problem of combining patriarchy with religion.

“Patriarchally. The precise ideal from the world of men that has provided the paradigm for the symbol of God is the ruling man within a patriarchal system. Divine mystery is cast in the role of a monarch, absolute ruler, King of Kings, Lord of Lords, one whose will none can escape, to whom is owed total and unquestioning obedience. This powerful monarch is sometimes spoken of as just and harsh, threatening hell fire to sinners who do not measure up. But even when he is

¹⁰⁹ Carol Meyers, *Discovering Eve: Ancient Israelite Women in Context* (New York: Oxford, 1988). Phyllis Bird, “Women (OT),” *ABD* 4: 951-57.; Karel van der Toorn, *From Her Cradle to her Grave: The Role of Religion in the Life of the Israelite and the Babylonian Woman* (trans. S.J. Denning-Bolle; Biblical Seminar, 23; Sheffield: JSOT Press, 1994).

¹¹⁰ See E. Goldstein, “Parashat Matot,” in *The Torah: A Women’s Commentary* (ed. Tamara Cohn Eskenazi and Andrea L. Weiss; New York: Union of Reform Judaism Press, 2007) 991-96.

¹¹¹ Carol Meyers (“Contesting the Notion of Patriarchy: Anthropology and the Theorizing of Gender in Ancient Israel” in *A Question of Sex? Gender and Difference in the Hebrew Bible and Beyond* [Deborah Rooke, ed.; Sheffield: Sheffield Phoenix, 2007] 84-105) has challenged the use of the term “patriarchy” altogether on the basis that it originates as a term from Aristotelian philosophy and has been mostly applied to modern studies of European societies. See Chapter 2.

¹¹² De Beauvoir, Simone, *The Second Sex* (New York, Vintage Books 1989 [c1952]) 79-81.

presented as kindly, merciful and forgiving, the fundamental problem remains. Benevolent patriarchy is still patriarchy.¹¹³

Even if patriarchy is not the most accurate word to use in connection with Ancient Israel, as we showed with Meyer's work in the last chapter, we must be careful to distinguish between the real life aspects of women in Ancient Israel, which may or may not have been oppressive, and the biblical text, for which benevolent patriarchy is a valid category.

Rather than using the term 'misogyny' to describe P's attitude in comparison with other biblical sources, some scholars speak of the denial of women in P. This claim surfaces most prominently in scholarly discussions about genealogies. The late Nancy Jay, in her comprehensive anthropological work on patrilineality and sacrifice, says, 'Not all genealogies in Genesis are P, but all the long lines of "begats" are his' (Jay 1992: 96). Jay's view is primarily based on Genesis 5 and 11, genealogical lists that some, but not all, scholars have thought to be P. These lists will be examined in more detail below. Additionally, Jay omits discussion of other P narrative material, much of which pertains to lineage.

Nicole Ruane, in her 2005 dissertation, follows Jay in attributing Genesis 5 and 11 to P. She writes,

[O]nly in P's genealogies are there no women whatsoever listed as progenitors. Through P's genealogical structure, in which men are literally said to birth men (the verb יָלַד is in use throughout), we can clearly see P's image of descent and reproduction: it is unending, it is immaculate and it does not highlight women. The genealogies portray

¹¹³ Elizabeth Johnson, *She Who Is: The Mystery of God in Feminist Theological Discourse* (New York: Crossroad, 1992) 34. For her definition of patriarchy, see p.23.

men as having procreative power for themselves. Women are not members of the procreative line; while they of course give birth, in the Priestly recounting they are usually omitted.¹¹⁴

Since the arguments of both Jay and Ruane rest on attributing the genealogies of Genesis 5 and 11 to P, it is necessary to examine the evidence for this attribution.

Ruane, Jay, and Robert Wilson, known for his important work on genealogies, assume that the תולדה headings, two of which precede the genealogical lists of Genesis 5 and 11, are characteristic of priestly writing.¹¹⁵ One can understand this attribution because of the similarity of language in Gen. 5.1-3 to the language of the creation of human beings in Gen. 1.26-27. Gen. 5.1-3 reads,

זה ספר תולדת אדם ביום ברא אלהים אדם בדמות אלהים עשה אתו:
זכר ונקבה בראם ויברך אתם ויקרא את־שמם אדם ביום הבראם:
ויחי אדם שלשים ומאת שנה ויולד בדמותו כצלמו ויקרא את־שמו שת:

This is the book of human generations: In the day of God creating the human, in the image of God he created him. Male and female he created them and he called their name Human, in the day of their being created. And the human lived 130 years and procreated in his image, in his likeness, and he called his name Seth.

The similarity of this language to Gen. 1.27 (P) is evident.¹¹⁶ However, similarity of language is not decisive evidence of authorship.¹¹⁷ I am more convinced by the

¹¹⁴ Ruane, *Male Without Blemish*, 18-19.

¹¹⁵ Robert Wilson, *Genealogy and History in the Biblical World* (New Haven: Yale University, 1977) 158. Nancy Jay, *Throughout Your Generations Forever: Sacrifice, Religion and Paternity* (Chicago: Chicago University) 96ff. Ruane, *Male Without Blemish*, 18-19.

¹¹⁶ Wilson, *Genealogy*, 159.

¹¹⁷ D. Carr, *Reading the Fractures of Genesis* (Louisville: Westminster John Knox, 1996) 99-101.

arguments of Frank Cross and Richard Elliot Friedman that the genealogical lists of Gen. 5.1-32 and Gen. 11.10b-26 are excerpts from an older document, ספר תולדת אדם, the account of the generations of man (Gen. 5.1).¹¹⁸ This ‘account’ was then utilized by a biblical editor in at least one editorial stage of the pre-Abraham narrative.¹¹⁹ The list of names in Gen. 11.10 begins where the earlier list ended, in the family of Noah, indicating that the two texts are halves of the same source, separated by an editor for redactional purposes.

The proposal of Cross and Friedman is logical, but we need to identify the evidence that the *Toledot* source and P are, in fact, different sources. Friedman supplies a convincing explanation: Gen. 5.32 (from the *Toledot* source) is a doublet of Gen. 6.10 (P), in that both verses give the names of Noah’s three sons.¹²⁰ There would be no reason to have the same information in two different contexts within the same source; indeed, doublets have become one of several established ways of distinguishing separate sources. Also, Gen. 5.1-32 reads as a complete pericope with vv. 1-3 as its heading. Taken together, these two observations suggest that Genesis 5 is not P, but rather a different source which has similar language to P. It is quite likely that the

¹¹⁸ See notes to Gen. 2.4a, 5.1 and 6.9 in R.E. Friedman, *The Bible With Sources Revealed: A New View into the Five Books of Moses* (San Francisco: Harper Collins, 2003) 35; F.M. Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973) 301.

¹¹⁹ For Cross, P is a late, post-exilic editor who utilizes the phrase אלה תולדת, taken from this document, to frame the narrative sections of Genesis (Cross, *Canaanite Myth*, 301-305). Friedman also thinks that a post-exilic editor utilized the formula in the same way, but he calls this editor R, the final biblical redactor (Friedman *The Bible With Sources*, 35). Friedman’s ‘priestly source’ is responsible for the composition of both narrative and legal materials, while Cross’s ‘P’ is an author of legal material and also, primarily, the Pentateuchal editor. Like Friedman, I believe it possible that narrative and legal writings can be, and likely were, composed by the same hand.

¹²⁰ This particular piece of evidence is based on a private communication with R.E. Friedman. For more on Friedman’s view on the utilization of doublets for identifying sources, see Friedman *The Bible With Sources*, 27-31.

writer of the P source was dependent on the *Toledot* source, or vice versa. Friedman speculates that, perhaps, the redactor included Gen. 5.1-3 as a ‘resumptive repetition,’ using language similar to an earlier reference in order to bridge a literary gap between sources.¹²¹ It is likely that we will never know the full transmission history, but I think there is strong evidence that Gen. 5.1-32 and Gen 11:10-26 are not products of the Priestly writer.¹²²

The premise that P authored these genealogies plays a significant role in forming Jay’s and Ruane’s respective opinions about gender in P. Although they have both produced important works, I think that the attribution of these genealogies to P causes them, in part, to overstate their arguments that women are denied in P. In material that is more definitively linked to P, women can be found in pericopes about Israelite lineage. Named women appear in key places in the text, such as the first time the name of Abram appears in P at the conclusion of chapter 11 (Gen. 11.27b-31) and in the final record of those laid to rest at Machpelah (Gen. 49.29-33). P also includes the names of Esau’s wives (Gen. 36.2-5) and the names of the wives of prominent Levites (Ex 6:20, 23), Jochebed and Elisheba. The Priestly writer goes out of his way to highlight gender when he could easily omit it. Thus, there is not a denial of women in P, but rather a benevolent patriarchy.

B. Narratives in the P Source

¹²¹ Private communication.

¹²² Carr (*Genesis*, 72) also finds that “there is good evidence for the hypothesis that the bulk of Genesis 5, the ‘scroll of the descendants of Adam,’ preexisted the P narratives in which it stands.”

1. *Genesis*

In addition to the pericopes on lineage, there are narrative texts to consider before concluding that P discounts women. Gen. 1.27 states:

וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ

בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם:

And God created Human Beings in his image, in the image of God he created him; male and female he created them.

Rashi on Gen. 1.27 (cf. Genesis Rabbah 8:1) suggests that God created one figure with two ‘faces,’ one male and one female, and that later God separated them creating two independent beings. Tribble argues that the shift from the single pronoun *אֹתוֹ* to the plural *אֹתָם* specifically does not imply the creation of one creature. ‘From the beginning humankind exists as two creatures, not as one creature with double sex.’ She adds that the singular pronoun ‘shows that male and female are not opposite but rather harmonious sexes.’¹²³ Whether the Priestly writer imagined the creation of male and female from the one being, *הָאָדָם*, or whether he imagined a simultaneous creation of male and female, it is essential to see the contrast between J’s creation of human beings in Genesis 2 and P’s narrative in Gen. 1.27. P’s description of the creation of humans is striking. Just as man is to rule over animals (Gen. 1.28), P could have echoed the theological message set forth in Gen. 3.16, ‘and he shall rule over you [woman].’ Instead, creation of male and female is simultaneous and equivalent.

¹²³P. Tribble, *God and the Rhetoric of Sexuality* (Philadelphia: Fortress, 1978) 18.

The priestly account of woman continues in the narrative of Abraham and Sarah. In Gen. 17.16, P's veneration for the matriarch Sarah emerges in sharp contrast to J's depiction of her. The J version (Genesis 18:9-15) is as follows:

And they [the visitors] said to him [Abraham], "Where is Sarah, your wife?" And he said, "Here, in the tent." And he [a visitor] said, "I will surely return to you at the time of life [next year] and behold, Sarah, your wife, will have a son" and Sarah was listening at the door of the tent and it was behind him [the visitor]. And Abraham and Sarah were of an elderly age, and Sarah had ceased to have the way of women. And Sarah laughed to herself saying, "After I am worn out, shall I have pleasure? And my husband is old." And God said to Abraham, "Why did Sarah laugh," saying "Will I really have a child, though I am old?" Is anything too wondrous for YHWH? At the appointed time, according to the time of life, Sarah will have a son." And Sarah denied [it] saying "I didn't laugh," because she was afraid, and he said, "No, but you did laugh."

Following a highly androcentric narrative about the sign of the covenant between God and Abraham, the Priestly writer says of Sarah,

וּבְרַכְתִּי אֶתְּךָ וְגַם נָתַתִּי מִמֶּנָּה לְךָ בֵּן

וּבְרַכְתִּיהָ¹²⁴ וְהִיְתָה לְגוֹיִם מְלָכֵי עַמִּים מִמֶּנָּה יִהְיֶה

(16) And I will bless her and I will also give you a son from *her*. And I will bless *her* and nations will be hers; Kings of nations will emerge from *her*. (17) And Abraham fell on his face and laughed and he said in his heart can a hundred year old man have a child and shall Sarah, a woman of ninety years, give birth? (18) And Abraham said to God, would that Ishmael live before you! (19) And God said to Abraham, but Sarah your wife is going to bear a son for you and you shall call his name Isaac, and I will establish my covenant with him as an eternal covenant for his seed and those following him.

Uncontrovertibly, the Priestly writer is paying homage to the matriarch.¹²⁵ Unlike the J version, where Sarah is skeptical of the divine plan (Gen. 18.12), the P version of the

¹²⁴ The Greek, Syriac and Vulgate have וְהִיְתָה וּבְרַכְתִּי וְהִיְתָה, 'I will bless him and he will have nations...'

story has Abraham laughing at the news of Sarah's forthcoming pregnancy. Abraham casts doubt on the divine prophecy (Gen. 17.17). P is cleaning up the matriarch's record. Furthermore, in the J version of the story (Gen. 21) Sarah plays a central role in the cruel exile of the young mother Hagar and her son Ishmael. P chooses to omit this depiction of Sarah even though it provides narrative necessary to explain why the family unit is divided. P presents an obedient and submissive matriarch while J presents a timid and disbelieving wife. If one reads all of the P narratives in Genesis to the exclusion of other sources, the character of Sarah emerges as neither controversial nor complex. She possesses neither jealousy nor cruelty. P omits all character flaws from the portrayal of Sarah, and she stands out as the mother of nations¹²⁶ in almost mythic proportions with no faults.¹²⁷ One could claim that P's depiction is flat and uninteresting, as well as demeaning to women insofar as the submissive wife is the ideal. Yet P shows Abraham's lack of belief, in contrast to the J account¹²⁸ in which Sarah doubts the divine plan. Though Abraham is not actually rebuked in the P version, one cannot but read this account in light of the J version when comparing portrayal of Sarah in the sources.

¹²⁵ Nancy Jay (*Throughout Your Generations Forever: Sacrifice, Religion and Paternity* [Chicago: Chicago University Press, 1992] 101) considers the evidence of Gen. 17.16 and 16.15 (the mentioning of Hagar) but concludes that these are the only passages that 'suggest descent conflict in P,' meaning that these are the only passages that might demonstrate a challenge to P's presumably clear preference for patrilineal descent. See also Ruane (*Male Without Blemish*, 18), who says in a footnote, 'The role of female reproduction in the Priestly narrative of both of these passages and Genesis 1 needs to be further reconciled with the images in the genealogies and the laws.'

¹²⁶ Shaye Cohen (*Why Aren't Jewish Women Circumcised?: Gender and Covenant in Judaism* [Berkeley: UC Press, 2005] 12-13.) notes that in point of fact, Sarah is not called the "mother of nations" as Abraham is called "father of nations" (Gen 17:4-5). While is Cohen correct that the covenant is passed on through Abraham and his descendants, "whom Sarah shall bear to you" (Gen 17:21) he also maintains that, paradoxically, Sarah and all Israelite women by extension, are not excluded from the covenant.

¹²⁷ In P's depiction of Rebecca, there is no attempt to hide her faults. Rebecca's dismay over Jacob potentially marrying Hittites (Gen. 27.46) is a typical P concern pertaining to endogamy.

¹²⁸ And, following Friedman (*Who Wrote the Bible*, [New York: Summit, 1987] 188), the Priestly writer has access to J.

Utilizing the J source for comparison also illuminates another aspect of gender in P narratives: P narratives about women de-emphasize gynecology. Sarah exists as somewhat disembodied. In other words, while the J text speaks of Sarah no longer having *אֶרֶץ נָשִׁים*, ‘the way of women’ (Gen. 18.11), when Abraham is told that Sarah will give birth in P, he fails to explicitly state that Sarah is post-menopausal. Instead, Abraham obliquely questions whether a one-hundred-year-old woman can give birth (Gen. 17.17). P, it would seem, refrains from making any possible connection between Sarah and bodily impurity.¹²⁹

2. Exodus

Only one P narrative in Exodus involves women: the Israelites’ gift-giving during the construction of the Tabernacle (Exod. 35.22, 26). In the thirteenth century, Ramban (Rabbi Moses ben Nachman) juxtaposed the golden calf episode, in which Israelite men donated jewelry, presumably of their wives (Exodus 32),¹³⁰ with the episode in 35.22, in which men approach women to request precious metal for the Tabernacle.¹³¹ The source analysis of the golden calf episode is complex, although much of it stems from the E source.¹³² If P was written as an alternative to the combined JE source, then P elevates both Israel’s men and Israel’s women, depicting them as goodhearted and generous. In 35.25-26, some women are singled out as *חַכְמָה*, ‘wise’,

¹²⁹ The other place where menstruation appears in Genesis is in the story of Rachel, when she claims that she cannot get up in her father’s presence because she has *דֶּרֶךְ נָשִׁים*, ‘the way of women’ (Gen. 31.35; E). Neither of these pericopes have a parallel in the P narrative.

¹³⁰ See Jer. 2.32 and Isa. 3.16, where the Hebrew Bible makes the connection between women and jewelry explicit.

¹³¹ Ramban on Exod. 35.22. Cf. William H.C. Propp, *Exodus 19-40* (AB, 2A; New York: Doubleday, 2006) 661.

¹³² There could be elements from D and P as well. See Propp’s discussion in *Exodus 1-18*, 148-154.

when they bring pre-spun, lavish fabrics and when they seem to engage, spontaneously, in spinning goat hair.¹³³ Wise women might have been a guild, such as the sort we discussed in the last chapter. In the book of 2 Samuel, Joab sends for a wise woman from Tekoa to cleverly entreat the king to allow Absalom to return to Jerusalem (2 Sam 14:1-23). Additionally, it is quite striking that women are singled out in the P source for contributing to Tabernacle in this way. It stands in contrast to the depiction of the construction of the Temple in 1 Kings 5:13 in which only men were recruited to help. P, when referring the whole people, is definitely including the women.

3. Numbers

In the story of the unfolding relationship between God and Israel, the depictions of women in Exodus noted above are not overly significant, but they are quite positive. However, their literary context should be considered. The erection of the Tabernacle, as the Bible presents it, is one of the pinnacles of Israelite experience. All Israel, men and women, are in harmony with YHWH. As the biblical story progresses into the book of Numbers, however, numerous obstacles threaten the relationship between God and Israel, including a prominent rebellion narrative in the P source (Num 25:6ff, 31). Other stories of rebellion in the P source include Exodus 16:2-3 (demanding food in the wilderness), the report of the spies (Num 13:1-16, 32), the rebellion of Korach, Datan and Abiram (Num 16:1a, 2b-11, 15-24, 26, 27a, 32b, 35) and the demand for water at

¹³³ Verse 25 has מְטוּיָה, 'that which is already spun', while v. 26 has טוּוּ, 'they spun' when their hearts were inspired with wisdom. The best explanation of the phrase לֵב חָכָם that is used in both these verses is 'possessing the wisdom to be engaged in an artistic process which will serve a holy purpose' (cf. Exod. 31.6; 35.10; 36.1-2, 8; Prov. 10.8). See also Propp's comment on Exod. 35.10 in which he contrasts לֵב נָרַב with לֵב חָכָם (Propp, *Exodus 19-40*, 660).

Meribah (Num 20:1b-13). Does P's positive portrayal of women continue in the wake of a crumbling relationship between God and Israel?

The incident at Baal Peor (Numbers. 25.6-19; 31) The first five verses of this story (Num. 25.1-5) are attributed to the J source and they can stand as an independent unit. According to 25.1, Israelites are 'whoring after the daughters of Moab'. Harlotry is a common euphemism for straying from YHWH that is used by more than one biblical author (Lev. 20.5-6; 21.9 [H], Ezek. 23.20, Hos. 4.17). Referring to men as sexually loose *women* significantly lowers their status in an ancient social hierarchy. How do they become this way? They are 'bowing down, eating and drinking sacrifices' (25.2) which are dedicated to deities other than YHWH.¹³⁴ YHWH becomes angry with the Israelites and orders Moses to kill the leaders of the people. In turn, Moses commands the chiefs to kill the participants in the apostasy. Now the Priestly version of the story begins: An Israelite man 'brings forth' (25.6; the term ויקרב used here usually describes the beginning of a ritual function) a Midianite woman to a tent-like structure, הקבה, in front of the entire community presently at the Tabernacle. The community is in the process of mourning for those killed in a destructive plague brought on by YHWH to punish apostasy. Once they are inside the קבה, Phineas drives a spear through the Israelite man and the Midianite woman. קבה can be understood either as the Tabernacle¹³⁵ or as some kind of non-Israelite tent probably used for worship.¹³⁶ It

¹³⁴ For a good overview of the root נה see Phyllis Bird, "'To Play the Harlot': An Inquiry Into An Old Testament Metaphor" in *Gender and Difference in Ancient Israel* (Peggy L. Day ed., Minneapolis: Fortress, 1989) 75-94.

¹³⁵ Friedman, *Commentary on the Torah with a new English Translation and Hebrew Text* (San Francisco: HarperSanFrancisco, 2001) 513-14.

¹³⁶ B. Levine, *Leviticus* (Philadelphia: JPS, 1989) 288. He follows Morgenstern's association of the קבה with the pre-Islamic *qubbe*, a small tent made of red leather in which sacred items were deposited.

seems clear that the couple was involved in a sexual act at the time of their death, but even more apparent is that the sin committed is a betrayal of YHWH. In Numbers 31, the Priestly writer has Moses commanding the Israelites to exact vengeance on the Midianites with a special emphasis on the annihilation of women (Num 31:15).

An important gender-related issue emerges from the P sources of this narrative: the treatment of foreigners, especially those who threaten the sanctity of the Israelite cult. In this case, the foreign enemy in Num 25:6 and the foreign enemies in Num 31 are women. The Priestly writer lays the majority of the blame on women for Israel's apostasy. Should this episode profoundly change the way in which we have presented P's attitude toward women? Ultimately, I do not think so. Though it is certainly disturbing to our sensibilities, we need to acknowledge that the women who are slaughtered are foreigners. We know that P inhabits a world of established hierarchy in which Israelite priests are at the top; followed by Israelite men, Israelite women, foreign men, and foreign women. Although the Priestly writer maintains that all males and females were originally created *בצלם אלהים* (Gen. 1.27), only the Abraham and Sarah family line exists in covenantal relationship with YHWH. In this case, the Midianite women are targeted specifically because they are *foreign* enemies. Although they categorically fall in the lowest tier of the hierarchy, their foreignness and their sin of leading Israelite men into apostasy are more troublesome to the Priestly writer than their femaleness. All of the men, including male children, are killed in addition to the women

Levine's evidence that it was a known structure in the Ancient Near East is based on the Bible's use of the determinative: "הקבה" (287).

(31.7, 17). Essentially, the Israelite perspective on this episode is a biting critique of the faithfulness of Israelite men, as much as it is an indictment of foreign women.

C. The Life and Times of Women in the Priestly World

To round out the portrait of women in P, here are some general statements about the place of women.¹³⁷ Although the following discussion does not constitute an analysis of narrative, it is important to put forward what we can know and infer about women in priestly circles. Priests can marry and have children. Daughters have the right to dedicate property to YHWH through the making of oaths (Num 30:2-17). Although their fathers, and if married, their husbands, have the right to annul the oaths, they must do so in a certain amount of time. Otherwise, the oath stands. This demonstrates that women could act as independent agents, albeit within certain confines negotiated by a close male relative. Daughters of priests can marry another priest or outside of a priestly family, but her tribal status will be determined by her husband's family. Daughters of priests are strictly forbidden from becoming prostitutes. The daughter of a priest is a reflection on that priest, and her sexuality is connected to his level of holiness. (Lev 21:9)

A priest should marry a woman should marry a woman from another priestly family (Lev 21:14), and he cannot marry a divorced woman, or one that is widowed. He must not marry a prostitute, a divorced woman, or a widow (Lev 21:14). A priest must marry a virgin (Lev 21:13). Family is not unimportant in priestly circles since a

¹³⁷ I have purposely left out anything to do with purity in this section since it is the primary subject of the next chapter.

priest can incur corpse impurity (ritual) for close family relatives including his daughter and a sister who still lives at home (Lev 21:1ff).

The last priestly text of any importance pertains to the land holdings of women and their role in keeping the land connected to YHWH's covenant. Moses willingly hears the plea of Zelophehad's daughters, women from the tribe of Menassah whose father left no male heirs (Num 27.1-11; 36.1-12). No doubt the purpose of this story is to secure the tribal land of Menassah for his tribe, but in doing that, this priestly story serves to privilege Israelite women.

Without having examined the purity texts in detail, we can provisionally conclude from this study of narrative that the Priestly portrait of women is at worst condescending and at best a benevolent patriarchy. The evidence presented in this chapter suggests that P's portrayal of women in narrative is far from negative. Genealogies that deny the presence of women are unlikely to be the work of P. P's attempt to rescue Sarah from J's criticism and the Priestly occupation of charting lineage demonstrate an inclusive stance toward Israelite women. The Priestly description of foreignness and covenant betrayal (Num. 25.6-19; 31) conveys misogyny but not directed toward Israelite women. As stated earlier, the accusations of apostasy/adultery and foreignness provide fertile ground for the misogyny that will emerge more prominently in later biblical writings, especially Ezekiel and Ezra. For the most part, the Priestly writer conceives of women as the bearers of fecundity, holding a distinct place in a balanced and differentiated cosmos. They have an essentially female

nature.¹³⁸ The existence of women is not denied in P; they are relevant human beings in a Priestly constructed world. While I would not suggest that P's depiction of women is at all egalitarian, we can provisionally state that the consideration of women in P is both nuanced and multivalent. The next chapter will discuss purity in P and H. My conclusions there will take the analysis of P's narratives on women into account.

This chapter was previously published as "Genealogy, Gynecology, and Gender: The Priestly Writer's Portrait of a Woman." Pp. 74-86 in *Embroidered Garments*. Deborah Rooke, ed. Sheffield: Sheffield Phoenix Press, 2009.

¹³⁸ I use the word 'essentialist' intentionally as in the feminist theoretical debate of the late twentieth century between those who view 'woman' solely as a biological figure, separate and distinct from 'man', and those who view gender as a socially constructed category. For a brief discussion of these ideas and their role in the evolution of feminist theory, see A. Snitow, "A Gender Diary," in *Conflicts in Feminism* (ed. Marianne Hirsch and Evelyn Fox Keller; New York: Routledge, 1990) 9-43.

Chapter 4: Gender and Impurity in P and H

We now turn to the purity system in the two sources of priestly literature, P and H. The Priestly Source has its system of impurities mainly collected in Leviticus 12-15 (with laws of pure and impure animals, ch. 10). The Holiness Code (H; Lev 17-26), has its greatest proportion of impurity law in chapters 18-20. Although P and H use the same words, *טְמֵאָה*, (impurity) and *טָהֵר*, we are considering two completely different notions of purity (see Chapter 1). Not surprisingly, the way that these two systems intersect with gender is also quite different.

A. The Purity System in P

Since the sacrificial system is indispensable for the maintenance of Israel's right relationship with God, anything which might jeopardize it must be regarded with extreme caution. Impurity, or *טְמֵאָה*, is the essence of that threat. With regard to Klawans' distinction between ritual and moral impurity,¹³⁹ there are no cases of moral impurity in the P source. While I am not suggesting that the author of the P source cares nothing for morality, these concerns do not enter into the P purity code. Leviticus 1-16 has only a clear and concise outline of what causes "ritual" impurity to the ancient Israelite. And, to restate what we said in Chapter 1, there is nothing "immoral" about ritual impurity. The only hindrance with regard to ritual impurity is that one is barred from offering sacrifices at the Temple, and to some extent, one can cause other people to contract ritual impurity, thereby barring them from temple sacrifice. While these

¹³⁹ See Chapter 1.

restrictions are no doubt inconveniences and may appear negative, they were part of the reality of Israelite social structure and affected both men and women. Moral impurity, as we will show in the latter half of this chapter (and was discussed in Chapter 1), has many more negative connotations.

The intersection of gender and impurity is complex in the P source. Therefore, I will examine the way in which impurity figures in the P document by dividing the discussion into two parts: impurities that supersede any categorical distinction based on gender, and those that relate only to women. This delineation will prove important as the connections between women and impurity in P are compared with those in H and then in other biblical compositions. In this section, I will focus on the following causes of impurity: leprosy, contact with animal carcasses and human corpses, the Nazirite, and sexual intercourse. P does not distinguish women from men in these cases.

1. Leprosy

Although scholars tend to dissociate the *צִרְעָה* of the Hebrew Bible from leprosy (also called Hanson's disease),¹⁴⁰ there are a number of similarities between the two afflictions, such as lesions or lumpy rashes (which may disappear and then reappear) and the appearance of scaly or flaky skin.¹⁴¹ However, the loss of fingers and the potential for facial disfigurement in Hanson's disease do not conform to anything described in the Hebrew Bible.

¹⁴⁰ Milgrom, *Lev 1-16*, 816.

¹⁴¹ J. Dynley Prince, "Note on Leprosy in the Old Testament," *JBL* 38 (1919): 30-34. Kenneth V. Mull and Carolyn Mull, "Biblical Leprosy – Is it Really?" *BR* 8 (1992): 37.

The *צִרְעָה* of the Bible is not necessarily contagious. Naaman, the Aramean general suffering from *צִרְעָה*, leads an army and engages in family life.¹⁴² Nowhere does Leviticus state that *צִרְעָה*, as a disease, can spread to other people. The impurity that emanates from the disease is, however, contagious. One can become impure through contact with *צִרְעָה* but not necessarily afflicted with its symptoms. Milgrom substantiates this observation by showing that the discussion of the impurity of *צִרְעָה* is placed between other non-contagious bodily disease-like symptoms.¹⁴³ The Priestly writer prescribes isolation not to keep a contagious disease from spreading but rather to keep others from becoming impure. The sufferer of *צִרְעָה* is condemned only in so far as his or her ailment prevents entry to sacred space. Milgrom claims that an untreated *מִצְרַע* will add to the overall impurity of the community, contaminating the sancta from a distance.¹⁴⁴ Ultimately, *צִרְעָה* is best described as a pollutant disrupting divine-human interaction. The relationship is healed by following prescribed steps which culminate in sacrificial offerings.¹⁴⁵

Although there is some evidence from biblical narratives that *צִרְעָה* can be a kind of punishment, as in the famous case of ‘snow-white’ Miriam (Num. 12.1-16), there is no reference to any form of this idea in P.¹⁴⁶ If Num. 12.1-16 (E)¹⁴⁷ pre-dates the

¹⁴² 2 Kgs 5:1. Cf. Milgrom, *Lev 1-16*, 818.

¹⁴³ Milgrom, *Lev 1-16*, 818-820.

¹⁴⁴ J. Milgrom, "Israel's Sanctuary: The Priestly Picture of Dorian Gray," *RB* 83 (1976): 390-399.

¹⁴⁵ There is now scholarly consensus that the requirement to offer a *חַטָּאת* sacrifice is not indicative of a moral infraction. See discussions in Milgrom, *Lev 1-16*, 253-254, 301; N. Kiuchi, *The Purification Offering in the Priestly Literature: Its Meaning and Function* (JSOTSup, 56; Sheffield: JSOT Press, 1987) 161. William Gilders, *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore: Johns Hopkins, 2005) 31. See more in section D. below.

¹⁴⁶ R.E. Friedman *Commentary on the Torah with a New English Translation and Hebrew Text* (San Francisco: Harper Collins, 2001) 354. *צִרְעָה* should not be associated with sin, as we see in several of the narrative examples. However, in the five narratives about people with leprosy only 2 examples suggest

written P laws of צרעת, then the Priestly writer could in fact have been subtly commenting on biases of the earlier narrative. The only evidence that the Priestly source is commenting negatively is through a piece of intertextual evidence. The P plague narrative in Ex 9:10 has the word שָׁחִין boil, as does Lev 13:18 (the law of skin disease). However, I do not think this is evidence, by itself, is strong enough to claim the Priestly writer is issuing a character critique of the מצרע. Saul Olyan suggests that any reference to skin disease in the Bible, whether or not it falls into the category of “imprecation,” cannot but have negative connotations.¹⁴⁸ However, I think it is important to look at this question within an individual source and to isolate the issue to the individual affliction, namely צרעת. Thus, from the perspective of the Priestly writer, צרעת is an unfortunate fact of life much like other bodily conditions that render a person impure.¹⁴⁹

The Priestly writer does not discuss צרעת for women in any significant way. The only gender differentiation among the laws of צרעת is germane to the physical differences in the sexes. For example, the law for a bearded מצרע (Lev. 13.30) is

that צרעת is a form of divine punishment: in the case of Miriam (Num 12:1-16; Deut 24:8-9) and the case of Uzziah (2 Kgs 15:5; 2 Chr 26:18-21). Also, note the curse, ‘May the house of Joab never be without one suffering from discharge or scale disease’ (2 Sam 3:25; cf. 7:14; Milgrom, *Lev 1-16*, 821). This kind of insult has precedent in the Ancient Near East: ‘May Sin, the light of the bright heavens, clothe his whole body with scale disease that never departs...’ (L.W. King, *Babylonian Boundary Stones* (London: British Museum, 1912) 41, lines 16-18, cited in Milgrom, *Lev 1-16*, 820.) Furthermore, Naaman, the Syrian general (2 Kgs 5:1) is not only free of sin, but is described as גִּבּוֹר חַיִּל, the same epithet attributed to King David and others (Judges 6:12; 11:1; 1 Sam 9:1, 16:18). Moses’ diseased hand serves as a tool demonstrating God’s spontaneous power over sickness and health (Ex 4:6-7). There is also a story about four lepers who become involved in the communications concerning a potential war with Syria (2 Kings 7:3-10). The text does not evaluate the men on the basis of their leprosy. Their importance lies in their station, that is, outside the city where they have closer access to the Syrian camp.

¹⁴⁷ Friedman, *The Bible With Sources*, 261-262; *Who Wrote the Bible*, 76-79. S.R. Driver, *An Introduction to the Literature of the Old Testament* (New York: Charles Scribner, 1891) 57.

¹⁴⁸ Saul Olyan, *Disability in the Hebrew Bible: Interpreting Mental and Physical Differences* (Cambridge: Cambridge University, 2008) 56.

¹⁴⁹ See discussion on Leviticus 12 and 15 below.

directed toward men alone.¹⁵⁰ D.T. Stewart has recently suggested that the laws for the *מצרע* give a slight nod to women in that the writer shows concern for women's craftwork becoming infected with *צרעה* (Lev. 13.47).¹⁵¹ While the Priestly writer may be showing concern for crafts, and those crafts would indeed normally have been produced by women, I do not think that this is a real case of gender differentiation.

2. Animal Carcasses and Corpse Impurity

According to P, one who eats, touches or transports specific deceased animals becomes impure. Touching the flesh of an impure animal renders one impure until nightfall (Lev. 11.24). Even an otherwise pure animal which dies on its own (Lev. 11.39) or a pure, properly slaughtered animal which comes in contact with water (Lev. 11:34) renders one impure. If one carries the impure animal, one must also launder one's clothes (Lev. 11.25).

Human corpses also cause the one who handles them to become impure (Numbers 5:2; 9:6-7; 19:11-13). David Wright calls these kinds of impurities 'permitted impurities,' in that the lawgivers expect people to become impure. Members of a community must bury their dead. Corpse impurity, carcass impurity, and the impurity caused by bodily emissions all fall into the same category. All of these things render people impure, and therefore the law code provides a clear way for them to

¹⁵⁰David T. Stewart ("Does the Priestly Purity Code Domesticate Women?", in *Perspectives on Purity and Purification in the Bible* [ed. Baruch J. Schwartz *et al.*; New York and London: T & T Clark] 66.) further argues that the writer arranged the topics in Lev 13 in a way that demonstrates an original consciousness of gender, but which was later edited out by a subsequent male agenda. Though we cannot prove this assertion, we can say with surety that no misogyny arises in the priestly discussion of leprosy.

¹⁵¹Stewart, "Priestly Purity Code," 70.

dispose of their impurity.¹⁵² Furthermore, a person who bears such pollution is only prevented from approaching the sancta. No law prevents that person from carrying on regularly in the ‘profane sphere.’¹⁵³ In other words, from the perspective of the law code, no negative stigma should attach to someone who is ritually impure, as long as they take proper measures to reinstate their pure status.

There is nothing gendered about the impurity of human corpses or the carcasses of animals. The carcasses of female animals do not carry more or less impurity than the male carcasses. The same holds true for the female and male human corpses. Furthermore, it makes no difference whether the handler of the carcass or corpse is male or female. Both will become impure through their handling of these deceased objects.

3. The Nazirite

Any Israelite man or a woman can choose to temporarily become a nazirite (Num 6:2). The Bible does not spell out the advantage of being a nazirite, but one can imagine times in a person’s life when he or she takes engages in pre-specified actions in order to get close to the Deity. Samson is said to be “a nazirite from the womb” (Judges 13:5) and this status was pronounced to his mother, before she conceived, by divine messenger. The prohibitions on a nazirite are spelled out in this pericope: 1. Do not eat impure food 2. Do not drink alcohol or eat grapes of any kind 3. Do not cut your hair (Jud 13:4-5). However Numbers 6 also articulates a nazirite’s restrictions with the

¹⁵² David P. Wright, “Unclean and Clean (OT),” *ABD* 4: 729-30.

¹⁵³ Wright, “Unclean,” 731.

exception of eating unclean food. Perhaps, it is assumed in a priestly text that all refrain from eating unclean food.

A special case of corpse impurity applies only to nazirites: Num. 6.6 stipulates that a nazirite cannot approach a dead body, nor can he (6.7) bury his own parents. If someone suddenly dies near him, the nazirite becomes impure and must bring the requisite sacrifices. In this unique case the impurity attaches only to the head of the nazirite (Num 6.9).¹⁵⁴ Num 6.2 explicitly states that either a man or a woman can assume the status of a nazirite. Subsequent verses ban the nazirite from consuming wine, vinegar, other alcoholic beverages and any liquid produced from a grapevine. No razor may touch the nazirite's head. Even though the opening of the pericope includes women as candidates for this particular vow, the ensuing verses outlining the restrictions proceed using jussive masculine singular forms. It would not be strange for the Hebrew Bible to employ masculine forms with the intent to include women, but there are no narratives, such as the story of the (male) Samson (Judges 16-17), to demonstrate the existence of a female nazirite. Nevertheless, the Priestly writer clearly intends that a woman can, should she so choose, observe the restrictions and adopt the identity of a nazirite. The special case of nazirite impurity is one which applies equally to men and women.

4. The נָזִיר

¹⁵⁴ The vulnerability of the head is reminiscent of Samson (Judges 16:17) when he indicates to Delilah that his secret strength is in his hair.

In the same way that the four ritual impurities discussed above do not discriminate on the basis of gender, the method of purification is also non-gendered. While different variations of purification apply in each of the above cases, two sacrifices, the חטאת (often translated, “sin-offering”) and the עֹלָה, (often translated as “burnt offering”) unite all of them. After the Nazirite has been in the presence of a corpse, (s)he waits until the 8th day (Num 6:11) and brings two turtledoves or two pigeons to the priest at the Tent of Meeting. The priest offers one of the birds for a חטאת and the other as an עֹלָה. The performance of these sacrifices effects purgation כַּפֵּרָה and therefore completes the final stage of the purification process. The same set of sacrifices is due for the man with an unusual discharge (Lev 15:14), the woman with an unusual discharge (Lev 15:29), the woman who has just given birth (Lev 12:7-8) and the man or woman with צָרַעַת (Lev 14:31). I will return to the discussion of male and female bodily impurities below.

Scholarship on the sin offering, the חטאת, has overshadowed that of the burnt offering, the עֹלָה, because the former possesses a linguistic connection to the word, “sin.” Biblical scholars question the rationale behind requiring people, who have come into contact with “permitted” impurities, to purge themselves of a sin. The function of the חטאת has ignited much debate, particularly over whether it is expiatory or purificatory. If bringing a חטאת only serves to purify the impure person, the priestly writer would not hold him accountable. If, on the other hand, the function of the חטאת is expiatory, then we must assume that P ascribes guilt upon the person because of his or her defilement. To summarize much scholarship on the issue, many now agree that, based on linguistic and contextual evidence, the function of a חטאת is more often

purificatory, although in certain situations the function is also expiatory.¹⁵⁵ The case of the parturient is one of the classical examples of the *חטאת* serving only to purify the individual. Thus, while the blood of birth pollutes the sanctuary and the parturient herself, we must conclude that P does not impute any guilt to the woman on account of her blood.¹⁵⁶ Since Lev 15 requires that the menstruant also offer a *חטאת*, we can assume P's attitude toward the menstruant is the same as that of the parturient.

B. Gender in the Priestly Laws: Leviticus 12 and 15

Outside the narrative portions of P, women are important to the Priestly writer in the same way that men are important: they bear impurities which affect the sacred status of the ark and the tabernacle, as well as the people who enter therein. It should come as no

¹⁵⁵ Scholars disagree about how and why the *חטאת* serves two different functions, but no one suggests that a menstruant or a parturient is *guilty* because she is commanded to offer a *חטאת*. Baruch Levine (*In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel* [Leiden: E.J. Brill, 1974] 101-108) attempts to explain the problem by showing that two types of *חטאת* exist in the levitical literature: the first operates to remove impurities from priests, thereby upholding the sacred status of the sanctuary. The second type of *חטאת* is expiatory and functions more as a popular rite both for individuals and the larger community. As proof, Levine shows that the animal is different for the two types of sacrifices. Levine admits that a purification element occurs in the popular type of *חטאת*, but to a lesser degree than in the priestly *חטאת*. Levine surmises that originally two separate sacrifices coalesced into the one *חטאת* presented in the Bible. Jacob Milgrom (*Studies in Cultic Theology and Terminology* [Leiden: E.J. Brill, 1983] 72; *Leviticus 1-16*, 253-354) critiques Levine's analysis on several grounds including the fact that the Israelite people, and not the priests, bring the sacrifice on the Day of Atonement (Lev 16), a situation that by its very nature is expiatory. Noam Zohar ("Repentance and Purification: The Significance and Semantics of *חטאת* in the Pentateuch," *JBL*, 107 [1988]: 616-17) agrees with Milgrom that the function of the *חטאת* is mainly purificatory but suggests a new translation for *חטאת* based on its usage in non-cultic contexts such as in Gen 31:46. Zohar translates *חטאת* as "displacement or substitution," which would account for situations involving both contamination and guilt. Also important are the discussions in the following works: Philip Peter Jensen, *Graded Holiness: A Key to the Priestly Conception of the World* (JSOT Supplement 106, Sheffield: JSOT Press, 1992). Roy Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake: Eisenbrauns, 2005).

¹⁵⁶ Mary Douglas (*Leviticus as Literature* [Oxford: Oxford University Press, 1999] 182) agrees that there is no evidence the priestly writer considers ritual impurity sinful. See also Haym Maccoby, *Ritual and Morality: The Ritual Purity System and its Place in Judaism* (Cambridge: Cambridge University Press, 1999) 36-37.

surprise that the impurities most pervasively attached to women are those that flow semi-regularly from their bodies: menstrual blood and lochial blood. From a contemporary, scientific perspective we associate these two bloods as one and the same. Moderns instinctively grasp the logic that a female body recurrently lines the uterus with fortified blood which will either sustain a growing embryo or otherwise be expelled. While ancients also saw a connection between the two bloods (Lev. 12.5), the Priestly author saw a difference in their respective capacities for *טִמְאָה*.¹⁵⁷ Lochial blood is excessive. The blood that a woman's body expels after the birth of a child greatly exceeds the blood expelled during a typical menstrual period. It may be that for this reason the Priestly writer assigns a longer period of impurity to the new mother than to the menstruating woman. The parturient becomes much weaker in the process of giving birth than the menstruant, who rarely weakens significantly due to her blood loss. I will say more about the impurity of the new mother as it relates to the gender of her offspring below.

According to Leviticus 12, the parturient is impure for 7 days plus 33 days for a male child (the eighth day after the initial seven is set aside for the boy's circumcision), and for 14 days plus 66 days after the birth of a female. The text offers no reason for this difference. Many have speculated on why the birth of a girl-child renders the mother impure for twice as long as does the birth of a boy-child.¹⁵⁸ While no explanation is totally satisfying, a seemingly logical solution is that a girl-child has a greater potential for impurity in the future, and therefore renders the mother impure for

¹⁵⁷ Milgrom, *Lev 1-16*, 905.

¹⁵⁸ See citations below.

a longer time.¹⁵⁹ Some are convinced by studies showing that newborn babies carry some of their mother's hormones which can result in a newborn baby girl having what looks like a small menstrual flow (which would render her impure).¹⁶⁰ Unfortunately, the Bible offers no confirmation for this explanation or for any other; and as Stewart argues,

Since the 'menstruating baby' is not inevitable, *such cannot be the primary rationale for the ritual period required of all mothers who bear female children*. The mother must act for her daughter in anticipation of her adult menses and child-bearing, or *for her* in some other way. That is, the ritual is not about 'cleansing' the daughter. Only one person is purified of anything—the mother.¹⁶¹

Philip argues that in drawing up this law the priests were influenced by Hittites, who also had a longer period of impurity for mothers of newborn girls.¹⁶² Philip thus links the Priestly approach toward gender to the unbiased, yet clearly differentiated, approach to gender expressed in Hittite texts,¹⁶³ and argues that the priests utilized the Hittite approach in generating their own laws concerning newborns and impurity. I agree with

¹⁵⁹ However, Philip (*Menstruation*, 118) argues that impurity is never determined by what might happen in the future. T. Meachem (*Mishnah Tractate Niddah with Introduction* [dissertation, The Hebrew University of Jerusalem, 1989] 147.) and D.T. Stewart ("The Parturient's Ritual for a Girl: The Puzzle of Double Pollution," in *Feminist Hermeneutics, Gender and Biblical Law* (Athalya Brenner and F. Rachel Magdalene, eds.; Sheffield: Sheffield Phoenix, forthcoming) similarly reject the idea of "potential" impurity.

¹⁶⁰ See the study by Jonathan Magonet, "'But if it is a Girl, She is Unclean for Twice Seven Days...' The Riddle of Leviticus 12:5," in *Reading Leviticus: A Conversation with Mary Douglas* (John F.A. Sawyer, ed.; Sheffield: Sheffield Academic, 1996) 144-52. A psychological interpretation along similar lines is found in B. Levine (*Leviticus* [JPS Torah Commentary; Philadelphia: JPS, 1989] 250.) who suggests that the fear and apprehension about the fertility potential for a baby girl causes the mother to be impure for a longer period of time.

¹⁶¹ Stewart, "The Parturient's Ritual," 18.

¹⁶² See also Milgrom's discussion of the parallels between Israelite and Hittite birth rituals (Milgrom, *Lev 1-16*, 764).

¹⁶³ She quotes from a Hittite text in which midwives express equivalent amounts of joy whether they assisted with births of girls or boys (Philip, *Menstruation*, 118).

Philip's characterization of the Priestly ideology of gender. Priestly writing does affirm that men and women equally reflect a part of YHWH (Genesis 1), and yet their bodies and social roles must be sharply differentiated (Leviticus 15). Nevertheless, while Philip's analysis of the Hittite parallel is insightful, I think her explanation that priests 'picked and chose' the pieces with which they agreed is too speculative to solve the problem completely. It is impossible to know the degree to which the levitical author based his law code on specific Hittite rites from so many centuries earlier. Similarly, Stewart says, 'It would not be surprising to me that there could be suggestive ancient parallels, but their existence does not confirm a strong hypothesis of cultural transmission or reaction.'¹⁶⁴

The most recent solution to the question of gender disparity in post-birth rituals is Stewart's own proposal, in which he keenly observes that the remaining days set aside for women who give birth to girls do not correspond to any other periods of impurity. In addition, the technical term for these days is דְּמֵי טְהוּרָה, (blood of her purifying, Lev 12:5) implying that this blood has nothing to do with pollution. Given these two factors, Stewart advances the arguments that the mother in Leviticus 12 is an 'actor' rather than a subject; she brings her own sacrifice and possibly acts to circumcise her son (reminiscent of Zipporah in Exod. 4.24-26). Pointing to the literary structure of Leviticus 12, Stewart demonstrates the parallel between '40 days' plus 'circumcision' for the son and the totality of '80 days' for the daughter. The second 40 days for the daughter parallel the circumcision which operates to cleanse the son. For Stewart, the mere act of protective mothering is the parallel event as the mother bonds

¹⁶⁴ Stewart, "The Parturient's Ritual," 5.

with her daughter for an additional 40 days.¹⁶⁵ While Stewart's analysis is extremely thorough and offers new readings of the text, I find it difficult to imagine enforced mother-daughter bonding as the 'cleansing' equivalent of circumcision. As will be shown below in the analysis of Leviticus 15, the Priestly writer works hard to evoke gender symmetry in literary structures but does not hold back when he perceives true physical and cultural differences between men and women. Therefore, while I am hesitant to adopt Stewart's solution, I see the very real possibility that an equivalent rite of passage (of which perhaps no record is left) was expected to occur for the newborn girl during the additional 40 days. Practically, the double impurity will prevent a couple from resuming sexual relations for a longer period after a girl is born, thus it might take longer to conceive again. Is this a punishment or prize? Ultimately, one can only speculate about the solution to this problem.

Leviticus 12 states what the author knows to be obvious, that female bodies have a higher potential for טמאה than do the bodies of men. This fact in itself does not inherently imply that the Priestly writer considers women less important than men. Rather, the writer is reflecting the reality of human biology.

C. Leviticus 15

More than any text examined so far, Leviticus 15 gives insight into Priestly conceptions of gender. Once source critics determined that Genesis 1(:27) and Leviticus 15 were

¹⁶⁵ Stewart 2008b: 19-21. Similarly, see the recent suggestion of Alpert Nakhai (2008: 650) who contextualizes the issue from a socio-economic viewpoint.

likely composed by the same hand, the connection is readily apparent.¹⁶⁶ The creation of male and female is equivalent, and it is through this lens that the literary composition of Leviticus 15, the juxtaposition of male and female impurities, should be viewed.

The complete text of Lev 15 is below.

- 1 וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה וְאֶל־אַהֲרֹן
לֵאמֹר:
- 2 דַּבְּרוּ אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתֶּם אֲלֵהֶם אִישׁ אִישׁ
כִּי יְהִיָּה זָב מִבְּשָׂרוֹ זָבוּ טָמֵא הוּא:
- 3 וְזֹאת תְּהִיָּה טְמֵאתוֹ בְּזָבוֹ כִּי בְּשָׂרוֹ אֶת־זָבוֹ
אוֹת־הַחַתִּים בְּשָׂרוֹ מִזָּבוֹ טְמֵאתוֹ הוּא:
- 4 כָּל־הַמִּשְׁכָּב אֲשֶׁר יִשְׁכַּב עָלָיו הַזָּב וְטָמֵא
וְכָל־הַכְּלִי אֲשֶׁר־יֹשֵׁב עָלָיו וְטָמֵא:
- 5 וְאִישׁ אֲשֶׁר יִנַּע בְּמִשְׁכָּבוֹ וַיִּכַּסּ בְּגָדָיו וְרַחֵץ בַּמַּיִם
וְטָמֵא עַד־הָעֶרְב:
- 6 וְהַיֹּשֵׁב עַל־הַכְּלִי אֲשֶׁר־יֹשֵׁב עָלָיו הַזָּב וַיִּכַּסּ בְּגָדָיו
וְרַחֵץ בַּמַּיִם וְטָמֵא עַד־הָעֶרְב:
- 7 וְהַנִּנְעַע בְּבִשָׂר הַזָּב וַיִּכַּסּ בְּגָדָיו וְרַחֵץ בַּמַּיִם וְטָמֵא
עַד־הָעֶרְב:
- 8 וְכִי־יִרְק הַזָּב בְּטְהוֹר וַיִּכַּסּ בְּגָדָיו וְרַחֵץ בַּמַּיִם
וְטָמֵא עַד־הָעֶרְב:
- 9 וְכָל־הַמְרַקֵּב אֲשֶׁר יִרְכַּב עָלָיו הַזָּב וְטָמֵא:
- 10 וְכָל־הַנִּנְעַע בְּכָל אֲשֶׁר יְהִיָּה תַחְתָּיו וְטָמֵא
עַד־הָעֶרְב וְהַנּוֹשֵׂא אוֹתָם וַיִּכַּסּ בְּגָדָיו וְרַחֵץ בַּמַּיִם
וְטָמֵא עַד־הָעֶרְב:
- 11 וְכָל אֲשֶׁר יִנְעִיבוּ הַזָּב וְיִדְּוִי לֹא־שָׁטַף בַּמַּיִם
וַיִּכַּסּ בְּגָדָיו וְרַחֵץ בַּמַּיִם וְטָמֵא עַד־הָעֶרְב:
- 12 וְכִלְי־חֲרָשׁ אֲשֶׁר־יִנְעִיבוּ הַזָּב וְיִשְׁבֵּר וְכָל־פְּלִיעַץ
יִשְׁטַף בַּמַּיִם:
- 13 וְכִי־יִטְהַר הַזָּב מִזָּבוֹ וְסָפַר לוֹ שִׁבְעַת יָמִים
לְטַהַרְתּוֹ וַיִּכַּסּ בְּגָדָיו וְרַחֵץ בְּשָׂרוֹ בַּמַּיִם חַיִּים
וְטָהַר:
- 14 וּבַיּוֹם הַשְּׁמִינִי יִקְחִילוּ שְׁתֵּי חֲרָיִם אוֹ שְׁנֵי בָנִי
יִזְנֶה וּבָא לִפְנֵי יְהוָה אֶל־פֶּתַח אֹהֶל מוֹעֵד וַיִּנְתְּנֶם
אֶל־הַכֹּהֵן:
- 15 וַעֲשֵׂה אֹתָם חֲכֵן אַחַד חֲטָאת וְהָאֶחָד עֹלָה
וְכָפַר עָלָיו חֲכֵן לִפְנֵי יְהוָה מִזָּבוֹ: ס
- 16 וְאִישׁ כִּי־חִצָּא מִמֶּנּוּ שִׁכְבַּת־זָרַע וְרַחֵץ בַּמַּיִם

¹⁶⁶ See discussion on this verse in the previous chapter.

- את־כל־בשרו וטִמא עֲדֵהֶעֱרַב:
 17 וְכֹל־בְּגֵד וְכֹל־עוֹר אֲשֶׁר־יְהִי עָלָיו שִׁכְבַּת־זָרָע
 וְכִבְס בַּמַּיִם וְטִמא עֲדֵהֶעֱרַב: ה
- 18 וְאִשָּׁה אֲשֶׁר יִשְׁכַּב אִישׁ אִתָּהּ שִׁכְבַּת־זָרָע וְרִחְצו
 בַּמַּיִם וְטִמאוּ עֲדֵהֶעֱרַב:
 19 וְאִשָּׁה כִּי־תִהְיֶה זָכָה דָּם יְהִיָּה זָכָה בַּבִּשְׂרָה
 שִׁבְעַת יָמִים תִּהְיֶה בְּנִדְתָּהּ וְכֹל־הַנִּגַּע בָּהּ יִטְמא
 עֲדֵהֶעֱרַב:
 20 וְכֹל אֲשֶׁר תִּשְׁכַּב עָלָיו בְּנִדְתָּהּ יִטְמא וְכֹל
 אֲשֶׁר־תִּשָּׁב עָלָיו יִטְמא:
 21 וְכֹל־הַנִּגַּע בְּמִשְׁכָּבָהּ יִכְבַּס בְּגָדָיו וְרִחַץ בַּמַּיִם
 וְטִמא עֲדֵהֶעֱרַב:
 22 וְכֹל־הַנִּגַּע בְּכֹל־כְּלִי אֲשֶׁר־תִּשָּׁב עָלָיו יִכְבַּס
 בְּגָדָיו וְרִחַץ בַּמַּיִם וְטִמא עֲדֵהֶעֱרַב:
 23 וְאִם עַל־הַמִּשְׁכָּב הוּא אוֹ עַל־הַכְּלִי אֲשֶׁר־הוּא
 יִשְׁכַּח־עָלָיו בְּנִגְעוֹ־בּוֹ יִטְמא עֲדֵהֶעֱרַב:
 24 וְאִם שָׁכַב יִשְׁכַּב אִישׁ אִתָּהּ וְתִהְיֶה נִדְתָּהּ עָלָיו
 וְטִמא שִׁבְעַת יָמִים וְכֹל־הַמִּשְׁכָּב אֲשֶׁר־יִשְׁכַּב עָלָיו
 יִטְמא: ה
- 25 וְאִשָּׁה כִּי־יִזְוֹב זֹבֵב דָּמָהּ יָמִים רַבִּים בְּלֹא
 עֵת־נִדְתָּהּ אוֹ כִּי־תִזְוֹב עַל־נִדְתָּהּ כָּל־יְמֵי זֹבֵב
 טַמְאָתָהּ כִּי־מִי נִדְתָּהּ תִּהְיֶה טַמְאָה הוּא:
 26 כָּל־הַמִּשְׁכָּב אֲשֶׁר־תִּשְׁכַּב עָלָיו כָּל־יְמֵי זֹבָהּ
 כַּמִּשְׁכָּב נִדְתָּהּ יְהִי־לָהּ וְכֹל־הַכְּלִי אֲשֶׁר תִּשָּׁב
 עָלָיו טַמא יְהִיָּה כְּטַמְאֵת נִדְתָּהּ:
 27 וְכֹל־הַנִּגַּע בָּם יִטְמא וְכִבְס בְּגָדָיו וְרִחַץ בַּמַּיִם
 וְטִמא עֲדֵהֶעֱרַב:
 28 וְאִם־טִהְרָהּ מִזֹּבָהּ וְסִפְרָהּ לָהּ שִׁבְעַת יָמִים וְאַחַר
 תִּטְהַר:
 29 וּבַיּוֹם הַשְּׁמִינִי תִקַּח־לָהּ שְׁתֵּי תְרִים אוֹ שְׁנֵי בְנֵי
 יוֹנָה וְהִבִּיֵּאתָ אוֹתָם אֶל־הַכֹּהֵן אֶל־פֶּתַח אֹהֶל מוֹעֵד:
 30 וַעֲשֵׂה עֲלֵיהֶם הַכֹּהֵן אֶת־הָאֶחָד חֹטֵאת וְאֶת־הָאֶחָד עֲלָהּ
 וְכִפֶּר עָלֶיהֶם הַכֹּהֵן לִפְנֵי יְהוָה מִזֹּב טַמְאָתָהּ:
 31 וְהִזְרַתָּם אֶת־בְּגֵדֵי־שָׂרָאֵל מִטַּמְאָתָם וְלֹא יָמָתוּ
 בְּטַמְאָתָם בְּטַמְאָם אֶת־מִשְׁכָּנִי אֲשֶׁר בְּתוֹכָם:
 32 זֹאת תּוֹרַת הַזֹּב וְאֲשֶׁר חֲצֵא מִמֶּנּוּ שִׁכְבַּת־זָרָע
 לְטַמְאָה־בָּהּ:
 33 וְהִדְנָה בְּנִדְתָּהּ וְהִזְבֵּ אֶת־זֹבּוֹ לְזָכָר וְלְנִקְבָּה
 וְלְאִישׁ אֲשֶׁר יִשְׁכַּב עִם־טַמְאָהּ:

Interpretations of the literary structure of Leviticus 15 vary, but scholars

generally divide the chapter in basically two ways. The first division places 15.18, the

impurity of heterosexual intercourse, as the literary midpoint of the chapter.¹⁶⁷ In the second division, two clusters of verses, 16-18 and 19-24, form the midpoint of the chapter.¹⁶⁸ We will look at both schemes individually, and consider the respective arguments for dividing the chapters in these ways and their implications for understanding gender in the P source.

1. First Scheme: ABCXC'B'A' with 15:18 as chiastic midpoint.¹⁶⁹

A. Introduction (vv.1-2a)

B. Abnormal male discharges (vv.2b-15)

C. Normal Male Discharges¹⁷⁰ (vv.16-17)

X. Marital Intercourse (v.18)

C'. Normal Female Discharges (vv. 19-24)

B'. Abnormal Female Discharges (vv. 25-30)

¹⁶⁷ This is the view of Milgrom (Lev 1-16, 905.), Richard Whitekettle, ("Leviticus 15:18 Reconsidered: Chiasm, Spatial Structure and the Body," *JSOT* 49 [1991]: 31-45.) and, to an extent, D. Klee (*Menstruation in the Hebrew Bible* [dissertation, Boston University, 1998] 69), no.4). While in the main body of her work Klee specifies that v.18 is the midpoint of the chiasm, she utilizes the other schema in a footnote just below when she discusses the repeating pattern of "condition-consequence-sacrifice-intercourse. Thus, she puts herself on this side of the debate but ultimately fuels the other position, whose advocates are cited in the following note.

¹⁶⁸ The following scholars view this literary division as more probable: G.J. Wenham, *The Book of Leviticus* (NICOT; Grand Rapids: Eerdmans, 1979) 217; Deborah Ellens, 'Menstrual Impurity and Innovation in Leviticus 15', in *Wholly Woman Holy Blood: A Feminist Critique of Purity and Impurity*, (K. de Troyer *et al.* eds.; Harrisburg: Trinity Press, 2003) 29-43. Philip, *Menstruation*, 47. T. Meacham, "An Abbreviated History," 23-37. Meacham defines v.18 as 'the intersection point where male and female genitals meet (become one flesh, *besar echad* (sic) in Genesis 2) in coitus' but she stops short of calling it the chiastic midpoint. In other words, there is a difference between noticing the shift in subject and theme in v.18 and defining it as 'X' in an ABCXC'B'A' structure.

¹⁶⁹ Example from Milgrom, *Lev 1-16*, 905.

¹⁷⁰ sic, Discharge

*(motive [v.31-Milgrom sees this as an H addition so it doesn't count in the chiasm.]

A'. Summary (vv. 32-33)

Whitekettle is one of the main proponents of dividing the chapter according to the above diagram.¹⁷¹ He highlights v. 18 as the midpoint of the chiasm, because of what he sees as its uniqueness on several counts. First, he thinks it has a plural subject.¹⁷² Second, v.18 begins with a different conditional particle¹⁷³ (אשר) from other section introductions (vv. 2b, 16, 19, 24). Third, he claims that v. 18 fails to mention one-way contagion. It does not share the wording of v. 24, which, he claims, shows one-way contagion between a menstruating woman and a male partner during intercourse. Although I disagree with several of his points, I think Whitekettle correctly observes that v. 18 is not concerned with a man's ability to contaminate, since we know from the previous verse (v. 17) that a seminal emission confers impurity. For Whitekettle, it is not the emission of semen per se which causes impurity in v. 18, but the emission of semen during intercourse. For these reasons, v. 18 is not just a literary hinge as Wenham and others have suggested,¹⁷⁴ but the chiastic midpoint. Whitekettle then offers a structural analysis like that of a Douglas or Levi-Strauss, which can best be described as highly speculative. He juxtaposes the wilderness and the Tabernacle, two polarities, with the dual function of the penis, one which rids the body of waste (non-

¹⁷¹ Whitekettle is responding to the proposal of G.J.Wenham ("Why Does Sexual Intercourse Defile (Lev 15:18)?" ZAW 95 (1983): 432-34). Wenham had previously claimed that the primary reason intercourse renders one impure is due to its associations with life and death. Whitekettle ("Leviticus 15:18 Reconsidered," 34) rejects the idea that loss of semen has anything to do with a loss of life. I think Wenham is more nuanced than this.

¹⁷² I agree with Milgrom (1991: 930) who understands the subject to be the woman.

¹⁷³ It is not. This is clearly a relative pronoun as I show below.

¹⁷⁴ Wenham, *Leviticus*, 217. Meacham ("An Abbreviated History," 23-37) agrees.

life/wilderness) and one which is key in the creative process (lifegiving/Tabernacle). He argues that intercourse must be impure in Lev. 15.18 since it is during intercourse that the penis ‘crosses functional boundaries.’ Whitekettle concentrates purely on the male emission during intercourse, even though he admits that seminal emissions are not the primary focus in this verse.

Ellens raises several problems with Whitekettle’s analysis in her study of this chapter. She critiques Whitekettle’s assumption that the use of אשר “necessarily demarcates a distinct legal unit.”¹⁷⁵ She demonstrates that אשר can be used as part of a *casus pendens* construction, that is, the naming of a topic followed by a “colon” and a discussion of a topic, and that אשר can be read so in all of its other occurrences in the chapter.¹⁷⁶ Ellens challenges Whitekettle’s conclusion that v. 18 is the chiasmic midpoint of the chapter. While she concedes that v. 18 is a separate case from that which precedes it (normal cases of male discharge), Ellens rightly concludes that Whitekettle goes too far when he says that v. 18 is an independent unit. When Whitekettle says there is no one-way contagion in v.18, he misses the point and misinterprets the gender balance the Priestly writer worked so hard to create.

Against Whitekettle, I agree with Milgrom that the woman is the subject of the verse. Both the man and the woman are impure as a result of intercourse, even though the act is both necessary and good (cf. Gen. 1.28).¹⁷⁷ This also explains why the man’s contraction of impurity is mentioned again, lest the reader think that only a seminal

¹⁷⁵ Ellens, “Menstrual Impurity,” 39.

¹⁷⁶ Ellens challenges Whitekettle’s lack of comment on other uses of אשר in the chapter, and therefore argues that he is inconsistent in not defining them as distinct legal units.

¹⁷⁷ Ellens, “Menstrual Impurity,” 40-41.

emission outside of the body renders a man impure.¹⁷⁸ Concerning the lack of an analogous expression in v. 18 (as compared to v. 24, ‘her menstrual impurity be upon him’), Ellens explains that the Priestly concern is for the contagion from one substance, while in v. 24 two separate discharges can cause impurity. In v. 24, Ellens argues, it is the blood that is the greater source of contagion and therefore the biblical author must state that the blood is the cause of the impurity under discussion.¹⁷⁹ This is not so for v. 18 where no one would be confused that it is the semen which renders the impurity. I agree wholly with Ellens when she says that contagion must be at work in v. 18. When a woman comes into contact with a seminal emission during the act of intercourse, both the man and the woman must wash in water and remain impure until evening. While the two previous verses begin with *וְאִישׁ*, to indicate that the law relates specifically to men, v. 18 changes the focus and begins with *וְאִשָּׁה*, even though the topic of the seminal emission is still the subject of the legal discussion.¹⁸⁰ This shift in focus at the beginning of 15.18 begins the movement of the chapter into areas that will relate specifically to female impurities such as normal menstrual periods and abnormal blood flow.¹⁸¹ Shifting from impurities concerning men to impurities concerning women, the priestly writer indicates two things about the impurities related to intercourse: 1. This is the beginning of the section where women should be concerned about becoming impure. 2. Nevertheless, sexual intercourse is an arena where both men and women become

¹⁷⁸ Alternatively, Ellens explains the repetition of a man’s impurity via emission of semen in v.18 as an attempt by the writer to avoid possible confusion as to the source of impurity during intercourse; it is due to the semen.

¹⁷⁹ Ellens, “Menstrual Impurity,” 40.

¹⁸⁰ Stewart (“Priestly Purity Code,” 65) goes so far to say: “Indeed, at Lev 15:18, we actually have heterosexual intercourse topicalized under womanhood.”

¹⁸¹ See also Philip, *Menstruation*, 47.

impure; the man because he emits semen and the woman because she comes into contact with it. It is the seminal emission that renders the woman impure. The male partner becomes impure due to his emission and not because of his contact with the female body.¹⁸²

Milgrom too places v. 18 in the center of the chiasm. For Milgrom, v. 18 demonstrates what he calls an ‘inverted hinge,’ containing elements from what comes after v. 18 and before it, respectively.¹⁸³ He conceives of v.18 as an independent unit and it leads him to conclude that intercourse is the mid-point of the chapter. I am not arguing that v. 18 is unconnected to that which comes before it (emission of semen) and that which follows it (menstrual impurity). Rather than highlight v.18 as the midpoint of the chapter, it makes more sense to show that v.18 is important because it serves as a transition between unidirectional male impurities and unidirectional female

¹⁸² See also M. Gruber, “Purity and Impurity in Halakic Sources and Qumran Law,” in *Wholly Woman Holy Blood* (de Troyer *et al.* eds. Harrisburg: Trinity, 2003) 67-68. While Wenham (“Why Does Sexual Intercourse Defile,” 432-434) and Whitekettle (“Leviticus 15:18” 31-45) go to great lengths to understand why sexual intercourse defiles, I fail to see the difference between the defiling nature of seminal in general and semen after the act of intercourse. Semen, by its nature, is defiling. Although creating children is a positive commandment, there has never been any correlation between the positive nature of something and its ability to defile. For example, corpse contamination is necessary in order to properly dispose of the dead, and giving birth is necessary for the creation of children. The question should not be why sexual intercourse defiles but rather why semen is defiling at all. This question forces us to examine the nature of biblical impurity. See the discussion of Ellens (“Menstrual Impurity,” 41) who proposes the same question.

¹⁸³ Milgrom, *Lev 1-16*, 930. As Ellens (“Menstrual Impurity,” 37, note 2) explains, the inverted hinge applies only to the structure of the verse itself. The structure of an individual verse says nothing about the overall literary formation of the chapter. Milgrom (*Lev 1-16*, 931) also thinks that the use of אִשֶּׁר sets v.18 apart. However, why must we attribute such power of meaning to relative clauses? The function of these lexemes is not to dictate the hidden intentions of a verse. Milgrom (*Lev 1-16*, 915) himself elsewhere concedes this point when he comments on 15:8, ‘because we are still dealing with the *zab*, why is this verse introduced by *ki*, implying a new unit, rather than *im*, normally used for a sub-unit? The answer is that the subject has shifted to the *zab* himself; he now initiates the action. Also, it may not be accidental that the chapter contains 7 occurrences of *ki*.’ See also above arguments against Whitekettle’s use of אִשֶּׁר to claim Lev 15:18 as the chiasmic midpoint.

impurities.¹⁸⁴ Before v. 18, abnormal and normal male emissions are contagious to anyone (or anything) who comes into contact with them. Verse 18 speaks of the case in which heterosexual sex, normative as far as the Bible is concerned, transforms the status of the female partner from pure to impure. The verse begins

וְאִשָּׁה אֲשֶׁר יִשְׁכַּב אִישׁ אֹתָהּ שִׁכְבַּת־זָרַע

‘And a woman, upon whom a man lies with emission of semen...’ The emission of semen is what ties this case to the one before it. In v. 18, it is the female partner, not a garment, that is the recipient of contagion. Hence, the sentence begins with וְאִשָּׁה, even though it is still talking about male impurities.

Even though Milgrom argues that Lev 15:18 is the chiasmic midpoint of the chapter, he still acknowledges that the mention of intercourse in v. 24 stands parallel to the intercourse in v. 18 when he advocates Lev. 15.18 as the chiasmic midpoint. Verse 24, which says that a man becomes impure when he has intercourse with a menstruating woman, has long been read through the lenses of Leviticus 18 and 20 in which significant punishments (כָּרַת and being spewed forth by the land, respectively) are threatened. Philip rightly points to the very different tone of Leviticus 15.¹⁸⁵ Others have noticed that a different ‘punishment’ is suggested in Leviticus 15 but no one has gone so far to say that sex with a menstruant is not even truly prohibited in Leviticus 15. Of course, one becomes impure and this impurity is substantial, lasting seven days, but the language is not prohibitory. This perspective on intercourse during menstruation is very important when examining and classifying the cases in Leviticus 15. Once the

¹⁸⁴ See Philip (Menstruation 47) who says this verse ‘turns’ the discussion from males to females. See also Fonrobert (?: 46).

¹⁸⁵ Philip, *Menstruation*, 58.

intercourse discussed in v. 24 is seen as merely impure and not something deemed punishable by death, it fits very nicely into the literary structure of chapter 15. Here is Philip's diagram of the chapter:

2. Second scheme: ABCC'B'A'¹⁸⁶

vv. 1-2a: Introduction

vv. 2b-15: Long-term unhealthy male discharge.

(Long discussion on definition, consequences, offerings.)

vv. 16-18: Short-term normal male discharge.

(Short discussion on definition, consequences, intercourse.)

vv. 19-24: Short-term normal female discharge.

(Long discussion on definition, consequences, intercourse.)

vv. 25-30: Long-term unhealthy female discharge.

(Short discussion on definition, consequences, offerings.)

v. 31: Motive

vv. 32-33: Summary

Once it is recognized that two cases involving intercourse are present in the chapter, the structure falls into place; the gender balance that everyone sees in the chapter is carefully aligned.¹⁸⁷ The Priestly writer accounts for one-way contagion for both genders, showing concern for the man's contamination in v. 24 and for the woman's contamination in v. 18. Verse 18 begins with *וְאִשָּׁה*, even while it continues to address impurity contracted through semen, because the writer consciously relates the law to the addressee who should be most concerned about contagion. The writer, directing the law to the man in v. 24, begins *וְאִם שָׁכַב יְשָׁכַב אִישׁ אִתָּהּ* even though the impurity stems from the woman. We must conclude that the hinge of midpoint of the

¹⁸⁶ Philip, *Menstruation*, 47. The diagram actually shows two parallel structures: one that works chiasmatically which she says 'emphasizes priestly ideas on creation...' and the other is overlapping.

¹⁸⁷ Philip, *Menstruation*, 46.

chapter is all of vv.18-24, which further advances the idea that Priestly writer conceives of male and female bodily impurities symmetrically.

There is no doubt that the cases of contagion through contact with uterine blood and semen are different with unequal periods of impurity. However, the Priestly writer seems to go out of his way to ensure that the reader understands the impurity of menstrual blood as nothing more than the female ‘typological’¹⁸⁸ equivalent of a seminal emission. Like a normal seminal emission, simple menstruation requires no offering. With regard to abnormal discharges, both men and women are responsible for a sacrificial offering. While the Priestly writer does not gloss over the differences between man and woman, neither does he require a woman to bring more elaborate sacrifices for impurities that are unique to the female body and thus cause her to contract a more severe version of impurity. This literary structure suggests that women are purposely not singled out for their impure blood. In one of the more egalitarian statements in the Torah, Lev 15 concludes as follows:

זאת תורת הזב ואשר תצא ממנו שכבת זרע
 לשמאמה־בה: והדנה בגדתה והזב את־זובו לזכר
 ולנקבה ולאי־ש אשר ישכב עִם־שמאמה:

This is the teaching for the man who has an unhealthy issue and for the man who has a seminal emission (and) has become impure through them, and for the one who has become sick in her menstruation and, whether male or female,(this is the law for) the one who has an unhealthy issue, and for any man who lies with a woman bearing these impurities. (Lev 15:32-33)

Impurities in the Priestly system such as leprosy, those pertaining to nazirites, sexual intercourse, coming into contact with animal carcasses and human corpses, do

¹⁸⁸ This phrase is used by Ellens, “Menstrual Impurity,” 42.

not discriminate on the basis of gender. Bodily impurities should be considered in the same manner. Examination of the P corpus demonstrates that both men and women can become impure on the basis of their bodily emissions. As Klee notes, menstruation could have been paired with Leviticus 12, the laws of female lochial blood, but it is not; rather, it is paired with male discharges.¹⁸⁹ The Priestly writer strives for gender balance in this chapter as much as possible. P is more concerned with the degree to which someone or something is impure rather than the gender of the contagious person. Thus, Milgrom is correct when he shows that levitical impurities are listed in descending order according to the degree of impurity.¹⁹⁰ Childbirth has the longest period of impurity and therefore it is first; second is the leper, and third, the bodily discharges of Leviticus 15. The evidence presented above suggests that P's portrayal of women in the laws of ritual impurity is far from negative.

D. Expanding the Notion of Purity: Women and the Holiness Code

1. Intentional Wrongdoing (Sin) and Morality

We touched on the issue of sin above by showing that the requirement to bring a *קטורת* sacrifice does not necessarily imply reparation for committing a moral infraction. We noted that this is the case especially when the violation is connected to matters of purity. The relationship between sin and impurity is, however, complex. Therefore, it

¹⁸⁹ Klee, *Menstruation*, 70.

¹⁹⁰ Milgrom, *Lev 1-16*, 905.

is important to clarify the interconnections between them in P, in order to illustrate the changing relationship between them in H.¹⁹¹

In the P source, sin and impurity are completely separate notions; the points of commonality are that the same sacrifice is required of one who sins morally and one who falls, accidentally or non-accidentally, into an impure state, and that both impurity and sin can contaminate the sanctuary from afar.¹⁹² Beyond these two points of commonality, little of significance ties the notions of sin and impurity together from the standpoint of P. The Priestly writer discusses sin and impurity in separate chapters. We explored the biblical chapters related to impurity in the previous section; Lev 12-childbirth, Lev 13-14-leprosy, and Lev 15-male and female bodily impurities. Sins, however, are discussed in Leviticus 4-6. Leviticus 4 and 5 outline appropriate remedies for different sins. The first type of sin is the accidental breaking of ritual commandments by an anointed priest. The remedy for this infraction is followed by the remedy for the accidental sin of the Israelite community.¹⁹³ After the ritual killing of a young bull and the subsequent blood manipulation by the officiating priest, these sins are forgiven (חַטָּאת-Lev 4:20). The violating parties are no longer אָשָׁם, “guilty.” The word “guilty” is only used in matters of sin and not used in matters of purity with the exception of the case of the leper’s remedy. It is not clear why the one inflicted with leprosy needs to bring an אָשָׁם sacrifice since no other indication of guilt is implied by

¹⁹¹ The author of H, as we have already argued (Ch.1), was also the editor of P.

¹⁹² Milgrom, “Israel’s Sanctuary,” 390-399. The degree of impurity or of sinfulness, in addition to the status of the violator (individual, high priest, the whole community of Israel) will affect the sanctuary in varying degrees. See his diagram on p. 394. Overall, I find his argument convincing but some of his evidence is lacking. See below.

¹⁹³ Ethical commandments are legislated in Lev 6.

the Priestly writer. In the previous section, however, we did find some ambiguity with regard to leprosy, and we noted that in some narrative texts the divine infliction of leprosy appears as a punishment.¹⁹⁴ Thus, the question of the leper's guilt must, to some extent, remain open.

The only other time impurity and guilt are found together is in Lev 5:2-3, when someone has come into contact with an impure carcass or bodily fluid and does not follow the prescribed steps toward purification. In this case, there is guilt but only until the person carries through with the sacrificial offerings. We know this because the text refers to "feeling guilt," as opposed to being guilty. The case is one in which a person inadvertently comes into contact with an impure substance, forgets about it, and when he or she remembers, subsequently feels guilt. Although one could argue that the expression "טמא ואשם" suggests that guilt and impurity are one in the same, I have a hard time reading it that way. It seems clear that the text is setting up a series of events and their repercussions.¹⁹⁵

Thus, this case should not be construed as one which is primarily concerned with purity, but rather with the sin of withholding proper cleansing remedies from oneself. Apart from the strange reference in the case of the leper, no other Priestly discussion of impurity contains any reference or even any implication of guilt.

Furthermore, even when the Priestly writer speaks of a guilty person "bearing his sin," that sin can still be forgiven through sacrifice, a clearly articulated remedy (Lev 5:6). We will see below that a remedy for moral impurity is not equally clear in

¹⁹⁴ See above, section 1A.

¹⁹⁵ Milgrom, *Lev 1-16*, 297-299.

the text. With regard to transgression in P, Milgrom would say that the sanctuary will be afflicted from afar, like the portrait of Dorian Gray in Oscar Wilde's novel. The guilt will not show on the face of the person but instead will manifest itself by slowly de-sanctifying the holy of holies. Once enough guilt accumulates, like in Dorian's picture, the sanctuary will (self-) destruct.¹⁹⁶ Similarly, as we shall see, the punishment for becoming morally impure in H is often destruction, but that of land (Lev 18:24) and lineage (Lev 20:18), in addition to that of the sanctuary (Lev 20:3).

2. Impurity in H

In a host of ways the overall concerns of H are different from those of P. For our purposes, the most important difference is their respective characterization of impurity.¹⁹⁷ In P, people bear impurities but these impurities can be washed, purified through sacrifice, and waited out. This potential implosion, of which Milgrom speaks, although implied by the text is never actually spelled out. This is the central problem with Milgrom's argument. The effects of becoming ritually impure in the P legislation are clear, as are the purification procedures, but the effects of *remaining* impure are somewhat vague.

The H text, in contrast, clearly articulates the effects of becoming morally impure, but the process of eliminating the impurity is unclear. We discussed the concept of moral impurity in Chapter 1 where we explained that three major sins cause

¹⁹⁶ Milgrom would say that the blood of purgation needs to be applied to the altar (Lev 4:25) in order to maintain the right balance of purity and impurity.

¹⁹⁷ For a full discussion of the political, theological and literary differences between P and H, see Milgrom, *Lev 1-16*, 42-51. *Leviticus 17-22*, (AB 3A; New York: Doubleday, 2000)1319-1351. I. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995) 111-157.

moral impurity: murder, sexual sins, and apostasy.¹⁹⁸ If a man becomes impure by committing any one of a host of violations such as incest, *mlk* worship, sleeping with a menstruating woman or with another man, one of two things will happen: the land will spit him out, or he and/or his lineage will be curtailed (Lev 18:24; Lev 20:18). The punishment of being spewed out by the land will likely have other human casualties; so here the individual impurity has communal repercussions. Furthermore, unlike the clear remedies provided in order to reestablish a pure state in the P text, H has no such remedies. And if we look further at what makes one impure in the H text, we begin to see that what prompts the status of “impurity” looks a lot like sin. All of the impurities in the H text result from actions one does not stumble into accidentally. They are all conscious choices for which both the sinner, and by extension, the whole community, will suffer.

H does allow for repentance for some violations, but not those for which the language of impurity is employed. For example, H requires the חטאת (guilt-offering) sacrifice for the man accused of having sexual relations with a betrothed slave woman (Lev 19:20-22). This law does not employ the language of impurity, as do the laws of incest, adultery or *mlk* worship (Lev 18: 20-28). For these laws, the only repentance¹⁹⁹ is the death of the violator, lest the land uproot its inhabitants.

¹⁹⁸ See full discussion in Chapter 1.

¹⁹⁹By repentance, I mean returning to right relation with the Deity and community, and essentially avoiding the death penalty. For Milgrom (*Lev 1-16*, 373) “repentance comes through the remorse of the sinner (□ *ašam*) and confession (*hitwaddā*). This reduces the intentional sin to an inadvertence, thereby rendering it eligible to for sacrificial expiation.” When I say repentance, I am not suggesting that its effect will result in the transformation of a moral violation into one that can be atoned for through sacrifice.

We should take a moment to comment on another casuistic law in the Holiness Code, the prohibition against sexual relations with a menstruating woman, Lev 18:19 and Lev 20:18. In contrast to Lev 15 (P), the language is clearly prohibitory and there are penalties for violation. Lev 18:19 states:

וְאֶל-אִשָּׁה בְּנִדַּת שְׂמֵאתָהּ לֹא
תִקְרַב לְגִלּוֹת עֲרוּתָהּ:

“And concerning a woman in the impurity of her menstruation, do not approach her to uncover her nakedness.” Although the language of impurity is utilized, “the impurity of her menstruation,” it is important to clarify that here the word “impurity” is referring to a ritual state and not a moral one. The act, the uncovering of nakedness,²⁰⁰ is causing moral impurity but that judgment comes later in a summary statement. Lev 18:28 says,

לֹא-תִקְיֵא הָאָרֶץ אֶתְכֶם בְּשִׂמְאֹתְכֶם
אֲתָהּ כַּאֲשֶׁר קָאָה אֶת-הַגּוֹי אֲשֶׁר לְפָנֶיכֶם:

“So that the land not spew you out in your defilement of it, as it did to the nations that preceded you.” It is this mentioning of impurity that indicates we are dealing with moral impurity. Nevertheless, because H was building on P’s laws, it is highly likely H would be concerned about incurring ritual impurity. It just does not need to be said here, because it is found in the earlier text.

²⁰⁰ The expression “uncovering nakedness” has been discussed at length, most recently in article by Deborah Rooke. . . . The basic meaning is “to have sex with” but the violation entails damaging the honor of a prominent man in the family social structure. This is most often a father or a husband. Some sexual violations cause financial damage, and other emotional damage about which the Bible rarely, if ever, speaks. But sexual violations in which “nakedness is uncovered” does not only refer to the nakedness of the woman who the object of the sexual act, but also to the man who is being shamed and violated. Sometimes the Bible articulates the relational aspect of the violation and sometimes it does not. For an example of the relational aspect of the violation when it is clearly articulated in the text, see Lev 18:12.

With regard to the wording of other, similar case in the Holiness Code, Lev 20:18, we read:

וְאִישׁ אֲשֶׁר־יִשְׁכַּב אֶת־אִשְׁתּוֹ הַחַיָּה
וְגִלָּהָ אֶת־עֲרֹוֹתֶיהָ אֶת־מִקְרָהּ הַעֲרָה וְהִיא גִלְתָּהּ
אֶת־מִקְוֵי דַמֶּיהָ וְנִכְרְתוּ שְׁנֵיהֶם מִקִּרְבֵי עַמָּם:

“And concerning the man who sleeps with a woman in her sickness (of menstruation) and he uncover her nakedness; her source he revealed and she uncovered the source of her blood; the two of them shall be cut off from their people.” The violations in chapter 20 are characterized by blood guilt, *דַּמִּיהֶם בָּם*, lit. “their blood shall be upon them,” an expansion of the murder violation.

Moral impurity is a different kind of impurity; one that cannot be remedied, and for which the community as a whole will ultimately suffer. In H, the land itself will bear these impurities, while in P, it is both the people and the sanctuary. The H legislator clearly felt that the covenant code of Exodus 19-22 was not enough to keep the community within specific behavioral boundaries.

E. Gender and Impurity in H

So how does this expanding notion of impurity relate to women? While P had a clear distinction between sin and impurity, the Holiness writer has no such distinction. As we saw in the P legislation, women are the greatest sources for potential impurity because they have the most potential for bleeding from the genitals. In H, however, women retain this potential for ritual impurity, but now there is an added violation (a

sin) for becoming morally impure. The moral violation is the mutual uncovering of the nakedness of people who should not be exposed to each other sexually, i.e., a menstruating woman and man. Of all of the laws in the Holiness Code, it is only the case of sexual relations with a menstruating woman in expanded (Lev 20:18) and which has a newly articulated, added violation.

Nevertheless, with regard to both ritual and moral impurity, it should be clear that the woman is accused of no greater a violation than is her male sexual partner. The problem is the following: Once the clear distinction between sin and impurity begins to dissolve, as it does in H, the door opens for a new conceptualization of women and the female body. Women have the greatest potential for committing sin. Their menstruating bodies can become the symbol of sin, and the symbol of leading others into sin through unholy intercourse. In the next chapter, we will see how H laid the groundwork, no doubt, unintentionally for Ezekiel to exploit the image of the menstruating woman to symbolize all of the sins of the people Israel.

*Excurses on the Suspected Adulteress

As I demonstrate below, this episode seems highly edited, if not completely written by the Holiness Writer. Therefore, it does not belong in Chapter 3, which concerns texts that are both attributed to the P source and that are narratives. This episode is neither. I also found that inserting it into the above discussion detracts from the overall trajectory of the chapter. Nevertheless, the account of the suspected

adulteress remains highly relevant to the overall perspective on gender and priestly writing. Thus, I have included my analysis of it below.

The Suspected Adulteress (sotah).

To build on the priestly portrait of women that has been established so far, it is necessary to ascertain whether the law of the suspected adulteress is simply an unfortunate feature in an ancient patriarchal society (so that the shame it brings on the woman is the mere by-product of a ritual enacted, ultimately, to redeem a dire situation), or whether the ritual intentionally serves to bring shame on the woman in question, thereby promoting the denigration of women.

Let us look at the order of events in the episode. The jealous husband brings his wife to the Tabernacle. The priest leads the woman לפני יהוה, 'before YHWH' (Num. 5.16), indicating that YHWH is being called to insert himself into the ritual. The priest uncovers the woman's head (Num. 5.18). The full meaning of this act is unknown, but it can be assumed that the woman is made to feel more vulnerable, if not made to feel shame.²⁰¹ As far as garb is concerned, however, the priest only removes the woman's head covering. Although parts of the woman's body are evoked in the language of the curse, with the exception of enforced drinking, there is no physical action applied to the woman during the course of the ceremony. The priest adjures the woman with the following words:

²⁰¹ See *BT. Ket. 72a*. The rabbis drew the law for married women to keep their hair covered from v. 18. The lack of modesty associated with uncovered hair and the concept of imposed shame are related, but it is necessary to be more tentative in claiming a direct connection between the two.

If no man has slept with you, and you have not turned aside to impurity in place of your husband, be clean of this water of judgment (הַמַּאֲרָרִים מִי הַמַּרִּים, Num. 5.19).²⁰² But if you have turned aside [to another; to impurity] in place of your husband and if you have become impure, in that a man has put his emission inside you, instead of your husband [doing so] ... Let God give you a curse and an oath among your people by YHWH allowing your thigh to give way and your abdomen to swell. And these waters that curse shall go to your insides to cause your abdomen to swell and your thigh to give way (Num: 5.19-23).

Then the woman must say ‘Amen, Amen.’ The priest writes the curse on a scroll and then blots the writing with water. It is this water, combined with dust from the floor of the Tabernacle (vv. 17, 23) that the woman must drink.

This ritual could certainly be interpreted as priestly salve for a suspicious husband. Even if physical changes do result from the ritual, they will not manifest for some time.²⁰³ The man’s jealous ego is soothed and they go home, whether or not his wife committed adultery. From a feminist perspective on an ancient patriarchal society, this ordeal could be viewed as preventative. It indicates that a man cannot abuse his wife if he suspects her of adultery, and neither can he incite a mob to kill her through vigilante justice.²⁰⁴ At best, this ritual can be spoken of as an effort to protect the lives of

²⁰² Instead of the conventional ‘bitter waters’, Sasson (“Numbers 5 and the ‘Waters of Judgment,’” in *Women in the Hebrew Bible* [ed. A. Bach; New York: Routledge, 1999] 484. [henceforth cited as “Bach”]) translates the phrase as a merism: “‘waters that bless’ and ‘waters that curse,’” hence “‘waters of judgment.’” See the complete essay for his linguistic analysis based on Ugaritic *mrr*.

²⁰³ As the rabbis thought (B.T. *Sot.* 3.2). Frymer-Kensky (‘The Strange Case of the Suspected Sotah [Numbers V 11-31]’, in Bach; 471.) argues that the curse of the waters was not immediate, and that the result was a prolapsed uterus. However, she stresses the fact that the fate of the woman is not in the hands of the priest or the husband, but rather it is in God’s hands. Likewise, Milgrom (‘The Case of the Suspected Adulteress, Numbers 5:11-31’, in Bach, 480) asserts that this unique ritual, beyond the realm of human judgment, is only utilized here in order to protect the woman from being attacked by a mob.

²⁰⁴ Milgrom, “The Case,” 480.

women; but to soothe a man's soul at the price of a woman's shame certainly borders on misogyny.

The moral issues involved here and the language employed in this episode (5:11-31) suggest that we are not dealing solely with P, but also with H. Misogyny, as it is usually found in the Hebrew Bible, is linked with apostasy or the threat of covenant betrayal, as it is in the Holiness Code (Lev 17-27) and Ezekiel. In the case of the suspected adulteress, we find the root **נָאָה** in the niph'al five times (Num. 5:13, 14, 18, 20, 27). The feminine niph'al form is only used here and in Ezekiel 23 (vv. 7, 13, 30), one of most famous (or infamous) chapters about the moral impurity²⁰⁵ of apostasy and adultery.²⁰⁶ This chapter also contains some of the most violently misogynistic language in the Hebrew Bible.²⁰⁷

Cases of moral impurity lead to more severe consequences such as *karet* and contamination of the land of Israel.²⁰⁸ These consequences are threatened but they are not assumed to occur immediately. Cases of ritual impurity, P's primary concern, can easily be rectified by sacrifice and the subsequent restoration of purity is immediate. The fact that the ensuing punishment for the confirmed adulteress, like the *karet* of moral impurity, is not immediate, also likens the case of the suspected adulteress to the work of H. The ordeal of the suspected adulteress has ancient roots that may predate

²⁰⁵ "Moral impurity" and "Ritual impurity" are terms utilized by Klawans (*Sin and Impurity in Ancient Judaism*, 22ff. See Chapter 1) to distinguish between categories of biblical impurity.

²⁰⁶ Other instances of **נָאָה** in the niph'al are Lev. 18.24 (H); Hos. 5.3; 6.10; Jer. 2.23; Ezek. 20.30-31; 43. All of these refer to moral impurity. With the exception of Hosea, these references were likely composed after P.

²⁰⁷ See the next chapter on Ezekiel. Also, Gale Yee, *Poor Banished Children of Eve: Woman as Evil in the Hebrew Bible* (Minneapolis: Fortress, 2003) 111-134.

²⁰⁸ Klawans, *Sin and Impurity in Ancient Judaism*, 26-27.

the Bible.²⁰⁹ This pericope as a whole likely has roots in P, but the moral judgments rendered, in combination with the term נִמְצָאָה, suggest that we are looking at the work of the H source. Overall, its content and language seems more in character with H.

This episode is difficult to characterize because it can be interpreted in two ways. It can be read as indicative of a benevolent patriarchy in an ancient society. It can also be read as a narrative of shame and misogyny. For the purposes of my overall argument in this dissertation, it would be better if I could advocate for the first possible reading. I could claim that the episode demonstrates care for married women who have jealous husbands and this ordeal, strange as it seems to modern eyes, was actually a tool of an ancient benevolent patriarchy. However, I am uncomfortable with this reading. The description of the woman's insides shriveling, the use of the word "impure" in the moral sense, and the shame factor, all point to the latter reading. Ultimately, I am advocating for both readings since the existence of one does not automatically exclude the other. Having some misogyny in H does not detract from my proposed timeline of anti-female rhetoric in the Hebrew Bible, since H postdates P and pre-dates Ezekiel.

²⁰⁹ Levine, *Numbers 1-20*, 210

Chapter 5: Blame it on a Metaphor: Female Degradation in Ezekiel's Purity System

In the last chapter, we showed that the priestly system of ritual impurity has little in it that might suggest a disaffected attitude toward women in ancient Israel. For the sake of clarity, let me restate that my argument takes into account the inherently hierarchical chain of authority intrinsic to the priestly operations in the Tabernacle.²¹⁰ I am claiming that theological assumptions in the priestly creation story suggest a parity between men and women. The effort to on the part of the Priestly writer to create a parallel, chiasmic literary work (Leviticus 15) further supports this claim. I also demonstrated that the system of moral impurity in the Holiness Code is not misogynistic. Women are clearly subservient in the patriarchal structure of the Holiness Code: their bodies seem to exist only to be covered and uncovered by the right and wrong people. But there is nothing to suggest that the command to be holy (e.g. Lev 19:2) is not also directed toward them. Therefore, I do not think any priestly text we have seen so far can be labeled misogynistic.

Thus, in the last chapter we established that the significantly greater emphasis on moral impurity evident in the Holiness Code, over and against ritual impurity, provides a specific literary context that will, unfortunately, set the stage for the emergence of misogyny in the next ideological development of the interconnection between impurity and gender. By showing that the *טמאה* ([moral] impurity) of H is basically on par with the worst sinful violations (incest and other sexual violations,

²¹⁰ What I think must have been an idealized depiction of the First Temple. I do not, by this suggestion, mean to imply that I think the Tabernacle was completely imaginary. See Friedman, *Who Wrote*,

idolatry, and murder), we demonstrated that an opening for anti-female rhetoric occurs. The dissolution of the distinction between sin and impurity muddies the differences between two previously, quite separate notions. We see this already happening in the law prohibiting sex with a menstruating woman. After its reinterpretation by H, this violation, henceforth, causes both ritual and moral impurity.

A. Historical Influences

Having established that the systems of ritual and moral impurity promote different ideas about women, we turn to the writings of the prophet Ezekiel. It is important to contextualize Ezekiel's writing by considering the life circumstances of the Judean community. The Judeans are withstanding continuous pressure from the Babylonians as they increase the size of their empire. 2 Kings 2:20, for example, speaks to the debates in the Judean community over how both to secure their autonomy as a Judean kingdom and securing themselves physically from the threat of a Babylonian takeover. Once the Babylonians entered Jerusalem, destroyed the Temple, and exiled a portion of the community to Babylon in 586/7 B.C.E., the theological rationales began. The rationale of which the prophets spoke was one that the community was already familiar with. They had heard it from prophets who preached a rationale for the Assyrian destruction of the northern kingdom in 722 B.C.E. (Micah, Amos, Nahum) who blamed the sins of the people, primarily corruption, criminal behavior and disloyalty to YHWH (ex. Micah 7:2; Amos 3:10). Whether Judeans knew of these prophecies in written form, they certainly knew of this rationale because it reappears in the prophecies of Ezekiel after their own destruction in 587. The rationales

for the destruction of the northern kingdom were supposed to serve as a moral wake-up call for the people of the south. The calls were to abandon corruption, treat your neighbor fairly, and worship YHWH alone. The people were warned to do these things, lest their fate be similar to that of their annihilated kin to the north. According to later biblical writers such as Ezekiel, the Judean people did not heed the lessons of past generations. “And He said to me, ‘Son of man, I am sending you to the children of Israel, to the rebellious peoples that have rebelled against me, they and their forefathers have sinned against me up until this very day’” (Ezek 2:3). Even Ezra relies on this rationale 150 years later, after the Babylonians were gone from power and the Judeans were permitted to return to their ancestral land under the leadership of Cyrus, king of Persia. “And after everything that has come upon us through our evil deeds and through our great shame and you, our god, have restrained yourself from meting out (punishment) for our sins and given us a remnant such as this” (Ezra 9:13).

This rationale, though potentially damaging to both the collective and the individual psyche, is actually a very shrewd survival technique when fighting a war in the Ancient Near East. When one people fought against another, the goal was most often to secure land and resources. In the course of these skirmishes, the national god, who was tied both to the people and their land, would rise and fall along with the people to whom it was connected. If an ancient people was conquered, exiled and/or destroyed, their god died out with their national identity. The Judeans were able to survive in exile, in part, because their god was not tied solely to their land and the temple he occasionally inhabited. By shifting the blame for their defeat from the weakness of their deity to power of their own sins to ignite God’s anger, the Judeans in

exile managed to maintain their national identity as YHWH's servants. Furthermore, by allowing YHWH to survive without the existence of an operating Temple and without Judean autonomy in the land of Israel, the Judeans, knowingly or not, helped to secure their own national survival. In sum, this kind of rationale is used by more than one prophet throughout both the pre-exilic and post-exilic biblical periods. The problematic issue in Ezekiel is not that he too relied on this rationale for the purposes of sustaining his community in exile, but rather that he directed the brunt of the blame upon the image of a bleeding, female city left behind in Judea.

Interestingly, it is this period, the exilic period, in which some scholars have suggested that the laws of family purity became more prominent in the exiled, Judean community.²¹¹ Without the temple, there was no need for ritual cleanliness. There were no sacrifices to offer. However, the ritual impurity of menstruation and childbirth would follow a community wherever they went. In following the priestly purity laws set forth in Leviticus 12 and 15, as well as adhering to the dietary laws in Leviticus 11, the people could exert some imposed order over the chaos of exile. That the Judeans in exile, and perhaps even the ones left behind, became increasingly focused on a particular area of purity law makes sense. Only sex with a menstruating woman is both ritually defiling (which wouldn't matter in the context of the exile) and morally defiling (which would be defiling even in Babylon).

Not only was female impurity easy to disconnect from the existence of a temple, so too were ethical issues in general. Certainly the prohibitions on idolatry, incest, and

²¹¹Philip, *Menstruation*, 68. (Based on her reading of D. R. Schwartz, "Law and Truth: On Qumran Sadducean and Rabbinic Views of Law." *The Dead Sea Scrolls: Forty Years of Research* [Ed. Devorah Diamant and U. Rappaport, Leiden: Brill, 1992] 229-240.)

murder could be separate and independent from the existence of a temple. While, admittedly, no archaeological evidence is available to confirm this claim, it is logical to infer that purity in the exilic period was increasingly concerned with morality. With a growing awareness of moral purity, it would especially during the exilic period, take precedence over ritual impurity. When the ability to offer sacrifices at the Temple of YHWH became impossible and the system of ritual purity inevitably neglected, avoidance of moral impurity (resulting from idolatry, sexual violations, and murder) likely becomes the focus of exilic leaders like Ezekiel. We will see, in the prophecies of Ezekiel, that instances of moral impurity are far more prominent than those of ritual impurity. The exilic phenomenon helps to explain this shift in focus.

B. Competing Narratives on Impurity

In this chapter I will compare the intersection of impurity and gender in the priestly writings to the writings of Ezekiel. The priestly texts of Leviticus and the prophetic writings of Ezekiel are unified on one point: female blood pollutes. However, both the rationale for the pollution and its ramifications differ in the two sources. In this chapter, I argue that while Ezekiel's depiction of female blood may be rooted in priestly ideas, his metaphor of Jerusalem as a menstruant is a significant step beyond the priestly concerns of Leviticus.²¹² Specifically, I show how Ezekiel manipulates the "blood language" of the priestly writer in order to isolate one aspect of the priestly purity system, the impurity of female uterine blood. In so doing, the prophetic writer

²¹² For an excellent discussion on the use of metaphor in the Bible see Andrea L. Weiss' *Figurative Language in Biblical Prose Narrative: Metaphor in the Book of Samuel* (Leiden: Brill, 2006).

systematically transforms this single link in a long chain of established purity laws into a symbol for the greatest of all biblical evils: apostasy and the betrayal of Yahweh's covenant.

In chapter 1, I referred to Levitt Kohn's evidence for dating the book of Ezekiel after P and H.²¹³ In her discussion of overlapping terms in Ezekiel and priestly literature, Levitt Kohn shows that Ezekiel is not just dependent upon knowledge of priestly material but actually adopts phraseology from his predecessors. To prove this linear development, she demonstrates several literary mechanisms Ezekiel employs when he quotes P. One of these mechanisms Levitt Kohn calls "reversals," in which Ezekiel uses the same expression found in P but in exactly the opposite way.²¹⁴ For example, the P has the phrase קהל עמים (Gen 28:3; 35:9; 48:4) "assembly of nations" to convey the great blessing of fertility God bestowed on the Patriarchs. However, in Ezek 23:24 and 32:3, the same phrase is used by the prophet to describe enemy nations seeking to eradicate Israel.²¹⁵ Levitt Kohn says, "it is virtually impossible to imagine that the Priestly writer would have composed Israelite history by transforming images of Israel's apostasy and subsequent downfall from Ezekiel into images conveying exceptional covenant and unique relationship between Israel and Yahweh."²¹⁶ Rather, Levitt Kohn suggests, it is more likely that Ezekiel "twisted, poeticized, disarticulated and reconstituted" P "to suit his personal agenda and the current circumstances of his

²¹³ Levitt Kohn, *A New Heart*, 84-85.

²¹⁴ Levitt Kohn, *A New Heart*, 76.

²¹⁵ Levitt Kohn, *A New Heart*, 76.

²¹⁶ Levitt Kohn, *A New Heart*, 77-78.

audience.”²¹⁷ I will now argue that Ezekiel’s depiction of female blood is yet another example of the prophet engaging in this kind of linguistic and ideological manipulation.

In contrast to the priestly authors’ attitude that female blood merely pollutes, the author of Ezekiel explicitly equates female blood with immorality. There are three ways that Ezekiel connects female blood with corruption. First, he plays on the word דָּמַיִם, the plural of the Hebrew word for blood. Building on priestly terminology for female blood, Ezekiel combines several different meanings of the word דָּמַיִם to create degrading images of female blood. Second, he blurs the differences between different types of female blood. While the writers of Leviticus are careful to distinguish the blood of the parturient, the blood of the menstruant, abnormal blood flow, and the act of sex with a menstruant, the prophetic writer goes out of his way to confuse these distinctions by creating a monolithic picture of a woman and her impure blood; then, he equates that picture with the sin of covenant betrayal. The third way Ezekiel connects female blood with immorality is by superimposing the images of the bleeding woman and the bloody city of Jerusalem onto each other.

I will elaborate on each of these three points. 1. Analysis of the Hebrew plural, דָּמַיִם, demonstrates that it never refers to the mere substance of blood, but rather to excessive amounts of blood such as spilt blood of the slain or female uterine blood. דָּמַיִם also has the meaning “bloodguilt,” the right of a living relative, of one who was unlawfully killed, to shed the blood of the murderer (lest the land uncover the crime and

²¹⁷ Levitt Kohn, *A New Heart*, 84-85.

Yahweh himself avenge the death).²¹⁸ In his prophecies concerning the city of Jerusalem, Ezekiel cleverly combines three meanings of דָּמַיִם: the shedding of female uterine blood, the spilt blood of the slain, and bloodguilt. In expressing the metaphor of sinful Jerusalem, often depicted as a bleeding woman, the prophet employs the phrase עִיר הַדָּמַיִם, bloody city three times (22:2; 24:6, 9).²¹⁹ Chapter 22 states:

וְאַתָּה בְּנֵי־אָדָם הַחֹשֵׁפִי הַחֹשֵׁפִי אֶת־עִיר הַדָּמַיִם וְהוֹרַעְתָּהּ אֵת
כָּל־תּוֹעֲבוֹתֶיהָ: 3 וְאָמַרְתָּ כֹּה אָמַר אֲדֹנָי יְהוִה עִיר שִׁפְכַת דָּם בְּתוֹכָהּ לְבוֹא עִתָּהּ וְעָשְׂתָה
גְּלוּלִים עָלֶיהָ לְטַמְאָהּ: 4 בְּדָמָךְ אֲשֶׁר־שִׁפַּכְתָּ אֶשְׁמַתּוֹ וּבְגִלוּלֶיךָ אֲשֶׁר־עָשִׂיתָ טַמְאָת

And now son of man, will you judge the bloodguilty city and make known to her all of her abominations? And you shall say, thus says the Lord Yahweh, a city who sheds blood in her midst whose time has come [to an end], and makes idols upon herself to defile herself. For the blood that you shed, you are guilty, and for the idols that you made, you are defiled...(2-4a)

The phrase “עִיר הַדָּמַיִם” expresses several things about the city. I translate דָּמַיִם here as “bloodguilty” since it is clear that the tone is accusatory. But the city is also personified as a woman who bleeds.²²⁰ In order to comprehend the full impact of the imagery we must be familiar with the other meanings of דָּמַיִם. Notice the threefold meaning of דָּמַיִם employed by the prophetic writer: the woman/city menstruates; the city has within it

²¹⁸ Gen 4:10-11; Num 35:33; Isa 26:21

²¹⁹ We see this expression only one other time in Nahum 3:1, and there it refers to Nineveh.

²²⁰ Moshe Greenberg translates עָתָה לְבוֹא as “whose time has come,” and I have followed that with the added [to an end]. To translate the phrase “who has come into her time” is not literally correct but the expression does convey the dual sense of menstruation (“her time”) and the ensuing judgment (its time). Greenberg cites biblical parallels for his translations but these are not exact (Jer 27:7; Eccl 9:12. He traces it back to Ezek 7:7, 12). (*Ezekiel 21-37* [AB 22A; New York: Doubleday, 1997] 450, 452). An exact parallel would be Isa 13:22, but Isaiah has עָתָה לְבוֹא עָתָה, adding the sense of “approaching” time. So also Ezek 7:7

בָּא הַעֵת קָרוֹב.

murderers who have split blood, thus causing the city to contain excessive amounts of blood and lastly, the city has incurred bloodguilt for the crime. By linking menstrual blood with bloodguilt, the prophet is explicit in his condemnation of female blood. In subsequent verses he also condemns the woman/city for permitting the following immoral behaviors: oppression of the widow (22:7), partaking in food at unofficial sanctuaries (22:9), incest (22:10-11), taking a menstruating woman for sexual intercourse (22:10),²²¹ spreading vicious gossip (22:9), treating holy items disdainfully, usury (22:12) and profaning the Sabbath (22:8). The bleeding woman is the symbol for everything that is wrong with Israel!

“עִיר הַדָּמִים” occurs twice more in the sign prophecies of chapter 24. Here God commands Ezekiel to create a bloody mixture of animal flesh and bones, with a layer of *חֶלְאָה*, rust or pot scum, to represent the blood of the city. “Woe to the bloody city, to the pot whose filth is in her, whose filth has not gone out of her; bring it out piece by piece; let no lot fall upon it” (Ezek 24:6). *חֶלְאָה* is an extremely uncommon root which means diseased in 2 Chr 16:12. Some suggest rust in Ezek 24 because of the context of boiling meat, but clearly it is something of a foul sort. Again, the city is addressed in the feminine, and she is held accountable for the blood that is shed within her. The sign of the meat is powerful since choice meat is usually chosen for temple sacrifice, but here its pieces are described as putrid. Our focus is on the pot scum and not the choice meat;

²²¹Given that the city is itself imagined as a menstruating woman, it could be seen as redundant that sex with a menstruating woman (violations cited in Lev 15, 18, 20) is listed among these sins. However, far from being redundant, the prophet understands this as two distinct sins: the violation of the prohibition against sex with a menstruant and that of menstrual blood itself. See more on this point below. With regard to understanding the nature of the sexual act in this verse, some read it as a forced sexual encounter. Philip disagrees that *עַל כּוֹחַ* means “by force” or through rape in this context. See her discussion on pp. 63-64.

the image of female blood helps draw attention to the very opposite of holy service. Again, Ezekiel says, “Woe to the city of bloodguilt,” and this time he is instructed to set the empty pot upon the fire so that just the bottom filth is burned. Ezekiel proclaims, “In your impurity is wickedness; because I have cleansed you and you were not cleansed from your impurity, you will not be cleansed any further until I have set my anger upon you” (Ezek 24:13). The impurities of Israel, their cultic sins and their betrayal of Yahweh are equated here with menstrual blood which is further degraded by calling it חֲלָאָה, filth.

2. The second mechanism Ezekiel employs to connect female blood with sin is to blur the different kinds of female blood. We see this most clearly in the story of the founding in chapter 16, in which Ezekiel first establishes the equation between female blood and covenant betrayal.

וַיְהִי דְבַר־יְהוָה אֵלַי לֵאמֹר: 2
 בְּיָאֲדָם הוֹדַע אֶת־יְרוּשָׁלַם אֶת־חַוְעֵבְתֶיהָ: 3 וְאָמַרְתָּ
 כֹּה־אָמַר אֲדַנִּי יְהוָה לִירוּשָׁלַם מִכְרַתֶיךָ וּמִלִדְתֶיךָ
 מֵאֶרֶץ הַכְנַעֲנִי אָבִיךָ הָאֲמֹרִי וְאָמַדְתָּ חַתִּית: 4
 וּמִוִּלְדוֹתֶיךָ בַּיּוֹם הַזֶּה הוֹלַדְתָּ אֶתְךָ לֹא־כָרַת שָׂרָךְ
 וּבָמִים לֹא־רָחַצְתָּ לְמַשְׁעֵי וְהַמְלַח לֹא הַמְלַחְתָּ
 וְהַחֲתַל לֹא חֲתַלְתָּ: 5 לֹא־חָסָה עֲלֶיךָ עֵין לַעֲשׂוֹת
 לְךָ אַחַת מֵאֵלֶּה לְחַמְלָה עֲלֶיךָ וַתְּשַׁלְּכִי אֶל־פְּנֵי
 הַשָּׂדֶה בְּנֶעַל נַפְשֶׁךָ בַּיּוֹם הַזֶּה אֶתְךָ: 6 וְאָעִבֵר
 עֲלֶיךָ וְאָרְאֶךָ מִחִבּוֹסֶסֶת בְּדַמֶיךָ וְאָמַר לְךָ בְּדַמֶיךָ
 חַיִּי וְאָמַר לְךָ בְּדַמֶיךָ חַיִּי: 7 רִבְבָה כְּצֶמַח הַשָּׂדֶה
 וַתַּחֲתִיךְ וַתַּרְבֵּי וַתִּגְדְּלִי וַתִּבְאֵי בַעֲדֵי עֲדָוִים שָׂדִים
 נִכְנָו וּשְׁעָרֶיךָ צֶמַח וְאֵת עֵרֶם וְעֵרְוָה: 8 וְאָעִבֵר עֲלֶיךָ
 וְאָרְאֶךָ וְהִנֵּה עֵתְךָ עַת דָּדִים וְאֶפְרַשׁ כְּנָפֵי עֲלֶיךָ
 וְאֶכְסֶה עֲרוֹתֶיךָ וְאֶשְׁבַּע לְךָ וְאָבִוּא בְּכִרִית אֶתְךָ
 נָאִם אֲדַנִּי יְהוָה וַתְּהִי לִי: 9 וְאָרְחַצְךָ בַּמַּיִם וְאֶשְׂמַךְ
 דַּמֶיךָ מֵעֲלֶיךָ וְאֶסְכַּךְ בַּשָּׁמֶן:

Translation:

And the word of YHWH came to me saying, 2. Son of man, make known to Jerusalem her abominations. 3. And you shall say, “Thus says Lord YHWH to Jerusalem: Your origin and your birthplace are of the land of Canaanites, your father was an Amorite and your mother a Hittite. 4. And regarding your birthplace, on the day you were born, your umbilical cord was not cut, you were not washed in water for cleansing, neither were you salted or swaddled. 5. No one pitied you to do any of these things for you, to have compassion for you, and you were cast out into the open field with loathing on the day you were born. 6. And I passed by you wallowing in your blood, and I said to you, “in spite of your blood live,” and I said to you, “in spite of your blood live.” 7. I have caused you to multiply as the shoot in the field, and you have greatly increased and you have grown up and you have come into the time of menstruation,²²² your breasts are developed and your hair is grown; (whereas) you were naked and unclothed. 8. And I passed over you and I beheld you, and lo, it was your time, a time of love, and I spread my wings upon you and covered your nakedness and I swore an oath to you and I entered into a covenant with you, says the Lord YHWH and you were mine. 9. And I washed you in water and I cleaned your blood from upon you and anointed you with oil.

The young baby girl is a symbol of young Jerusalem, and Yahweh finds her wallowing in the blood of her mother. Born in Canaan, the female child is the daughter of a Hittite mother and an Amorite father, parents depicted as Israel’s early mythic rivals (v.3).²²³ These parents neglected their duty to clean the child of the blood of birth and even to sever the umbilical cord (v.4). Yahweh finds the child dying alone in a field and in such a horrid state that not even a passerby would be enticed to help (v.5). The text states (v.6):

וְאֶעֱבֹר עָלֶיךָ וְאֶרְאֶה מִתְבּוֹסֶסֶת בְּדַמֶּיךָ וְאָמַר לְךָ
בְּדַמֶּיךָ חַיִּי וְאָמַר לְךָ בְּדַמֶּיךָ חַיִּי:

²²² וְתִבְּאִי בְעֵרֵי עֲדָיִים is a difficult expression. Read literally, it should have something to do with ornaments. It makes sense, and has long been suggested that we read וְתִבְּאִי עַד עֲרִים, you have reached (the time of) menses.

²²³ Cf. Ezek 16:45. By Amorite and Hittite, Ezekiel means Canaanite. He is not referring to the earlier kingdoms of the Late Bronze Age.

“And I passed by you wallowing in your blood, and I said to you, ‘in spite of your blood live,’ and I said to you, ‘in spite of your blood live.’”

It seems clear that the child is being told to “arise from your bloodiness.” In other words, come forth from the state you are in and enter into a much better one. Though the overall sense of the verse is positive in that the father/husband, Yahweh rescues a foundling, it is essential to understand that the blood on the child is impure and that she is rescued in spite of being covered in blood. My reading of בְּרֵיחַ is supported by J. Bergman and B. Kedar Kopfstein.²²⁴ This reading of “b” is well attested in Ugaritic as well.²²⁵ Others are more tentative in their translations, keeping to the simple sense of the preposition. Moshe Greenberg translates, “in your blood;”²²⁶ W. Zimmerli translates, “as you lay in your blood, live;”²²⁷ Walther Eichrodt has “in your blood...”²²⁸ However, these translations leave open the possibility to see the blood as life-giving, positive, or at least powerful. However, if the blood is depicted so

²²⁴“dām” in *TDOT* 3:234-249.

²²⁵ Ugaritic reference

²²⁶Moshe Greenberg, *Ezekiel 1-20* (AB 22; New York: Doubleday, 1983) 270.

²²⁷*Ezekiel 1: A Commentary on the Book of the Prophet Ezekiel, Chapters 1-24*, (Translated by Ronald E. Clements; Edited by F.M. Cross, K. Baltzer, and L.J. Greenspoon; Philadelphia: Fortress, 1979) 323.

²²⁸*Ezekiel: A Commentary*, (Philadelphia: Westminster, 1970) 196. David Biale (*Blood and Belief: The Circulation of a Symbol Between Jews and Christians* [Berkeley: University of California, 2007] 34-37) prefers the simple translation, “in your blood live.” I think we can read the verse accurately in both ways, but I would argue that, as scholars, we read this strange, and yet theologically loaded verse, in ways that support our particular understanding of Ezekiel’s perspective on blood, women, sin, and purity. Biale’s overall thesis has less to do with Ezekiel and more about the way blood works as a symbol in the Hebrew Bible. He argues that the Hebrew Bible, and particularly the priests, view uterine blood as a symbol of life, as opposed to death as others have previously suggested. Because the priests viewed this blood as a positive and powerful life force, it could not come into contact with human beings, lest it tip the balance of procreative power away from the Divinity. I like Biale’s proposal concerning the perceived power in female blood and I think it fits nicely into the way I have characterized P’s understanding of the relationship between women and ritual impurity. With regard to this particular verse in Ezekiel, I cannot read the words simply as “live in your blood” as a statement of encouragement and power. The prophetic writer cannot be suggesting that the life force of the blood is somehow going to sustain the foundling. If this were so, what need would there be for YHWH, the rescuer/father/husband to wash the blood from her body? Why would the prophetic writer describe the child’s appearance as “loathsome” (Ezek 16:5)?

positively, why does the foundling need rescuing? I suspect that theology has played a role in translation.

For centuries, Jews have interpreted this verse in a powerful way. The ancient rabbis included Ezek 16:6 in the “*brit milah*” ceremony, transforming the words, “in your blood live,” into a powerful message about Jewish men and the centrality of the covenantal rite of circumcision. We must be careful, however, to read this verse accurately in its original, biblical context. The blood upon the child is the lochial blood of her mother and it is impure. Interestingly, there is no biblical law which states that babies themselves become ritually defiled when they are born. The language of neglect (concerning the unwashed blood, v.4) and loathing (בְּגִיעַל, v.5) that describes the state of the child suggests something morally offensive about this blood (i.e. attempted infanticide).²²⁹ As we will see, Ezekiel employs the language of טְמֵאָה, impurity, in significantly more cases of moral condemnation than in reference to physical defilement.²³⁰ Although Ezekiel is familiar with Lev 12, he needs the blood to bear the quality of moral impurity in order to proceed successfully with the development of his metaphor.

Interestingly, Yahweh does not wash the blood from the girl until v.9, when the child is no longer a baby but a young woman described explicitly as having fully formed breasts and pubic hair. The nature of the blood in verse nine is ambiguous. Since the girl is older now, menstrual blood is a strong possibility. Moshe Greenberg

²²⁹ See later in 16:44-45 when the prophet rebukes the girl for being like her mother; her polluted corruption is hereditary.

²³⁰ The issue of moral vs. ritual impurity was discussed above in connection with the different emphases in the purity laws of P and H.

suggests leftover lochial blood, while others claim it is blood from the hymen after the girl's first intercourse (described in the previous verse).²³¹ I suggest that the exact nature of the blood is not important to the prophetic writer. The power of the metaphor lies in the simple fact that it is female blood and that it pollutes. Deborah Klee finds that the image of Yahweh touching this blood in an act of cleansing is a positive depiction of female blood on the part of the prophetic author.²³² I would disagree. Though familiar with levitical law, Ezekiel is not concerned with demonstrating that formal priestly policies are being fulfilled. In the process of proclaiming the guilt of the people of Israel, Ezekiel is making a powerful statement about the impurity of female blood. We cannot be sure whether Yahweh, the husband, is washing off lochial blood, menstrual blood, or blood of the hymen (cf. Ezek 16:22). Blood from the hymen is not even ritually impure according to the Pentateuch.²³³ By blurring the distinctions between the different kinds of female blood, Ezekiel groups together all female blood as impure and equates all female blood with violation of the covenant.

When the child shows signs of sexual maturity, Yahweh takes her in marriage and then bestows material adornments upon her. Soon after, however, she begins to sexually pursue other lovers, i.e. gods, to the horror of her husband. As the woman pays more and more attention to foreign men and foreign worship, her husband attempts to dominate the situation through harsh language focused on the woman's body and

²³¹ Greenberg, *Ezekiel 1-20*, 278. Menstrual blood is suggested by Zimmerli (*Ezekiel: A Commentary On The Book Of The Prophet Ezekiel* vol. 1. Trans. by Ronald E. Clements; Ed. Frank Moore Cross; Philadelphia: Fortress Press, 1979) 340. Deborah Klee, "Menstruation in the Hebrew Bible" (Unpublished Dissertation, Boston University, 1998) 103. W.H. Brownlee (*Ezekiel 1-19* [Waco: Word Books, 1986] 225) thinks the blood must originate from the hymen.

²³² Klee, "Menstruation," 103-104.

²³³ A woman does become ritually impure as a result of intercourse, but not because of blood. It is from coming into contact with semen (see discussion in Chapter 4 on Leviticus 15).

sexuality. Ultimately, the woman is to be judged, stoned and her houses burnt (vv. 40-42). In vv. 36-37, Ezekiel says, “Thus says Yahweh, because your copper was poured out and your nakedness exposed through harlotry with your lovers and with all of your idols of abomination and because of your children’s blood that you gave to them, (37) I will gather all of your lovers whom you have taken pleasure in, whom you have loved and whom you have hated, and I will gather them around you and reveal your nakedness to them and they will see all of your nakedness.”

One of the reasons that the metaphor of the woman/city works in such a striking way is that the sexual activity of women in ancient Israel was primarily dictated by men, and therefore men are responsible for their downfall. There is no doubt that these difficult words are a biting critique of men. What becomes surprising is when Ezekiel shifts from metaphorical language into speaking about actual Israelite women. This jump from metaphor to reality occurs in Ezekiel 23, the parable of the two adulterous sisters, Oholah (Israel) and Ohalibah, (Judah). These sisters are symbols of the entire nation. After the judgment against the two sisters, the prophet proclaims, “I will cause wickedness to cease from the land and all women will be instructed thus, so that they will not do according to your wickedness” (Ezek 23:48). The wickedness refers to both harlotry and adultery. Here the prophet emerges from his carefully constructed metaphorical cosmos and announces that real women are at fault.

The sexuality of the women of Israel is no longer “just” a vehicle for a metaphor about sinful Israel. Ezekiel attributes the downfall of the people of Israel to women in some specific way which is not fully articulated. In attempting to explain this

aberration, Andrew Mein suggests that this warning against promiscuity is, in reality, a warning against marrying foreign men. He admits his interpretation does not correspond to any explicit warning against marriage with outsiders in Ezekiel. Mein proposes, nevertheless, that intermarriage undermines the sharp boundary between Israel and the outside world as does the uncleanness and uncontrollability of menstrual blood.²³⁴ It is true that Ezekiel's prophecies are directed to men and it is the women's fathers who would be marrying them to outsiders.

Although I understand the difficulty in trying to explain the prophet's gripe against women, I have a hard time with Mein's proposal. There is nothing to suggest that the problem is intermarriage, at least not in this exilic work. Intermarriage makes sense as an issue once the people were transported to Babylon, but this pronouncement is clearly about the demise of the people in their land. Once the prophet moves away from metaphor and demonstrates how he wishes his parable to be understood, we can be certain he is not merely utilizing figurative language to better the behavior of men. It is now clear that Ezekiel has severe issues with regard to women and blames them for the demise of the Judean people.

Not only are Ezekiel's views more radical than Leviticus, but they are more vilifying than other prophets such as Hosea (2), Isaiah (1) and Jeremiah (2-3), who also employ the metaphor of the unfaithful wife to speak about the disintegrating

²³⁴ Andrew Mein, *Ezekiel and the Ethics of Exile* (Oxford: Oxford University, 2001) 174.

relationship between Jerusalem and Yahweh.²³⁵ Referring to the story of the foundling in Ezek 16, Julie Galambush comments,

Ezekiel exploits fully the unique ability of the female body to exhibit not only the defilement of adultery but also every type of blood pollution, from menstruation to childbirth to murder... At birth she is left in the unclean blood of her mother's womb. [16:6] Upon reaching puberty, she apparently remains in the impurity of her unwashed menstrual blood, until washed by her husband. [16:9] Finally, she incurs bloodguilt through the murder of her own children... [16:36] None of the images of the bloody woman has direct precedent in earlier prophetic texts; the insistent focus on the bloody pollution of Jerusalem's body is distinctive to Ezekiel.²³⁶

3. The third way that Ezekiel connects sin with female blood is by superimposing the image of female blood upon images of the war-torn city. In the expression: שֶׁפַךְ דָּם the shedding of blood, it is unclear whether Ezekiel is referring to female blood or the act of homicide (16:38; 23:45).²³⁷ Ezek 16:38 says "I will judge you as women who commit adultery and who shed blood..." Is he speaking about the murderers in the city or about women who menstruate, or both? The prophet does not say, "I will judge you as those who serve idols and shed blood." He purposely confuses the metaphor with the reality, creating a clear picture of a menstruating woman. In 23:45, the combination of images is even more explicit: "And righteous men, they will judge them; judgment for adulterous women and females who shed blood because they are adulteresses and blood is on their hands." By combining the image of the

²³⁵ For a good discussion on the history of the marriage metaphor in the ANE and in other OT writings see Julie Galambush, *Jerusalem in the Book of Ezekiel: the City as Yahweh's Wife* (Atlanta: Scholar's Press, 1992) 25-59.

²³⁶ Galambush, *Jerusalem*, 102-103.

²³⁷ See also Ezek 22:3.

menstruating woman with the bloodguilty city of Jerusalem, the reader or listener cannot know with certainty to which the prophet is referring. Female blood is the symbol through which the nation falls out of relationship with Yahweh. We find another example of superimposed images in 24:7-8; the female city is critiqued for leaving blood exposed and not covering it.

“Because her blood was in her midst; she set it on the exposed face of the rock, she did not pour it out on the ground in order to cover it with dust. To cause the anger of vengeance to go forth, I have set her blood on the exposed face of the rock to remain uncovered.”

Literally, deaths were not properly avenged and bloodguilt ensues. This theme of exposed blood is reminiscent of God’s harsh words to Cain, “What have you done? The voice of your brother’s blood calls to me from the ground.” However, the exposing of female blood also comes to mind;²³⁸ the H writer states explicitly in Lev 20:18, “And if a man has sex with a menstruating woman and he reveals her nakedness, he causes her source to be uncovered and she reveals the source of her blood, then the two of them will be cut off from their people.” Because the city is depicted as female and the uncovered blood “belongs” to her, the image of menstrual blood is superimposed on the blood in the city. While Lev 20:18, the priestly text, only discusses the blood in the context of the overall sin of menstrual sex, Ezekiel subtly changes the focus from the sin of menstrual sex, basically a male transgression to shedding menstrual blood, a female sin.

Ezekiel also superimposes the image of the bloody woman and the bloody city by intentionally confusing moral impurity with ritual impurity. Clearly, Ezekiel writes

²³⁸ As does the law of slaughter in Deuteronomy 12:16.

more about moral purity: Of the 39 times the word טָמֵא is used in the Book of Ezekiel, only five of them refer to physical impurities as put forth by Leviticus 1-17. The remaining occurrences pertain largely to idolatry and a few to other infractions such as the desecration of Yahweh's name. In one instance Ezekiel specifically equates the defilement of idolatry, which is a moral infraction, with menstrual blood, a ritual one. Ezek 36:17 states:

בְּנֶאֱדָם בַּיִת יִשְׂרָאֵל יָשְׁבוּ עַל־אֲדָמָתָם וַיִּטְמְאוּ
 אוֹתָהּ בְּרִצְפָם וּבַעֲלִילוֹתָם כְּטִמְאַת הַנְּדָה הַיּוֹחָה בְּרִצְפָם
 לִפְנֵי:

“Son of man, when the house of Israel lived on their land and defiled it with their behavior and through their actions; their ways were before me like the pollution of a menstruant.” The impurity described in this passage is two-fold: “and defiled it with their behavior” falls under the category of moral impurity evidenced in the Holiness Code (Leviticus 17-26) while, “like the impurity of a menstruant,” is drawn from the violation of a ritual law. By equating the pollution of menstrual blood, a ritual violation that can easily be rectified, with moral infractions which carry much greater repercussions, the writer initiates a new trend that connects women with impurity. This connection will extend well beyond his lifetime, as we will see in the next chapter.

With logic and ease, Ezekiel could have created figurative language by drawing images from the sin of sex with a menstruant, an intentional act that shares pollution equally between a man and woman. In this way, he would link two moral infractions. Instead, he chose a small, involuntary ritual defilement, menstrual bleeding, to expose

the sin of Israel, a sin so great it caused the people to be thrown out of their land.²³⁹

This is another example of Ezekiel's relying on the work of the priestly writers but using the laws loosely in order to create his own interpretation of events. In doing so, however, Ezekiel is far more misogynistic in his depiction of women and their blood than his predecessors.

The last instance of superimposing images pertains particularly to the pairing of idolatry and menstrual blood. In 16:38, the prophet says, "I will judge you with judgments that suit adulterous women and those who shed blood." In fact, this pairing can be found explicitly at least eight times.²⁴⁰ What exactly did an audience (of men or women) hear when the prophet would say about the woman/city, for example, "because you menstruated and you committed adultery"? The obvious answer is that blood conveys Ezekiel's disgust with the lack of attention to purity issues, while the adultery conveys Ezekiel's critique of the covenant violation. Or, we could say that the combination of bloodshed, symbolized as menstrual blood, and idolatry, symbolized as adultery, represents the violations of ritual law and moral law, both of which Ezekiel is criticizing. However, other images could easily have been substituted to represent the difference between ritual law and moral law, or purity issues and covenant violation.

The focus of this chapter, to this point, has not been to offer reasons for Ezekiel's metaphor of female blood but rather to fully explore the metaphor by comparing it to its legal predecessor, Leviticus, in both the P and H strata. Now I would like to offer two possible explanations for the pairing of menstrual blood and the sins

²³⁹ See also Philip, *Menstruation*, 64.

²⁴⁰ Ezekiel 16:22, 36, 38; 22:2, 3, 4 ; 23:45; 36:18.

that cause moral impurity. The first is that of Biale.²⁴¹ Biale's answer begins with his understanding of gender and impurity in H. Building on his assertion that female uterine blood is a powerful life force, Biale argues that a woman's body and particular "the source (of her blood)" (Lev 20:18) is a symbol of the sanctuary. Writes Biale, "For H, woman's inner source is not only a bodily sanctuary; it is also a synecdoche for the land itself. And he who violates the Temple necessarily violates the land."²⁴² From there, Biale moves to the distinction between the sacrifice of animals whose blood is disposed of within the walls of the Tabernacle, and menstrual blood and semen which must remain outside of the Tabernacle. The biblical writers' conception of idolators is that they violate these boundaries.²⁴³ Idolators drink animal blood as part of their rituals, *and* they engage in cultic sex within the inner realm of their sanctuaries. Their temples, Biale says, "are defiled sites of abomination, sites of 'menstrual impurity,' and warnings of what the Israelites must avoid at all costs.... Thus, one form of ritual pollution, sex with a menstruating woman, became the synecdoche for all forbidden sex, which in turn came to stand for idolatry and murder."²⁴⁴

Biale's explanation for the pairing of menstrual blood with sins which cause moral impurity is dependent upon the conflation of menstruation, an involuntary ritual impurity, with the law proscribing sex with a menstruating woman. This is in keeping with what I have suggested the prophetic writer does in his metaphorical pronouncements. I would like to offer another possible explanation for the pairing of

²⁴¹ Biale, *Blood and Belief*, 37.

²⁴² Biale, 37.

²⁴³ Biale, 38.

²⁴⁴ Biale, 38.

menstrual blood and adultery. In her introduction to *Women and Water*, Rahel Wasserfall reminds us that menstruation as a phenomenon was less frequent in the ancient world than in our post-industrialist society; women were often pregnant or between pregnancies.²⁴⁵ Menstruation could have indicated the inability to conceive or perhaps an early miscarriage. Therefore, for Ezekiel, menstruation may have recalled a sexual union that could produce no offspring. The pairing of menstruation with adultery expresses two aspects of a relationship: one that cannot bear fruit and one gone sadly awry. Indeed, as long as the city menstruates, legally, Yahweh cannot be intimate with her. The metaphor of menstrual blood powerfully symbolizes a failing sexual union; because the people of Israel are corrupt their covenant with Yahweh dissolves like wasted life.

To follow the metaphor, what happens to the menstruating woman/city? Galambush shows that although the city is still referred to in the feminine in the restoration chapters of 40-48, the city personified as a woman is gone; she must be destroyed in order for the community to heal.²⁴⁶ The study of Dalit Rom-Shiloni demonstrates that two strands exist in the Book of Ezekiel: one which is directed to those who were deported and will be redeemed, and one which is directed to those who were left behind and who bear the sin for which Yahweh destroyed the city.²⁴⁷ Those

²⁴⁵Rahel Wasserfall, "Introduction: Menstrual Blood into Jewish Blood" in *Women and Water: Menstruation in Jewish Life and Law* (ed. Rahel Wasserfall; Hanover: Brandeis University Press, 1999) 11. Wasserfall relies on the anthropological work of Barbara Harrell, "Lactation and Menstruation in Cultural Perspective," in *American Anthropologist* 83 (1981): 797-821.

²⁴⁶ Galambush, *Jerusalem*, 151.

²⁴⁷ D. Rom-Shiloni, "Ezekiel as the Voice of the Exiles and Constructor of Exilic Ideology" in *HUCA* 76 (2005): 1-45.

who were left behind, represented by the woman/city, must be destroyed in order for the future returnees to reestablish both the Temple and the covenant.

In conclusion, according to Leviticus, menstrual blood pollutes but this pollution has no implication of guilt. Bringing prescribed sacrifices ends the state of pollution, thus allowing the woman to restore her status as ritually pure. As a simple biological act, it entails no culpability. According to Ezekiel, however, menstrual blood pollutes because of guilt. “You are guilty by the blood that you shed.” No sacrifice but that of the woman, or the city, herself can restore the relationship between Yahweh and the people of Israel.

In the last chapter, I demonstrated that the language of moral impurity employed in the Holiness Code, as opposed to the ritual impurity of Leviticus 16, should be understood no differently than the language of intentional sinfulness. In this chapter, I dealt extensively with the metaphor of Jerusalem as a menstruating woman. I also showed that the prophetic writer, by carefully playing on the word *דמיים*, linked the sins of bloodshed and apostasy with menstruation, which by itself is not a sin in the Hebrew Bible. We saw that the figurative language with regard to menstruation is most explicit in Ezekiel 36:17 where the prophet says, “Son of man, when the house of Israel lived on their land and defiled it with their behavior and through their actions; their ways were before me like the pollution of a menstruant (*כַּטְמֵאת הַנְּקֵדָה*).” Ezekiel casts his accusation of the people of Jerusalem in the language of impurity and menstruation. The text reveals that the pollution of the menstruant is becoming a paradigm of pollution. This change in view of the status of menstruation then gives rise to the possibility of figurative comparisons and metaphors that previously weren’t possible. This evolution

has at least one clear result: the precedent is established to link menstruation with sin.

As we will see in the next chapter, in the Book of Ezra-Nehemiah, the writer can then effectively build on this literary precedent to link the moral impurity of foreigners with the sin of intermarriage. If the unions remain intact, in other words, the land will be menstruous. Although the figurative language is the same as we have seen previously, in the text of Ezra, the lives of non-figurative women and children become the target of the rhetoric.

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Chapter 6: Impurity and Gender in Ezra-Nehemiah

It is difficult to ascertain what life really looked like for Judeans in the period of Ezra and Nehemiah. Settlement patterns and some shifts in population size are suggestive of changes after the exile, but to what degree the community changed cannot be fully determined.²⁴⁸ Furthermore, the date of composition of Ezra-Nehemiah is still in question.²⁴⁹ And, even if the events of Ezra-Nehemiah are taken at face value, scholars still do not agree on their order.²⁵⁰ Other questions exist as well, such as whether Ezra is more aligned with promoting the religion of Israel, or if his primary purpose is consolidating power for Persia.²⁵¹ For this reason, we are confining ourselves more to an ideological evaluation of relevant texts, than to an interpretation of historical and archaeological data.

In the previous chapter, we demonstrated how the prophetic writer combined instances of ritual and moral impurity in order to pronounce on the state of Israel's sins. We observed how the image of the female body was situated between the benign system

²⁴⁸ See the collection of essays edited by Oded Lipschits and Manfred Oeming (*Jews and Judeans in the Persian Period* [Winona Lake: Eisenbrauns, 2006]) for a recent survey of the archaeological evidence.

²⁴⁹ The books of Ezra and Nehemiah describe the beginning of the post-exilic period and continue a semi-straight narrative explicating the happenings of the next several generations. Most give the date of 458 or 398 B.C.E for Ezra and about 445 B.C.E. for Nehemiah. The books of Ezra-Nehemiah must have been composed sometime after that in the late 5th c. or the early part of the 4th c. The two greatest areas of debate about these books are whether they were composed by the author of Chronicles, and whether Ezra and Nehemiah should be considered two books or one. Most scholars now think the author of Chronicles is not the author of Ezra and Nehemiah, but it has become more to common to view the books of Ezra and Nehemiah as one unit. I find this arguments convincing because it seems that both books have segments that are dependent on the other. For a greater discussion of these issues and the references for the respective positions, see Ralph W. Klein, "The Books of Ezra & Nehemiah" *NIB* 3: 663-665.

²⁵⁰ Some commentators like Batten (*Ezra and Nehemiah*, 4-27) situate the events described in Ezra after the beginning of the period of Nehemiah. On the relationship between composition and chronology see Sara Japhet, "Composition and Chronology in the Book of Ezra and Nehemiah" in *Second Temple Studies 2. Temple Community in the Persian Period* (T. Eskenazi and K.H. Richards eds.; JSOTSS 175; Sheffield: JSOT Press, 1991) 189-216.

²⁵¹ Lisbeth Fried, "The Political Struggle of Fifth Century Judah" *Transeuphratène* 24 (2002): 9-21.

of ritual purity (P) and the increasingly less benign conception of moral impurity (H). We find the next evolutionary stage of the intersection of impurity and gender in the Hebrew Bible in the book of Ezra-Nehemiah. The focus of this chapter will be the exploration of two instances in Ezra-Nehemiah where impurity and gender intersect, thereby creating a new biblical ideology of impurity. The first example is the utilization of the word “גִּדְהָ,” understood earlier in the biblical corpus as menstrual impurity, to convey the ideology of moral impurity. The second example concerns the matter of the expulsion of foreign wives and their children from the post-exilic Judean community, an act that thematically parallels the purification rites in the disposal of ritual impurity. After discussing the ideology of the purity system in Ezra-Nehemiah, we will show how these two examples add to what we have already established as the evolution of the Hebrew Bible’s perspective on the synthesis of impurity and gender. We have shown (1) that ritual impurity is both more prominent in pre-exilic literature, which does not discriminate against women within this system. (2) Further, as literary examples of moral impurity increase in the exilic and post-exilic eras, so too are women portrayed in a more negative light. The examples of the intersection of gender and impurity in Ezra-Nehemiah will further prove this thesis.

A. Relevant Ideological Trends in Impurity in the Second Temple Period

Ezra-Nehemiah describes the beginning of the Second Temple Period (530 B.C.E.-1st c. C.E.) when the ideology of purity undergoes two primary changes. First, the categories of ritual and moral impurity become intertwined, so much so, that it is difficult to delineate where one ends and the other begins. By the time we get to

pertinent texts from Qumran (c.150 B.C.E), the two ideologies of impurity seem to actually converge. Klawans identifies five ways in which this convergence occurs:

First, very frequently, sins--and not just those enumerated in Leviticus 18, but all sins--are described as impurities. Second, outsiders, who by definition, sin, are assumed to be ritually pure. Third, insiders are not to sin, and those who do are likewise considered defiling. Fourth, initiation involves not only moral repentance, but ritual purification. Finally, instances of ritual defilement among insiders seemed to be assumed to result from sin: The ritual purification of insiders involves repentance too. The first four of these notions can most clearly be seen in The Rule of the Community (1QS), but they are in evidence also in the Damascus Document (CD), the Thanksgiving Scroll (1QH), and the Peshar Habakkuk (1 QpHab) as well as other documents. The fifth notion can most clearly be seen in 4Q Purification Ritual (4Q512) and is in evidence elsewhere too.²⁵²

Although ritual and moral impurity seem to coalesce starting in the period of the Qumran community, we can see the collapse in the categories of impurity as early as the prophetic writings of Ezekiel. However, in Ezekiel, the collapse of categories can occur only because the prophetic writer is playing on the categorical distinctions as a literary technique, i.e. metaphor. We will return to the difference between the ideologies of purity in Ezekiel and Ezra-Nehemiah below.

The second development in the ideology of impurity in the Second Temple Period is the continued emphasis on moral impurity over ritual impurity, albeit for different reasons than we have seen before. In some cases, the emphasis on moral purity pertains to the tightening of boundaries around membership in the community of Judah. In Ezra-Nehemiah and Jubilees,²⁵³ there is an attempt to underscore the importance of Judean endogamy and to increasingly vilify intermarriage to outsiders. Thus, the ideology of moral impurity expands in this period to include not only the

²⁵² Klawans, *Impurity*, 75.

²⁵³ The Book of Jubilees can be dated to sometime between 135 and 105 B.C.E. *The Apocrypha and Pseudepigrapha of the Old Testament, Volume Two: Pseudepigrapha* (R.H. Charles, ed. Berkeley: Apocryphile, 2004. First pub. Clarendon, 1913) 1.

sexual sins outlined in the Holiness Code (Lev 18, 20), but now, marriage to foreigners as well. Christine Hayes creates a new term altogether to describe the state of the offspring of these marriages, “genealogical impurity,” and I will return to this issue in the discussion below.²⁵⁴ The language of moral impurity is also employed in this period to describe the unwanted influence of outsiders in general, because they lead others to sin.

B. The Ideology of Impurity in Ezra-Nehemiah

The ideologies of both ritual and moral impurity can be found in Ezra-Nehemiah. Once the temple was rebuilt, and the sacrificial cult reinstated, the system of ritual purity was reconstituted. The system of ritual purity (as discussed in Chapter 4) is inter-dependent with the existence of the Temple. If there is no Temple, there is no reason to be ritually pure. And without the Temple, purification is impossible.

כִּי הִטְהַרוּ הַכֹּהֲנִים וְהַלְוִיִּם כְּאֶחָד כָּל־שָׂדֵהוֹרִים

וַיִּשְׁחָטוּ הַפֶּסַח לְכָל־בְּנֵי הַגּוֹלָה וְלֹא־חִיָּהֶם הַכֹּהֲנִים וְלֵהֶם:

²⁵⁴ With regard to the book of Jubilees, Liora Ravid (“Purity and Impurity in the Book of Jubilees,” *Journal for the Study of the Pseudepigrapha* 13 [2002] 71) calls the ideology of impurity described there a “metaphysical impurity,” because the greatest source of impurity in the book of Jubilees is leading others into sin. This clearly falls into the category of moral impurity. Ravid’s use of the term “metaphysical” is interesting since, from my understanding, all impurity is somewhat intangible. Nevertheless, she is trying to underscore the difference between the ideology of impurity in Jubilees and in other places. As Ravid shows, ritual impurity is almost non-existent in the book of Jubilees, with the exception of lochia blood. Even the extreme case of corpse impurity is severely downplayed, if not downright eradicated in Jubilees. Jacob does not become impure when he is lying next to the corpse of his grandfather Abraham. In Jubilees, rather, impurity exists to describe desecration of time, such as when one might accidentally confuse the Sabbath with another day (Ravid, “Purity,” 71). According to Jubilees, impurity is in the air and one has to cleanse oneself before entering a holy space. However, people can remain pure during their lifetimes if they so choose. This ideology of purity is not found in Ezra-Nehemiah. However, it will become clear in the course of this chapter that the ideology of purity in Ezra-Nehemiah serves as an interim step in the evolution of the purity laws. The Book of Jubilees both devaluates the system of ritual purity and expands the system of moral impurity to include sins that might arise in everyday life, as opposed to apostasy, murder and incest exclusively.

וַיֹּאכְלוּ בְנֵי־יִשְׂרָאֵל הַשֹּׁבִים מִהַגְלוֹתָ וְכָל הַנְּבָרָל מִטְּמֵאת גוֹיֵהָאָרֶץ

אֱלֹהִים לְדַרְשׁ לַיהוָה אֱלֹהֵי יִשְׂרָאֵל:

For the priests and levites were purified as one; they were all pure. And they slaughtered the Passover offering for all the children of the exile and for their brothers, the priests, and for themselves. And the children of Israel ate, those who returned from exile, and all those who had separated themselves from the impurities of the peoples of the land, joined themselves, to seek YHWH, the god of Israel. (Ezra 6:20-21)

The phrase “the impurities of the people of the land” had suggested to some scholars that Ezra-Nehemiah considers gentiles to have an intrinsic ritual impurity. However, Hayes has convincingly shown that it is not ritual impurity that the author was concerned about, but rather moral impurity.²⁵⁵ The best example she offers as proof is Nehemiah 10:32, in which Nehemiah proclaims that Judeans should not buy wine or food from the “peoples of the land.” The issue for Nehemiah is clearly one of violating the prohibition of engaging in commerce on the Sabbath, and not one of interacting with a gentile, or even handling food or wine that was touched by him. There are no grounds on which to suggest that gentiles are ritually impure in Ezra-Nehemiah.

If we look closely at the purification described in Ezra 6:20-21, we can identify both the ideologies of ritual impurity and moral impurity. The returning priests and levites are undergoing acts of ritual purity, although the text does not indicate whether these are sacrificial rites or immersions in water. Verse 21 refers to a second group of people who are also preparing to eat the Passover offering. This group did not return from Babylonia, but are joining the community of the returnees. This group eats as well, but their purification is non-ritual. “They separated themselves from the

²⁵⁵ Christine Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002) 21-22.

impurities of the peoples of the land.” This impurity is categorically moral, and distinct from the ritual purification the returnees underwent in the previous verse. Therefore, from these verses, we can conclude that (1) the returnees had a sense of ritual impurity as in the pre-exilic, Priestly sense, and (2) they had a conception of moral impurity as in the late pre-exilic, Holiness sense. Both of these are again non-gendered. (3) By this time, both of these conceptions are underlying ideologies of purity in the Second Temple Period.

C. “נדה” in Ezra

To this point, we have dealt with typologies of impurity, and not their interconnections with gender. In Ezra 9, however, the language of xenophobia (or, to be more generous, the urgent feeling of communal self preservation) is couched in a distinctly female image. The text decries the unwanted foreign influence on the post-exilic Judean community by calling it נדה, menstruous/polluted.

וְעַתָּה מִה־נֹאמַר אֱלֹהֵינוּ אַחֲרֵי־זֹאת כִּי
 עֲזַבְנוּ מִצְוֹתֶיךָ: 11 אֲשֶׁר צִוִּיתָ בְּיַד עֲבָדֶיךָ הַנְּבִיאִים
 לֵאמֹר הָאָרֶץ אֲשֶׁר אַתֶּם בָּאִים לְרִשְׁתָּהּ אֶרֶץ נֹדָה
 הִיא בְּנֹדַת עַמֵּי הָאָרְצוֹת בְּתוֹעֲבֹתֵיהֶם אֲשֶׁר מִלֹּאנֶה
 מִפֶּה אֱלֹפִיָּה בְּשִׂמְאַתְם: 12 וְעַתָּה בְּנוֹתֵיכֶם אֵלֶּתְתֵנוּ
 לְבָנֵיהֶם וּבְנֹתֵיהֶם אֵלֶּתְשָׂאוּ לְבָנֵיכֶם וְלֹא־תִדְרָשׁוּ
 שְׁלָמָם וְטוֹבָתָם עַד־עוֹלָם לְמַעַן תִּחְזְקוּ וְאִכְלֹתֶם
 אֶת־טוֹב הָאָרֶץ וְהוֹרֵשְׁתֶּם לְבָנֵיכֶם עַד־עוֹלָם:

(10) And now, what can we say, our God, after this? For we have gone astray from your commandments (11) that you commanded us through your servants the prophets, saying: The land you are coming to possess is a polluted/menstruous (נדה) land, by the pollution/menstruation (נדה) of the peoples of the lands, by their abominations with which they filled it from one end to another (lit. from

mouth to mouth) with their impurities. (12) And now, do not give your daughters to their sons and do not marry your sons to their daughters. And, for eternity, do not seek their welfare or their wealth, in order that you be strong and that you eat the good of the land. And then you shall bequeath it for your children forever. (Ezra 9:10-11)

The land is polluted because it is filled either with the locals themselves because they may lead others to sin, or, more likely with their practices, which are abominable to YHWH. I will return to the matter of intermarriage below, but for now, we are specifically interested in the development of the figurative use of נדה. This is the first time the land is called ארץ נדה in the Hebrew Bible. From the perspective of this pericope, the land needs to be reinvented, completely cast out of its current condition. The root is used twice to emphasize the intense tone of revulsion.

To identify how the term *ndh* came to be identified with intentional wrongdoing, we need to look at the developmental stages of the term. First, let us look at the origins of the root נדה. *Ndh* appears to be a fusion from both *ndd* (Qal-to flee; Hiphil- to cause to flee) and from *ndy* (Piel) to chase away, put aside, related to Akkadian *nadû*, to throw down.)²⁵⁶ Milgrom posits that the original meaning is a combination of the two roots, and translates *ndh* as expulsion or elimination. He says, “In addition, *niddâ* came to refer not just to the menstrual discharge but to the menstruant herself, for she too was “discharged” and “excluded” from her society not by being kept at arm’s length from others but, in many communities, by being banished to and quarantined in separate

²⁵⁶ Milgrom, *Lev 1-16*, 745. Conversely, this may not be a simple case of the fusion of roots. It could also be a case of congeneric assimilation, in which the meaning of one root travels to a foreign root with a similar sound.

quarters.”²⁵⁷ The ideas of banishment, exclusion, revulsion and fear are all embedded in the term itself.

Menstruation is used figuratively in other biblical contexts, some which have parallel connections to the priestly purity laws and some which do not. נרחה, another word for a menstruating woman, sometimes translated as “sick” (cf. Lev 12:2; 15:33), is found in the exilic writings of Isaiah (Isa 30:22²⁵⁸), “You shall defile the covering of your graven images of silver and the ephod of your molten images of gold. You will cast them out like a menstruant (sick one). You shall say to it, get out!” The verse states that they should treat the idols as טמא, impure, and cast them out as a menstruant. It is unclear whether this reflects social reality for menstruants, but the menstruating woman is already a symbol for someone on the outskirts of the community, perhaps even one who is temporarily banished. While one could argue that the verse is merely reflecting a familiar social milieu, it is, virtually links a menstruating woman with sin. A similar literary meaning can be found in Ezek 7:19-20, “they shall throw their silver into the streets, and their gold should be as a menstruant (נרחה); Their gold and their silver will not be able to save them on the day of YHWH’s fury. Their souls will not be satisfied and their insides will not be full because their sins became a stumbling block.” In this case, wealth should be cast out as a menstruant. In other words, material gain will not bring satisfaction and should be discarded. Here something with the potential

²⁵⁷ Milgrom, *Lev 1-16*, 745.

²⁵⁸ Although Isaiah 30 is usually considered a “pre-exilic” chapter (chapters 1-39 are traditionally cited as products of the 8th century B.C.E.) many scholars have demonstrated that Isaiah 1-39 underwent a significant redactional overlay during the exile. According to Blenkinsopp (*Isaiah 1-39*, [2000] 82, 90, 381,421) parts of Isaiah 30 manifest this editorial process. See also O. Kaiser, *Isaiah 13-39* (Philadelphia: Westminster, 1974) 302. B. Childs. *Isaiah* (Louisville: Westminster John Knox, 2001) 228. H.G.M. Williamson (*The Book Called Isaiah: Deutero-Isaiah’s Role in Composition and Redaction* [Oxford: Clarendon, 1994]) argues that Isaiah 1-30 was so greatly edited in the exilic period that an original 8th c. Isaiah 1-30 can no longer be considered an independent corpus.

for good has lost its power and must be cast out. To follow the simile, the female reproductive system can be beneficial, but when it is extraneous and lacks a specific purpose (as when it is bleeding), a woman should be avoided.

In Lam 1:17, Jerusalem will be considered by her enemies as a נדה, a menstruant.

פָּרְשָׁה צִיּוֹן בְּיָדֶיהָ אֵין מְנַחֵם לָהּ צָנָה יְהוָה לְיַעֲקֹב סְבִיבָיו צָרִיו הָיְתָה יְרוּשָׁלַם לְנֹדָה בְּיָמֶיהָ:

“Zion spreads out her hands; there is none to comfort her. YHWH has commanded about Jacob, his enemies surround him. Jerusalem is a menstruant among them.” In this case, the aspect of the menstruant that the writer highlights is her expendability and her worthlessness. Again, this is a degrading portrayal of a menstruant, but the tone is slightly sympathetic as opposed to the angry, vengeful and violent representation we saw in the analysis of Ezekiel in the previous chapter.²⁵⁹

The connotation of נדה in Ezra 9:11 does not immediately women call to mind, notwithstanding its literal meaning. Hence, Philip argues that we should translate *ndh* in Ezra as, simply, “impurity.” While it is not incorrect to translate *ndh* as “impurity,” there are clear “female” overtones that ought to be acknowledged in translation.²⁶⁰

Although her original analysis fails to explore the negative implications of the term נדה, in her most recent work, Philip acknowledges that the way *ndh* is utilized in Ezra is pejorative. She says, “The negative concept of impurity is thus identified with

²⁵⁹ Also slightly more benign are the figurative uses of the term in two post-exilic compositions, Zechariah and 2 Chronicles. In Zechariah 13:1, the prophet says “in that day a fountain shall be opened to the house of David and to the inhabitants of Jerusalem for sin-offering and נדה.”

²⁶⁰ Philip, *Menstruation*, 34-35.

menstruation.”²⁶¹ By this, I think Philips means the negative “aspect” of impurity, as opposed to the aspect that might be considered systematically neutral, natural, or human (see Chapter 3).

However, it is not just that *ndh* is used perjoratively in Ezra, it is that *ndh* is used unknowingly pejoratively. For example, let us compare the way menstruation works as metaphor in Ezekiel with the way it is used in common speech in Ezra. In Ezekiel, the fruitfulness of the metaphor lies in the tension between the categories of ritual and moral impurity. If the audience did not understand these two ideologies of impurity to be categorically distinct, Ezekiel’s metaphor would fail. Although, thanks to Ezekiel, sin and menstruation are linked, the phrase, “their sins were before me *like* the pollution of a menstruant,” indicates that the reader understands that, in fact, sins are not the same thing as menstrual pollution.

The opposite is true for Ezra-Nehemiah. With regard to ideologies of impurity, Ezra-Nehemiah should be considered the interim stage between Ezekiel and Qumran. By the time Ezra-Nehemiah is being written in the post-exilic period, no tension between the ideologies of impurity remain. When Ezra speaks of *בגדלת עמי הקרצות*, he is utilizing a term, *נדח*, which had previously referred specifically to “menstruation,” to connote a general sense of impurity.²⁶² In one phrase, ritual impurity, moral impurity, and femaleness have together coalesced to the degree that no one can distinguish

²⁶¹T. Philip, “Gender Matters: Priestly Writing on Impurity” *Embroidered Garments: Priests and Gender in Biblical Israel* (ed. D. Rooke; Sheffield: Sheffield Phoenix, 2009) 55.

²⁶²Most translators render *נדח* in Ezra 9:11 as pollution or impurity in the general sense without the specific meaning of menstruation. See, for example: Joseph Blenkinsopp, *Ezra-Nehemiah* (Philadelphia: Westminster, 1988) 180. Loring W. Batten, *A Critical and Exegetical Commentary on the Books of Ezra and Nehemiah* (ICC; Edinburgh: T&T Clark, 1961) 335. H.G.M. Williamson, *Ezra, Nehemiah* (WBC, vol. 16; Nashville: Thomas Nelson, 1982) 126. See also the analysis of T. Philip, *Menstruation*, 34-35. This issue of translation will be addressed below.

between them. The combined ideologies of impurity is the next developmental stage in the ongoing relationship between gender and impurity. Women can now be conceived of, periodically, if not perpetually, as impure--whether ritually, morally, or somewhere in between. The misogyny in Ezra is not violent, overt, or angry; it is simply assumed.

D. The Matter of the Foreign Wives

The use of the term נדה in Ezra, however, is only part of a complete analysis of the intersection of gender and impurity in this book. In order to paint a full picture, we must examine the relationship between impurity and the matter of foreign wives, whose expulsion, along with their children from the community of Israel is a prominent theme in the books of Ezra and Nehemiah. Before entering into this important discussion, however, we need to address a complex set of issues surrounding the episode. These issues range from the accuracy of the account, to the number of sources scholars can isolate in the text, to the basic ways in which we interpret the episode.²⁶³ Is it a story about a ritualized xenophobic action, extreme nationalism, or scape-goating women/witchhunts? Any and all of these readings coincide with changes in the ideology of the purity system in this period.

²⁶³ For example, Diana Lipton (*Longing for Egypt and Other Unexpected Biblical Tales* [Sheffield: Sheffield Phoenix, 2008]218-229) reads the episode not as an expulsion, but as mandated divorces. For Lipton, this changes the tone of the episode. Even if Lipton is right, that we should read divorce instead of expulsion, the difficult decision of the Judean community and the disruption to families, cannot be mitigated. Furthermore, from a literary perspective, the expulsion of the women still represents the bettering of the community in a moral sense. If the expulsion happened, and it is not clear that it did (see below) it is better to understand what the texts means, rather than soften it with linguistic explanations that do not change the reality of the circumstances.

The pertinent pericopes are Ezra 9:1-9, Ezra 9:10-15, and Ezra 10. I will briefly summarize the order of events. In Ezra 9:1-9, the leaders of the exile approached Ezra about a trespass (מעל) ²⁶⁴ committed by priests, Levites and Israelites: they have failed to separate themselves from the people of the land, people who have committed abominations (תעבוה). The problem which has ensued, according to these leaders, is that holy seed has been mixed with the people of those lands through the marriages of the Israelites' sons and daughters to other peoples. Ezra appears astonished to hear the news and enacts several visible signs of mourning, such as tearing his garment and shaving his head and beard. Ezra remains this way all day. At the evening sacrifice he calls out to YHWH, acknowledges the sin, and begs for mercy. In Ezra 9:10-15, Ezra changes his tone to one which could be described as a rally for the community. He encourages them to cease arranging these marital unions, lest they lose their rights to the land. It is in this pericope that we find the verses on impurity that I quoted above (Ezra 9:10-11). While the writer does not call marriage to foreigners "impure," the fact that members of the Judean community have been influenced by, or have even become part of another community is described in the language of impurity. "(11)...The land you are coming to possess is a polluted/menstruous (נדה) land, by the pollution/menstruation (נדה) of the peoples of the lands, by their abominations who fill it from one end to another (lit. from mouth to mouth) with their impurities. (12) And now, do not give your daughters to their sons and do not marry your sons to their daughters." It is clear that the language of impurity and intermarriage are connected.

²⁶⁴ *Ma'al* is another term for trespass against God, or intentional sinfulness. Milgrom ("The Concept of *Ma'al* in the Bible and the Ancient Near East," *JAOS* 96 [1976]: 236-247) says, "Every act of *ma'al* involves trespass upon the sancta or name of God, an act which may cause the destruction of the community as well as the offender."

Ezra 10 describes the scenario that ensues when Ezra completes his prayer/oration. Shechaniah, son of Jehiel, approaches Ezra and requests the establishment of a covenant in which all who have married foreign wives will send them away along with their offspring. Ezra agrees, stands up, and calls upon the priests, Levites and Israelites to swear they will follow through with the stipulations of the covenant. The people agree and decide that they should all meet in Jerusalem in three days. Those who don't come will be eternally separated from the community. On the twentieth day of the ninth month, they gather in Jerusalem and Ezra again adjures all who are present to carry out the order to dismiss the wives and children. The people agree, but complain that the matter is too great to deal with in a day or two (and they are in the middle of the rainy season). What happens next is unclear. It is possible that the leaders expel their wives first. It is also possible that expulsions are carried out region by region, under the authority of the local leaders.

By the 1st day of the tenth month (only 10 days after the matter was first discussed) the matter of the wives is finished.

וַיִּכְלּוּ בְּכֹל אַנְשֵׁי הַהַשִּׁיבוּ נָשִׁים נְכָרִיּוֹת עַד יוֹם אֶחָד לְחֹדֶשׁ הָרִאשׁוֹן

And they completed the whole matter of the men who had settled (with) foreign women by the 1st day of the first month. (Ezra 10:17).

Some read this verse not as a proclamation that the wives were expelled, but rather that the discussion over what to do about the issue was completed. Either way, the community intends to proceed with the expulsion, if they have not already done so.

E. Historical and Sociological Factors in Persian-controlled Judea

When the text says that the matter of the foreign women was completed, we have to ask if there is any historical evidence, apart from the Hebrew Bible, that buttresses the biblical claim that the foreign women and children were actually expelled. The short answer is no. What follows are three historical readings by scholars. Each has its strength and each its weakness. While I am influenced by all of these readings, ultimately, I am limiting my conclusions to the ideology of purity and its implication for understanding the role of gender in the text.

1. The Theory of Hyperbolic Language

Recently, Yonina Dor advanced the theory that three literary stages can be identified in the combined chapters of Ezra 9 and 10.²⁶⁵ She shows that three separate pericopes exist in Ezra 9-10. Furthermore, Dor demonstrates that each of the three pericopes vary in tone and stringency on the matter of expelling the foreign wives. Due to the lack of consistent content in the telling of the story, she casts doubt on whether the women were actually banned, suspecting that while some in the community wanted to expel the women, in reality the task was too great to fulfill. Dor instead suggests that the most stringent expression of all of the pericopes on the issue of foreign wives, Ezra 10:2-6, should be considered a case of poetic license for ideological purposes. This section was included she says, “to describe things as they ought to have taken place, as

²⁶⁵ Yonina Dor, “The Composition of the Episode of the Foreign Women in Ezra IX-X” *VT* 53 (2003): 26-47. Sara Yaphet, “The Expulsion of the Foreign Women (Ezra 9-10): The Legal Basis, Precedents, and Consequences for the Definition of Jewish Identity” in *‘Sieben Auge auf einem Stein’ (Sach 3,9): Studien zur Literatur des Zweiten Tempels. Festschrift für Ina Willi-Plein zum 65. Geburtstag.* (Friedhelm Hattenstain and Michael Pietsch eds; Neukirchen-Vluyn: Neukirchener Verlag, 2007) 141-161.

an example of exemplary behavior.”²⁶⁶ While I am not sure that I agree with Dor’s interpretation of Ezra 10:2-6, I do accept the validity of her linguistic analysis that three distinct pericopes emerge in the text. From the variations themselves, therefore, we cannot know whether the biblical claim that the foreign women were expelled happened exactly as described.

2. The Witch-hunt Theory

Unlike Yonina Dor, David Janzen begins his study with the assumption that the expulsion of foreign wives occurred as told in Ezra-Nehemiah. Given that the events described have a basis in reality, he then searches for a situation that would not only allow but promote the expulsion of a portion of the community.²⁶⁷ Janzen provides the answer by arguing that Persian Yehud had what anthropologists describe as weak internal integration and strong external boundaries, a scenario ripe for a witch-hunt.²⁶⁸ According to Janzen, the local authorities in Persian Yehud had little control over the actions and behavior of their members, and all Judeans suffered from fear of the outside. This fear, argues Janzen, was based on two main events. The first was the increasing influence of foreign, maritime traders along the Mediterranean coast, a phenomenon encouraged by the Achaemenid authorities. Some Judeans, who lived near the coast for the purposes of having a livelihood, might have spent a lot of time

²⁶⁶ Dor, *Foreign Women*, 44.

²⁶⁷ David Janzen, *Witch-Hunts, Purity and Social Boundaries: The Expulsion of the Foreign Women in Ezra 9-10* (JSOTSup 350; London: Sheffield, 2002).

²⁶⁸ Weak internal integration means that a given society lacks a strong sense of communal identity because of poor economic or social conditions, or for a combination of reasons. A community with strong external boundaries has a clear sense that they could theoretically exist independently of their external surroundings, and, yet, they cannot for military/political reasons.

around foreigners. The second threatening situation in Persian Yehud was the visual presence of the Achaemenid military in the cities and in the temple area. Janzen claims that the Judeans had an overwhelming sense of anxiety and fear of another exile. The combined experience of chaos and fear of foreigners lead to scapegoating, when a scapegoat can be found. When no scapegoat can be determined, a witch-hunt ensues, as in the case of Ezra-Nehemiah. A witch-hunt, as anthropologically defined, occurs to purge the ills of a community by targeting a portion of females among the group (even though no reason can be provided for their stigmatization). For Janzen, the expulsion of the foreign women is illogical and misdirected and therefore fits the standards of other witch-hunts in history. Getting rid of the women, a purification²⁶⁹ of sorts, serves both to unite the community and to recreate the social and moral boundaries that were previously lost.

The success of Janzen's argument relies on the provability of the following claim: the people were indeed living with the social anxiety provoked by the cultural and religious influences of foreign traders and by a heavy Persian occupation. Janzen believes these things were happening on the ground and that the local leaders had little power to promote their own communal values. The claim for more trade in this period is well documented by scholars,²⁷⁰ and Janzen's argument that some Judeans lived outside of Yehud, among foreigners,²⁷¹ makes sense given that the coastal centers were hubs for commerce. We cannot ascertain, however, how much anxiety might come

²⁶⁹ Janzen (*Witch-Hunts*, 49) does not utilize Klawans's (*Impurity and Sin*) distinctive terms moral and ritual purity. Rather, Janzen explains the purity language in Ezra as social purification, that which restores a moral sense to a weakening community.

²⁷⁰ See Lipschits, "Achaemenid Imperial," 26.

²⁷¹ Janzen, *Witch-Hunts*, 104.

from living among foreigners nor can we know how many Judeans might have been adversely affected by this cultural influence. Furthermore, if anxiety did exist, can we show that it accounts for the expulsion of the foreign wives? Archaeological evidence does support Janzen's second point, that the presence of foreign troops were likely visible to the average person living in Judea. Lipschits' study shows that while the coastal areas were built up to increase maritime trading, the inland areas were left to produce agriculture and remain rural. Furthermore, there was more Persian military presence visible to the average Judean since, unlike in the coastal areas which were left alone, the Persians erected forts and administrative centers along Judean roads.²⁷² Janzen's claim, however, is that this presence was perceived as excessively threatening, a point that is hard to substantiate. Is it possible that instead of feeling threatened by marauding traders, the people might have been accustomed to having non-Judeans in their midst. After all, Judah had not really operated independently for centuries.²⁷³ We cannot know the extent to which the people lived in fear of another exile. Janzen presents an interesting analysis but, ultimately, his analysis depends on historical assumptions that I am not sure can be adequately defended from the historical data.

3. The Consolidation of Lands for Persia Theory

Lisbeth Fried paints a different picture. Although she concurs that the Persian occupation was difficult for the Judeans, she argues that local leaders like Nehemiah

²⁷² Oded Lipschits, "Achaemenid Imperial Policy and the Status of Jerusalem" in *Judah and the Judeans in the Persian Period* (O. Lipschits et al., eds.; Winona Lake: Eisenbrauns, 2006) 19-52.

²⁷³ See Lipschits ("Achaemenid Imperial Policy," 30) in which he demonstrates that the hill country was also important to the Persians, though they did encourage the rural settlements, as did the Babylonians before them, to continue producing agricultural goods which were likely taxed.

and Ezra were actually working for Persia more than for the people of Yehud.²⁷⁴ Fried demonstrates that certain Judean families had become wealthy and were consolidating land for themselves, in part by intermarrying with other land-holding families. Therefore, Fried reads the expulsion of the “foreign” women as Persia’s attempt, through emissaries Ezra and Nehemiah, to thwart the plans of local power bases to hoard wealth and withhold the land from the Persian authority. Fried asserts that neither Ezra nor Nehemiah would have had any independent power to enforce their own wills upon the people. The punishment of tearing out hair (Neh 13:25) is a Persian form of punishment, not one that we see in Israelite law. In Fried’s view, the local leaders who approach Ezra have power and, therefore, they would not exhibit signs of high anxiety as Janzen suggests. Fried understands the issue of foreign women in economic and political terms.

From my standpoint, one of the weaknesses in Fried’s analysis is that she omits consideration of the purity terminology, so evident in the text of Ezra-Nehemiah.²⁷⁵ If Fried were suggesting that Ezra’s concern for the land was that it remain Judean, as opposed to Persian, the language of impurity could apply here, in that the land of Israel carries with it an inherent holiness. However, according to Fried’s argument, the writer would be using the language of impurity to manipulate Judeans into consolidating land which, ultimately, would come under the authority of the Persians. While this reading is certainly possible, making it work entails quite a bit of decoding.

²⁷⁴ L. Fried, “Political Struggle,” 19.

²⁷⁵ See also the argument of Yaphet (“Expulsion,” 150) that the concern was over inheritance rights. The marriages were annulled (as opposed to divorce) much as Sarah the matriarch did when she sent away Hagar, a foreign woman of lesser status, in order to secure a larger inheritance for her own son.

F. The Ideology of Impurity in the Matter of the Foreign Wives

As stated above, I have confined my conclusions to an ideological study of the purity language in Ezra-Nehemiah and its ramifications for the study of gender. Is the moral impurity that we see in relationship to the prohibition on foreign wives the same kind of moral impurity we have seen before? Or, conversely, does its inextricable link to foreignness deem it a new kind of purity? The works of Jonathan Klawans and Christine Hayes both discuss this question. Klawans asserts that the concept of moral impurity must be extended from its previous reference to sexual, idolatrous and moral sins set forth in Leviticus 17-27, to include a new aspect - that gentiles possess an inherent moral impurity.²⁷⁶ Hayes cautions against Klawans's view, arguing that with the exception of sexual sins, moral impurity—as Klawans himself construes it, can be overcome through repentance. It cannot, then, come to include something that is genealogically inherent.²⁷⁷ Alternatively, Hayes proposes that a new kind of impurity, a genealogical impurity, begins to develop in the writings of Ezra-Nehemiah. Genealogical impurity clings specifically to the offspring of a mixed marriage. According to Hayes, the genealogical concern will not completely manifest as impurity (טמא) until later post-biblical writing such as in Jubilees. Instead, in Ezra-Nehemiah, Hayes argues that intermarriage only “profanes” (מטיל) [Ez 9:2, 4; 10:6] the next

²⁷⁶ Klawans, *Impurity*, 45.

²⁷⁷ Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University, 2002) 30. In her 2006 work, Yonina Dor supports a position closer to that of Klawans, although she does not reference his work. She thinks that the term טמא is reinvented in this period to refer to everything foreign that is equated with evil. This is how she explains the phrase עמי הארצות.

generation. In other words, Hayes does not directly connect the *טמאה* cited in Ezra 9:11 to the effect of the intermarriage. Thus, according to Hayes, the attitude towards intermarriage in Ezra-Nehemiah represents a more benign stance, before the application of the term impurity, a more severe critique.

Although their terminology differs, Hayes and Klawans both agree that marriage to foreigners in Ezra-Nehemiah serves to damage subsequent generations. I agree with Klawans because he emphasizes the important role that moral impurity plays in Ezra-Nehemiah, and yet I also agree with Hayes because she introduces the discussion of the term *מעל* in Ezra-Nehemiah. However, her position downplays the belief held by the composer of at least a portion of Ezra-Nehemiah that foreigners have a harmful moral influence on the holy Judean community. Whether we translate the term *מעל* as “profane,” “desecrate” or “make sacriligious,” terms that Hayes herself employs to define *מעל*, we should not forget that *מעל* means “intentional sin” (ex. Lev 5:15). If we understand moral impurity as the same as intentional wrongdoing (see chapter 3), i.e. sin, intermarriage in Ezra-Nehemiah, has become a profound violation. As Helena Zlotnick writes, “In Ezra’s recapitulation of history, intermarriage becomes the sin par excellence. It is impiety itself. Indeed, it becomes an institutionalized public crime, just like adultery.”²⁷⁸

Despite Hayes’ argument that impurity is not directly linked to intermarriage in Ezra, impurity does permeate the matter of intermarriage by the very fact that the

²⁷⁸ H. Zlotnick-Sivan, “The Silent Women of Yehud: Notes on Ezra 9-10” *Journal of Jewish Studies* (51/1, 2000) 10.

exclusion of the wives from the community seems to serve as the purifying factor.²⁷⁹ It becomes a way to wipe out the “נדה עמי הארץ” the pollution of the peoples of the land from the holy land itself. We must conclude that by focusing on the sinful nature foreigners, the composers of Ezra-Nehemiah deem intermarriage to be morally impure. Despite Hayes’ pleas for caution, I have to conclude that intermarriage is impure in Ezra-Nehemiah, but perhaps it is not because of an inherent “moral impurity,” as Klawans asserts. Whatever we call this new kind of impurity, it is inextricably linked to gender, notwithstanding arguments by Olyan and Hayes to the contrary.

G. Intersection of Impurity and Gender in the Matter of the Foreign Wives

Olyan and Hayes argue that this impurity does not unfairly target women since it clings both to the children of Judean men and foreign women, as well as to the children of Judean women and foreign men.²⁸⁰ Hayes effectively argues that Ezra needed to create a new, permanent boundary to prevent the profanation of the holy seed of Israel. Circumcision, as a sign of identity, is not an impermeable boundary between Jew and Gentile since a non-Jew can undergo circumcision.²⁸¹ Therefore, she agrees with Olyan that the genealogical discrimination (the “holy seed rationale”)²⁸² is not gendered. It may be that genealogical impurity, as Hayes construes it, is unbiased. However, the only way we, as readers of the text, witness the “impurity” factor, is through the matter

²⁷⁹ I.e. Janzen’s argument. See above.

²⁸⁰ Saul M. Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* (Princeton: Princeton University Press, 2000) 82. Hayes, *Gentile Impurities*, 32-33.

²⁸¹ Hayes, *Gentile Impurities*, 32.

²⁸² I will return to a fuller discussion of the “holy seed” rationale below.

of the foreign wives. To say that Ezra's institution is not gendered is to overlook the sociological factor that Judean women would not have the power to leave foreign husbands as well as the collective nature of the impurity.

1. The Sociological Factor

I am convinced that no ancient social structure would permit Judean women to expel foreign husbands. Presumably, if Judean women were given in marriage to outsiders, these women would lack the option to break an agreement contracted between the families of their husbands and their fathers. It is possible that fathers could attempt to break contracts on behalf of their daughters, but the text makes no mention of this.

Whether or not an expulsion of this kind happened in history is not really the point, however. I think the text of Ezra is focused on women because they have become a symbol of impurity and the community is ready to reinvent itself as a holy nation. It is not even clear who these women are from the standpoint of the text. They could be women descended from those who did not return from Babylonia and were called "foreign" in order to protect the inheritance rights of a new, reformulated community.²⁸³ They could be women of a different ethnic descent, whose presence might prove to threaten a community which is in the process of redefining itself. Again, the external evidence is not decisive on this matter. Nehemiah likens the situation of the priests of Judah to that of Solomon whose foreign wives led him astray (Neh 13:26). If the writer

²⁸³ Tamara Eskenazi and E.P. Judd, "Marriage to a Stranger in Ezra 9-10" in *Second Temple Studies 2. Temple Community in the Persian Period* (T. Eskenazi and K.H. Richards eds.; JSOTSS 175; Sheffield: JSOT Press, 1991) 269.

would have also focused on a group of fathers who regretted marrying their daughters to foreign men, I would concede that the matter had less to do with gender and more to do with xenophobia. Notwithstanding the problems I expressed above about Janzen's and Fried's arguments, I think they both correctly identify that it is the expulsion of the women, and not men, which will rectify the community's problem. While men are certainly included in the group of those deemed foreign, the Judean communal impurity is dissolved through the expulsion of the women.²⁸⁴

2. Collective Impurity

While the ritual impurity of Lev 1-16 and the moral impurity of Lev 17-26 are attained through individual happenstance, the impurity in Ezra-Nehemiah is caused by a specific group, and it can only be countered by a mass expulsion of women and children. This collective effect, with the added aspect of xenophobia, is a different ideology of impurity than have seen in the Hebrew Bible to this point.

Lest it seem like an inconsistency, I want to address my earlier argument (Chap. 2) concerning the Baal Peor episode (Num 25), in which I argued that the Priestly writer was more xenophobic and less misogynistic in the narrative. In that situation, too, the text has foreign women leading Israelite men into apostasy. How can I argue that here, in what seems, from the Bible's theological perspective, to be the same scenario, that the Ezra text is equally misogynistic and xenophobic? My answer is based on the emphases of the two respective texts themselves. Aside from the opening phrase,

²⁸⁴ Washington, "Israel's Holy Seed," 431. He has shown that any men who were originally excluded from the community were eventually reinstated. See Ezra 2:59-2:63 and 2:61 vs. 8:33.

“whoring after” (לִינִיחַ [J source])25:1) and the expression בְּנוֹת מִדְיָן, the story quickly moves to the priestly version which tells the story of one Israelite man and one Midianite woman. Not only does the story focus on a single couple engaged in apostasy, but the woman is named: Cozbi. From the text’s perspective, Cozbi is evil; but, the fact that she is named bestows power on her character.²⁸⁵ Her categorically evil status is due to her connection to the Midianites, an enemy of Israel, because they threatened the existence of the newly forming wilderness community.

The Judean community in the Ezra-Nehemiah narrative suffers many of these same growing pains, but the post-exilic story unfolds on an even more sinister level. In the post-exilic narrative, there is no depiction of one man and one woman distraught by this decree, much less a named couple. This would personalize the problem and perhaps make it relatable to an audience. This is not the intention of the composition. The women are anonymous and they do not speak. The men who speak for the mixed families request time, presumably to take care of arrangements, before they must fulfill the edict and expel the women and children (Ezra 10:12-13). From the perspective of chapter 10, the expulsion is certainly commanded and seen through to completion. “And they had completed dealing with the men who dwelled with foreign women by the 1st day of the 1st month.” (Ezra 10:17).

In the realm of biblical impurity (ritual, moral and, genealogical) we have never before seen an impurity working on a communal level in this way. Nehemiah says, “and I cleansed them from all strangers.” (וַיְטַהֲרֵם מִכָּל-יָגֵר [Neh.13:23]). In the Hebrew

²⁸⁵ On named and anonymous biblical characters see A. Reinhartz, “*Why Ask My Name?*”: *Anonymity and Identity in Biblical Narrative* (New York: Oxford University, 1998) 3-13.

Bible, it is possible for a group, as opposed to an individual, to become impure such as when the Israelites are cleansed on the day of Purgation (Lev 16) and even in Nehemiah 12:30 when the priests and levites purify the people, the gates and the wall. We have seen those who promote foreign worship as a morally impure group (Jer 32:34; Ezek 23:7), but we have not seen a case of impurity that literally requires the removal of a group of women from the community because they are “foreign.” David Janzen’s suggestion that these women were the target of a witch-hunt speaks to the collective “disposal of impurity.” The collective female aspect of impurity that emerges in Ezra-Nehemiah is its distinguishing factor, setting apart this particular interconnection between gender and purity from those we have already seen.

3. The Holy Seed Analysis

There is a perceptible incongruity in the Book of Ezra between impurity, conveyed by the term נדה, and “the holy seed, זרע הקדש,” an expression used to describe the Judean people. כִּי־נָשְׂאוּ מִבְּנֹתֵיהֶם לָהֶם וּלְבָנֵיהֶם וַהֲתַעֲרְבוּ זֶרַע הַקֹּדֶשׁ בְּעַמֵּי הָאָרְצוֹת: “For they have taken their daughters and sons in marriage and they have intermingled the holy seed with the peoples of the lands, and the officials and rulers have been the primary (offenders) of this trespass.” (Ezra 9:2)

Philip says, “In Ezra 9, the impure essence of the foreign nations has defiled the land, and this impure essence must not be in contact with the ‘holy seed,’” but she stops short of concluding that this juxtaposition has negative ramifications for the portrayal of

women in Ezra.²⁸⁶ If “נדה”, a female gendered term, must be kept separate from the זרע הקדוש, gendered male,²⁸⁷ the message is working on a powerful figurative level.²⁸⁸

On this verse, Milgrom comments, “The menstruant, therefore, is a metaphor for extreme pollution, ultimate revulsion.”²⁸⁹ Even more surprisingly, Ezra gives the people a way out of this pollution that has filled the land “from end to end with impurity.” The purification process is enacted by expelling the foreign women.²⁹⁰ Both the function of the term “נדה” in this text and the ensuing purification process is a radical revision of the priestly purity system first spelled out in Leviticus.

Conclusion

The expulsion of foreign women thematically mirrors the purification process. The use of the word נדה conveys the impurity of the peoples of the land, and the edict to expel the women links gender with foreigners and impurity.

The ideological developments of impurity begin to shift in the literary period of Ezra-Nehemiah. The further into this period that we go, the more we observe that the boundaries between ritual, moral, and genealogical impurity are becoming intertwined.

Gender has become an important factor in the consciousness of early Second Temple

²⁸⁶ Lipton (*Longing for Egypt*, 229-232) goes even further suggesting that the holy seed rationale is being misread as a critique of foreigners. Rather, she suggests, Ezra was worried that some part of Israel’s holiness would “leak” (my term, not hers) holiness to the “profane” status of the outsider.

²⁸⁷ Seed/זרע refers to lineage but seed refers to semen as well, for example, in the spilling of seed, זרע, שכבה, (ex. Lev. 15:16)

²⁸⁸ Harold Washington (“Israel’s Holy Seed and the Foreign Women of Ezra-Nehemiah: A Kristevan Reading.” *Biblical Interpretation* 11 [2003]: 435) explores this juxtaposition.

²⁸⁹ Milgrom, Lev 1-16, 952.

²⁹⁰ On this point, I agree with David Janzen (*Witch-Hunts, Purity and Social Boundaries: The Expulsion of the Foreign Women of Ezra-Nehemiah in Ezra 9-10* [JSOT 350; Sheffield: Sheffield Academic Press] 2002). Although I don’t think he can prove that Judean society is susceptible to “witch-hunt” mentality, the biblical text itself supports the idea that the expulsion of the foreign women constitutes a purification process.

writing about impurity. The misogyny and xenophobia that emerge from this literary episode are primarily dependent on the gendered term, נדה. Instead of retreating from Ezekiel's metaphor of Jerusalem as a menstruant, the author/s of Ezra-Nehemiah utilized and extended the idea of *ndh*/impurity as apostasy. Furthermore, in Ezra-Nehemiah, a group of real women must be purged, so that the "*ndh* of the peoples of the land" will be kept separate from the holy seed of Israel. The sin which prompts the expulsion is described in the threefold language found previously in the Bible: from the Priestly language of female ritual impurity, from the moral impurity inherited from H, and from the combined notion of women and impurity, a development established in the Book of Ezekiel.

Conclusion

We began with the question of how the purity system in the Bible intersects with gender and moved quickly to the conclusion that two ways of looking at impurity (ritual and moral) in the Hebrew Bible are better than one. Jonathan Klawans' distinction between ritual and moral impurity has been essential to this project and has allowed for a careful analysis of the ways in which both types of purity intersect with gender. Moral impurity has a much more far-reaching effect with respect to the negative portrayal of women and their bodies.

Feminist criticism of the Bible has had a long history of putting forward these kinds of questions. Like some, and unlike others, I have tried to read the texts more historically than theologically, and I have tried not to pre-judge texts that come out of the ancient world. Meyers' suggestion of applying heterarchy (a term which includes hierarchy and other multi-directional power relationships) to ancient Israel rather than patriarchy is helpful when examining its social structure. Hierarchy is one aspect among many that applies to ancient Israel, and heterarchy is more inclusive of the important roles than women played. However, although heterarchy is more useful when looking at the life and times of people in ancient Israel, we concluded that when looking at Priestly texts, the term, "benevolent patriarchy," is better. Priestly narratives have no particular bias against women, and women actually play a greater role in these texts than scholars have noted in the past.

Priestly writing can also be divided between two sources (P and H) and these sources emphasize different ideologies of impurity. The Priestly source writes about ritual impurity, which applies equally to men and women. The major problem with

becoming ritually impure is that one cannot approach YHWH's Temple for sacrifice. The Holiness source, the editor of the Priestly source, adds a new ideology, moral impurity. Moral impurity is different than ritual impurity in that it cannot be ritually washed away, one is not expected to contract it, and there is a moral stigma for becoming morally impure. Moral impurity is incurred from three sins: murder, apostasy and the sexual violations listed in Leviticus 18, 20. One can repent for having become morally impure, but the Biblical text does not indicate exactly how to do this. The effects of these violations are clear, though. These transgressions will cause the land of Israel to expel its people and, either shorten one's lifespan or eradicate the family's genealogical line.

Moral impurity also applies equally to men and women, although the relevant laws, especially the ones about forbidden sexual partners, are directed towards men. The claim that moral impurity negatively affects women more than men cannot be substantiated until the period of the exile. We inferred that with the absence of the Temple, ritual purity as a category would be neglected, while moral impurity would play an increasingly bigger role in the community. After all, people could be proud of their choices to live holy lives by not killing others, not committing incest, and not worshipping the gods of the Babylonians. Remaining ritually pure after touching a corpse, or even after a seminal emission, is much less relevant when there is no central sanctuary from which to offer sacrifice. The only ritual impurity that might have become relevant in the exilic period is the one impurity that the Holiness source reconfigures into a moral violation, the prohibition against having sexual relations with a menstruating woman. It is only this law that now has aspects of both ritual and moral

impurity. This is not surprising since men and women could “remain holy” in the exile by observing this law, even if the actual ritual impurity they would incur as a result of this intercourse was irrelevant without the Temple. This may be evidence that Leviticus 20:18 was added in the exilic or post-exilic period.

Menstruation was already a symbol of covenant violation in the writings of Jeremiah and Lamentations, not the most welcome image among contemporary readers of the Hebrew Bible. However, Ezekiel brought this image to a new level by intertwining the image of the menstruant with prostitution and sexual promiscuity. Ezekiel symbolized the city of Jerusalem, ravaged by war and bloodshed, as not just a menstruating woman, but as a sexually promiscuous, bloodthirsty woman guilty of infanticide. Ezekiel took an involuntary ritual defilement like menstruation and transformed it into the worst of covenant violations. Pairing covenant violation with female impurity would leave a mark for the next generation.

In the books of Ezra and Nehemiah, menstruation becomes a synonym for moral impurity, and particularly, the loss of Judean religious and cultural identity. Unlike Ezekiel, who clearly had problems with women, no such strange or violent images exist in Ezra. The term נדה is not even translated as menstruation by most commentators. Gender and impurity interconnect in a different way regarding the matter of the foreign wives in Ezra and Nehemiah. The sending away of foreign wives and children appears, thematically, to be the purifying factor in a community infiltrated by foreignness. Although intermarriage was clearly prohibited to both men and women, the text only talks about sending away the women. Their banishment from the community, whether or not it actually happened, provides the resolution to the community’s problem.

While we did not set out to discover “trajectories of misogyny”²⁹¹ in the Bible’s ideologies of purity, we did, in a manner of speaking, find them. The increasing instances of the ideology of moral impurity, transformed by Ezekiel into anti-female rhetoric, over instances of ritual impurity, an ideology clearly marked by gender symmetry, yielded the equation of woman equals impurity. It is for future researchers to assess whether this trajectory continues into the sectarian literature of the Dead Sea Scrolls, the Apocrypha and the Pseudepigrapha, in addition to the literature of the early Rabbis and the Church Fathers.

²⁹¹ A term from Pamela Milne, “Labouring with Abusive Biblical Texts” Tracing Trajectories of Misogyny,” *The Labour of Reading: Desire, Alienation and Biblical Interpretation* (F. Black et al., eds. Semeia Studies; Atlanta: SBL, 1999) 267-283.

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