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Sexuality as a Floating Signifier in the
Incest Laws of Leviticus

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Aristophanes, in Platos' Symposium, describes the birth of humans as *σύμβολον*. Similar to the Midrash, where each human was created an androgynous, and thus humans always search for their second half. I feel like this thesis, a little bit like every meaningful project in life, has been so much more than just my work. I am more than a two-sided human, but rather a multi-faced creature, with many fabulous humans who are a part of me and guide me on my path.

טנא מלא כוכבים
ריח דשאים דובבים
עמוק בטל
פועם לבבי

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English Abstract

This work is an analysis of the semantic field of sexuality, as is presented in Leviticus 18 and 20. It seeks to re-define the meaning of “sexuality” via the topics that are in discussion, as well as propose new explanations for the themes and ideas which are presented in the chapters. The methodological tools are primarily of a terminological nature, as well as contextual and structural analysis of the chapters. The inquiry uncovers connections between the manifestation of life and death in the chapters, alongside living on the land and the “natural order” that is implied and is to be followed.

The introduction of the work presents the reader with the questions that will be discussed in it, as well as a general outline and exposition to the chapters and their significance. The second chapter is the kernel of the research, with a linguistic and contextual analysis of the chapters and their terminology. The third chapter presents the ideas that are driven out from the analysis, and their implications. First of all, a revisit to the ideas of “holiness” in the book of Leviticus. Secondly, a proposal for a title for the chapters which is more encompassing than the “incest laws”, given that there are many other topics in those chapters. And lastly, a proposal for a hierarchy within the prohibitions in the chapters, and its implications to the social order.

The work ends with some closing remarks regarding the possible contribution this inquiry has to the field, as well as future research questions which are yet to have been satisfactorily answered. Methodologically speaking, the work deals with the biblical text as it is in front of our eyes – in its final and redacted version. The research thinks of the text as one, but there are references to the updated diachronic analysis of the chapters. The goal is to decipher the influence of the text as it

appears to its readers, and of the conceptual world that is manifested through it. The question of sources and their redaction is not a part of the inquiry.

The major discoveries of the work are to do with “holiness”, “sexuality”, and the relations between them. Holiness, as it is presented in the work, is a life of differentiating oneself from others and is built gradually. Milgrom suggested vectors to describe the holiness of spaces, dietary laws, and sacrifices – and the same method is applied here for sexual prohibitions, with four levels: general humanity, Israelites, priests, and the high priest. The further up one goes in the hierarchy, the more prohibitions he has upon him. Like other forms of holiness in Leviticus, as Milgrom noted, thus adding to the differentiative quality of being holy.

Secondly, the anachronistic term “sexuality” turns out to not fully fit the themes of the chapters, and that is due to an analysis of the terms “אב וידעני” (ob ve’yidoni) and “מלך” (molek). These terms are connected with the semantic field of necromancy, or a connection with family members who left the world of the living. The work doesn’t suggest a precise meaning to these words, but rather on their connection to the realm of necromancy and “family members” who passed away. Those are prohibitions on the communication from the world of the living to the world of the dead, and that a life of holiness is located among the living, and not in communication with those who aren’t. The violation of the boundary between the living and the dead is a violation of the holiness, as it is presented in the chapters.

In addition, analyzing the words used to denote the prohibitions, lead to a thesis regarding the hierarchy of the prohibited acts and the difference between them. This hierarchy also suggests reading the prohibition of a union between a father and his daughter as a part of the prohibitions in the chapters, even when it’s not explicitly written in the same manner. The prohibitions’ hierarchy opens the path for understanding the difference in the severity of homosexual relations

in comparison with adultery with one's friend's wife, or a sexual union with one's parents. It is the first step regarding a non-binary analysis of taboos as they are presented in the chapters, and understanding that also within taboos there are schemes and different levels of prohibitions.

To conclude, this work suggests that “holiness” and “sexuality” in Leviticus 18 and 20, as a part of a larger discourse, to do with “nature”, and the differentiation between life and death – thus “sexuality” is a floating signifier, signifying more than what it usually does. This discourse is also multi-layered and based on hierarchies between different groups and ideas, which the biblical theology presents in Leviticus. This differentiation creates various levels of holiness, in all realms of life, as well as in sexuality on its many forms.

1. Introduction

ἦ τοι μὲν πρότιστα Χάος γένητ', αὐτὰρ ἔπειτα
Γαῖ' εὐρύστερνος, [...] ἠδ' Ἔρος,
ὄς κάλλιστος ἐν ἀθανάτοισι θεοῖσι.¹

Hesiod, in the Theogony, begins the story of creation with Chaos, after which Land (Gaia) and Sexuality (Eros) were created. In this myth, the relationship between land and sex are those of siblings, closely related, and with a common parent – both descendants of Chaos. Those themes, of sexuality, land, and creation, are also intertwined throughout the Hebrew Bible, and will be presented in this thesis via two chapters from the book of Leviticus.

Leviticus 18 and 20 are two sibling chapters, almost twins. As relatives, they are like each other in many ways, but also have a completely different appearance. They are located in the heart of Leviticus, which as a book is located in the heart of the Pentateuch. Thus, these chapters serve as central themes and ideas – both in structure and in content - for Leviticus, and for the many generations of readers and interpretations of it. They present to the reader and follower of these texts the expectations the God of Israel has from the Israelites, and the interplay between a thriving life to the death penalties upon the promised land of Canaan. The leading question in this research is about what we can learn from those laws, regarding the meaning of sex and sexuality in the Hebrew Bible, and thus enhance our understanding of the chapters and the rules in them.

¹ Lines 116-121 from the Theogony by Hesiod. English Translation by me: “In truth, first of all Chaos came to be, and then broad-breasted Earth [...] and Sexuality/Love (Eros), who is the fairest among the immortal gods”. My work is not in any way related to the Greek culture, but this is brought here merely as an inspiration and opening to the research. Indeed, future research should be invested in the relationship between those two traditions and cultures, possible interaction, and influence.

Everything that is written on Leviticus nowadays is greatly affected and based on the research of Jacob Milgrom and his monumental commentary in Anchor Bible.² His work has unique insights into the composition, structure and redaction of Leviticus.

Commonly referred to as the “incest laws”, they play a very important role in Ancient Israel’s law and culture. The two chapters contain many prohibitions that have to do with prohibited sexual unions with one’s close kin. The two chapters created much scholarly debate,³ and have also become central to western society and Judaism as a religion. A clear illustration of that is the presence of the incest laws as was set out by the church in England in 1603 and held sway until 1907 – it has been pointed that those laws have the biggest impact on western law out of any other biblical law.⁴ In Judaism, Jews of various denominations read those verses in synagogues yearly. Orthodox Jews read them three times a year – twice during the normal yearly Torah cycle, and once on Yom Kippur – the holiest day of the year. These two examples elucidate the importance of these chapters for many generations and societies – both in non-religious spaces, and among those who view the Hebrew Bible as a holy text.

As the title of this work suggests, I am interested in the “floating” nature of “sexuality” as a signifier in those chapters. The prohibitions do not only include sexual prohibitions, but also many other prohibitions that have to do other realms of existence: necromancy, worship, and other prohibited unions that are not related to one’s family. Ferdinand de Saussure, one of the ancestors

² Milgrom’s commentary consists of three parts, and in this work I will mostly refer to the second volume (Milgrom 1991, 2000 & 2001).

³ To name a few: McClenney-Sadler 2007; Olyan 1994; Ellens 2008; Ziskind 1996; Satlow 1994; Walsh 2001; Rosenstock 2009; Stiebert 2016.

⁴ Carmichael 1997, pg.1-3. See also in Dershovitz 2007, ft. 2, on the impact Leviticus 18 and 20 have in the Christian world as well.

and founders of modern linguistics, is also the inventor of a very important distinction for my research. He proposed to break the linguistic sign into two different parts:⁵

The linguistic sign unites, not a thing and a name, but a concept and a sound-image. The latter is not the material sound, a purely physical thing, but the psychological imprint of the sound, the impression that it makes on our senses. The sound-image is sensory, and if I happen to call it “material”, it is only in that sense, and by way of opposing it to the other term of the association, the concept, which is generally more abstract.

If we were to meet someone from two or three thousand years ago, she wouldn't have understood me when said the word “sex”, or *miniyut* (מיניות) – the modern Hebrew equivalent, which is most probably based on a translation from the English. Nevertheless, they probably had other words for the same sound-imagery. De Saussure proceeds with his definitions, and suggests the following:⁶

I propose to retain the word *sign* [*signe*] to designate the whole and to replace *concept* and *sound-image* respectively by *signified* [*signifié*] and *signifier* [*signifiant*]; the last two terms have the advantage of indicating the opposition that separates them from each other and from the whole which they are parts.

In my research, this applies relatively directly. The signified of “sex” and “sexuality” existed in the ancient Near East and in the civilization within which the Hebrew Bible was written and

⁵ Saussure 2011, pg. 66. The book was published in French in 1916 (Three years after Saussure's death) edited by two of his students: Charles Bally and Albert Sechehaye.

⁶ Ibid, pg. 67.

read: people had fantasies, sexual urges, dreams, and lived in sexual intimacy with their wives and husbands, as well as had sex with other – probably legally or socially prohibited – partners.

With that in mind, I'd like to point out the absence of the signifier "sex" or any translation of it to biblical Hebrew.⁷ The signified clearly existed, and there is a vast semantic field that's in use to describe those behaviors, fantasies and ideas. The absence of the signifier is an invitation for an investigation, in which new light will be shed on the mindset and culture within which the ancient Israelites thought of sex. As this work is not in linguistics, I find de Saussure satisfying for this discussion.

In the context of the Hebrew Bible, I think the first step in deciphering the meaning of "sex" in it, one should start in the core text of sexual prohibitions. This idea originated from Michel Foucault monumental project in his *L'Histoire de la sexualité*. He describes the incentive for his research as follows:⁸

[...] in order to understand how the modern individual could experience himself as a subject of "sexuality", it was essential first to determine how, for centuries, Western man had been brought to recognize himself as a subject of desire.

Throughout his book, he tries to lay foundations for such research. Foucault analyzes literary, philosophical, and legal texts as the windows to ancient society as we can access it. It is his work which served as inspiration for the current research. The questions he asks throughout his tetralogy⁹ were regarding the nature and meaning of "sex" and "sexuality" throughout human

⁷ Foucault 1990, pg. 3-4; Boyarin 1995, pg. 333.

⁸ Foucault 1990, pg. 5-6. The book was published for the first time in French, in 1984.

⁹ The fourth book only came out in 2018, see Foucault 2018.

history. In his path, he decided to go analyze Greek and Roman texts and ideas – while in his last book, he went back to early Christianity.¹⁰

I think we need to apply those ideas in reading the Hebrew Bible, and more specifically – the incest laws of Leviticus. Whether one greets Foucault’s work with enthusiasm or suspicion, its impact is undeniable, and it is worth at least considering when reading texts from ancient times. He suggests the following regarding sexual studies in antiquity:¹¹

Sexuality was conceived of as a constant. The hypothesis was that where it was manifested in historically singular forms, this was through various mechanisms of repression to which it was bound to be subjected in every society. [...] to speak of “sexuality” as a historically singular experience also presupposed the availability of tools capable of analyzing the peculiar characteristics and interrelations [...]

As he writes here, sexuality was never a constant. It changes from generation to generation, and from one person to another. There isn’t one way or definition for what “sexuality” is, but rather in order to understand what it means, we must understand how it develops and how it has been shaped in the discourse it is a part of.

Similarly, to Foucault’s work, I wish to go back to the earlier culture of the Bible – that of the Hebrew Bible. Indeed, Christianity has and still does affect western society greatly, but a key factor (especially in his methodology, and for Christianity itself) is to follow the genealogy of ideas – thus, the earlier we start, the better. I think Leviticus 18 and 20 can serve as a good starting point

¹⁰ As was mentioned in the previous footnote, this was only in 2018. Some of my ideas were based on his new book, as the in the first chapter he discusses the connection between procreation and sexuality in the Christian context.

¹¹ Foucault 1990, pg. 4.

for that journey, because of their centrality in the Pentateuch, and all the way through history into modern times.

One of my inspirations is from a late work by Joshua Berman,¹² in which he discusses inconsistencies in the Pentateuch: mostly repetition in law and narratives that are changed upon their many appearances within one text. He wrote on both narrative¹³ and law,¹⁴ but what is important to this inquiry is that I am reading the texts as they were read by generations of readers – not because of a synchronic approach, but because they were meant to be read like that, as they are in front of our eyes¹⁵ - most likely by a late redactor.¹⁶

This is a specific style of writing in the ancient near east, according to Berman.¹⁷ I think Leviticus 18 and 20 are a case in which many generations of readers have read a text with very close repetitions, and in that sense Berman's approach is relevant to this inquiry.¹⁸ I won't try to understand the redaction history in my research, but rather try to understand what is the conveyed message or idea in the way the chapters are presented to us.

This work begins by the same order as that of the chapters. In the coming chapter (2. The Incest Laws of Leviticus), we will begin with chapter 18, and analyze its structure – opening and closing.

¹² Berman 2017.

¹³ Ibid, pg. 17-61 & pg. 63-105.

¹⁴ Berman 2011; Berman 2013b; Berman 2014.

¹⁵ Berman 2017, pg. 102-103.

¹⁶ Berman does not reflect on the question of whether the text of the Pentateuch is redacted and edited, but this is one possible understanding of his book.

¹⁷ Berman writes on the Kadesh Inscriptions (Berman 2017, pg. 17-34. See also Gardiner 1960), Hittite diplomatic literature (Berman 2017, pg. 63-80. See also Singer 2007, pg. 634-636), and on non-statutory law in the Ancient Near east (Berman 2017, pg. 107-117. See also Malul 2006).

¹⁸ There are two kinds of repetitions in the Pentateuch: one is when a law or story is repeated in two different books – in different context. The second is when the story is retold (or the law is restated) within the same text or in very close relation – be it a story or a legal text. My interest lays mostly in the latter kind, as that is the phenomenon which is exhibited in Leviticus 18 and 20.

Afterwards comes the content, and through it also comes chapter 20 – their content is very similar but will also have some differences. This leads to an investigation regarding the meaning of the prohibitions אב וידעני and מלך –¹⁹ as they are connected, and important, for understanding topics of the chapters. Furthermore, these prohibitions clearly create a structural frame to the laws under study. We will see their connection with necromancy and ancestral worship, through a linguistic and cultural analysis.

Continuing with the content-analysis of the chapters, a discussion regarding the meaning of “גילוי ערוה” follows. It is a very central phrase in the chapters and will also unravel the connection to the creation stories: Noah and the tower of Babylon. The relationship between the chapters in Leviticus to those in Genesis will shed light on both contexts, as we will see, and also allow us a better understanding as to how they viewed sexuality generally, in the chapters as well as in their societal context.

Next, we will look at why those two chapters exist at all – and find the answer in the differences. One seems to imply a strong language, related to death and punishment (chapter 20). The other (chapter 18), seems to be more subtle and mostly draw an outline as to the prescribed recipe, for a thriving life on the land. In this context, it seems like chapter 20 is rather the outcome of not following the recipe of chapter 18.

These themes are to be found throughout the chapters in Leviticus, but are further exemplified in the following parts of the research through an analysis of some words that are unclear in the context, and much scholarship has been invested into them. For example, ערירים, דוה, משכבי אישה,²⁰

¹⁹ Schwartz 2000; Hieke 2011; Heider 1985; Day 1989 & 2000.

²⁰ For lack of better words, I will use “homosexuality”. The word is anachronistic, as Halpern has shown (Halperin 1990). I will refer to that in the next chapter.

and some others. I suggest a way to read both chapters together, as one, through the different goals and themes each chapter presents to the reader.

The chapter will end with a discussion regarding the location of chapters 18 and 20 within the greater book of Leviticus – this is done both to show that they are central to the book, and maybe also to the Pentateuch. The main scholars I will use for that are Mary Douglas and Jacob Milgrom, who are the giants on whose shoulders’ one stands, when studying the book of Leviticus from an anthropological or sociological level. The analysis ends with closing remarks regarding the “nature” of sexual unions and the relationship of that to thriving on the land. Leviticus ends the chapters with a threat regarding the vomiting of the land of its dwellers, if they do not follow the rules that are commanded. This means that “growing roots” in the land, as a way of righteous living, will be impossible – and the people will be rather sent out, exiled, vomited for the land. This topic will be expanded in the following chapter as well.

The next chapter (3. Discussion) is an attempt to put together all the pieces that were presented before. It will connect the themes of death and life on the land of Canaan, with the prohibition on ancestral worship, as well as the prohibited sexual unions. The three theses that are presented are (1) regarding the vector of holiness, expanding on Milgrom’s idea on the chapters and in the book of Leviticus at large. (2) Expanding on the idea from the chapter before, regarding the meaning of sexuality and its connection with the land. (3) A suggestion for a hierarchy between a few words that are unclear in the chapters, that seem all to denote different forms of disgust and revulsion: חסד, תועבה, תבל, זמה. It is based on a semantical and a contextual analysis of the terms and their usage in the chapters.

The last chapter (4. Conclusion and Thoughts for Future Research) offers concluding thoughts regarding purity and impurity in chapters 18 and 20, as well as regarding holiness and sexuality,

as is portrayed and based on the discussion throughout the research. Lastly, it ends with some possible paths for future research, perhaps in the fields of biblical studies, but also in the realms of comparative literature, linguistics, psychology, and anthropology.

Methodologically, parts of this work falls under “biblical anthropology”. The term has various meanings which developed in different times and by scholars of multiples disciplines. The first is a school which assumes we can better understand biblical society by studying cultures from around the world that still exist nowadays. Insights of the mechanisms in which human beings live in are the similar – and even if western society changed greatly over those many centuries, maybe some other society created or preserved a key to understanding the Hebrew Bible’s culture.²¹ The second is a school that tries to analyze the bible’s culture – it essentially means to conduct an anthropological research in a culture that exists only in the texts that the Hebrew bible provides us with.²²

The third and last school is understanding the Hebrew Bible was composed within a specific sociological context, and in doing biblical anthropology one must study and bring to light societies that existed as neighboring cultures – both in terms of geography and in terms of chronology. In my research this means looking into incest laws in Mesopotamia,²³ Hatti,²⁴ Egypt,²⁵ and the biblical text, in order to better understand what they meant in the texts they created.

²¹ Those were inspired by Durkheim (Durkheim & Mauss 1963) and Levi-Strauss (Levi-Strauss 1966; Leach 1969 and Leach 1970). Biblical researchers who followed this strand of thought were Marili 2017, pg. 10-22; Wagner 2011; Douglas 1966 and others. See also Durkheim 1898.

²² To name a few: Erbele-Kuster 2008, and later in English: Erbele-Kuster 2017; Van Der Jagt 2002; Lang 1985; Rogerson 1984; Berman 2008; Levavi-Feinstein 2010; James 1961.

²³ For example: Nissinen 1998; Nissinen 2010; Guinan 1997.

²⁴ Ilan Peled from the University of Amsterdam has written extensively on this topic. See: Peled 2010a; Peled 2010b; Peled 2010c; Peled 2013.

²⁵ For example: White 1948; White 1970; Bardis 1967; Middleton 1962; Johnson 2003.

Foucault, in his most recent book,²⁶ reaches the following conclusion regarding sexuality in the ancient world:²⁷

D'un mot, on peut dire que l'acte sexuel dans le monde antique est pensé comme « bloc paroxystique », unité convulsionnelle où l'individu s'abîmait dans le plaisir du rapport à l'autre, au point de mimer la mort.

I bring his words to note how much his work is lacking the biblical and mythological texts. Sexuality, as we will soon see, was an act that yielded so many interactions with spiritual realms. It is a relationship with the land, with other humans, with the living and with death – both as a penalty, and as a separate realm with which those who participate in sex, interact.

²⁶ The book came out in 2018, 34 years after his death in 1984.

²⁷ Foucault 2018, pg. 360. An English translation by Robert Hurley (Hurley 2021): “in a word, we can say that the sexual act in the ancient world was thought of as a “paroxysmal bloc,” a unified convulsional event where the individual would lose themselves in the pleasure of their interaction with the other, to the point of mimicking death”

2. The Incest Laws of Leviticus

Overture

The *ערוה* prohibitions appear twice in Leviticus, and in very close relation. In order to fully understand them, one must pay attention to the structure of both chapters – it is a key to understanding their content, and how they relate to each other. I will start by analyzing the structure of chapter 18 in Leviticus, and mostly through its framing. This analysis will provide a structural definition, as to what is defined as the framing of chapter 18. It yields, as well, a terminological inquiry into the words that are in use in those verses – mostly *והי בהם* and *תקיא הארץ*.

The second part would be the framing of chapter 20, with its comparison to chapter 18 – as they are rather contrasted to each other – if one had to choose general themes, it would be possible to say chapter 20 focuses on death, and chapter 18 on life. Lastly, an analysis of the terminology that is in use in the body of both chapters, starting from the very linguistic term of *ערוה* לגלות, and going through the many unique words that are used to denote the prohibitions, and their meaning in relation to their context and each other.

Structure

Leviticus is commonly divided into two parts: The Priestly book (P) and the Holiness book (H).²⁸ The first part (P) consists of a few topics:²⁹ the first topic is the sacrificial system (Ch. 1-7)

²⁸ H, or the Holiness code, was coined by August Klostermann (Klostermann 1893, pg. 368-419). For further elaboration and more recent research see Knohl 2007, specifically pg. 1-7 & 168-197.

²⁹ There are various ways to subdivide Leviticus, and I am taking the Milgrom division here – I found it satisfactory, precise, and much agreed upon (Milgrom 2000, pg. 1267).

with its various variants and roles. The second is the inauguration of the cult (Ch. 8-10), and the third is the impurity system (Ch. 11-16). Next comes the Holiness book, with a denser set of topics, and a greater variety as well – not only priestly work, but more focus on purity and its laws with a general interest in holiness. H deals with the slaughter and consumption of meat (17), incest laws and מִלֶּךְ worship as well אֲב וִידְעֵנִי prohibitions (18 & 20), ritual and moral guidelines (19), priests' laws (21 & 22), the holiday calendar (23), blasphemy (24), jubilee (25), blessings and comminations (26) and lastly consecrations and their redemption (27).

Leviticus was probably written by more than one author or school.³⁰ It is agreed among scholars that if P was created by one school of writers and redactors, then H was created by another. Later came a final redactor and combined them to a creation that is known to us as Leviticus. I will not try to decide which part was written first,³¹ and when Leviticus should be dated in relation to other books in the Pentateuch.

It has been claimed that the chapters (18&20) have different authors within the H school, and a final common redactor.³² Others think they have a common descent they both refer to.³³ The idea of two very similar chapters that are right next to each other caused many researchers to provide various explanations for the strange phenomenon of reading almost the same text twice.³⁴ The development of the text and its redaction history have been well researched,³⁵ yet those create a whole new path of questions to the reader. In the context of my work, I am interested in

³⁰ This is a consensus among most scholars (for example: Knohl 1988; Schwartz 1993; Milgrom 2000; Rosenstock 2009, and many others)

³¹ For a detailed analysis see Joosten 1996. For a more recent discussion see Knohl 2007, pg. 111-123.

³² Cholewifski 1976, pg. 50-60.

³³ Bigger 1979, pg. 187.

³⁴ Douglas 1999, pg. 221-223 & 238-234; Milgrom 2000, pg. 1516.

³⁵ For an updated analysis see in Dershovitz 2017.

understanding the work of the redactor, and what was in mind as one organized these texts the way they are – thematically and linguistically. The diachronic analysis of the chapters doesn't allow the intertextual and linguistic pragmatic approach that is utilized in the research.

The basic argument I wish to present is that chapters 18 and 20 are wrongly called the incest laws. They should rather be called: "Laws which refer to incest too", or some other title that is broader and includes the many themes these chapters deal with. One can argue, that it is due to redactional work that those chapters are the way they are.³⁶ Indeed, it is possible to break them into smaller parts based on our understanding of sex. Yet, the way those texts are presented to us as readers is such that yields a wholistic reading – one that takes into account each chapter as a unit, thus they ask of us to define this unit as one in our head. We need to be able to understand what the topic of this unit is.

I will start by analysis of the structure of chapter 18 and continue to that of chapter 20. We will see that in each of the chapters it is evident that the topic is not only incest – bur rather something else, perhaps broader, that can indicate for us on Ancient Israel's wider understanding of sex. This topic exists in the realm of the relations between the living and the dead, fertility of humans and fertility of the land, and sexual unions – as a medium and creator of life. In addition, the chapters are two sides of one coin, and are also framed and presented linguistically and thematically as such. As to the meaning of this phrase, we will see how the two chapters complete each other and create a whole image.

³⁶ See for example in Dershowitz 2017, pg. 519-525 or Hieke 2011, pg. 164-165.

Leviticus 18

The chapter consists of three major parts: an opening (v. 1-5), the prohibitions (v. 6-23), and an ending (v. 24-30). Part 2 is unique in its themes and linguistics, while parts 1 and 3 are like very close siblings – similar in language and in content. In this analysis, I will show that chapter 18 is centered on *life*, and on how one should live and thrive in their lives *on the land* of Israel. It is clear from the topics that are mentioned in the chapter, the terminology, and the structure – especially in comparison with chapter 20, as I will later show.

The chapter opens with an exhortation and a description of God speaking to Moses:

(1) וַיְדַבֵּר ה' אֶל מֹשֶׁה לֵאמֹר (2a) דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם

It then goes into a second person plural; addressing בני ישראל:

(2b) אֲנִי ה' אֱלֹהֵיכֶם: (3) כְּמַעֲשֵׂה אֶרֶץ מִצְרַיִם אֲשֶׁר יִשְׁבְּתֶם בָּהּ לֹא תַעֲשׂוּ וְכַמַּעֲשֵׂה אֶרֶץ כְּנָעַן אֲשֶׁר

אֲנִי מְבִיא אֶתְכֶם שָׁמָּה לֹא תַעֲשׂוּ וּבְחַקֹּתֵיהֶם לֹא תִלְכּוּ: (4) אֵת מִשְׁפַּטֵּי תַעֲשׂוּ וְאֵת חֻקֹּתַי תִּשְׁמְרוּ לְלִקְחַת

בָּהֶם אֲנִי ה' אֱלֹהֵיכֶם: (5) וְשִׁמְרֶתֶם אֵת חֻקֹּתַי וְאֵת מִשְׁפַּטֵּי אֲשֶׁר יַעֲשֶׂה אִתְּם הָאֲדָמָה וְחַי בָּהֶם אֲנִי ה':

The text in this chapter claims that the Israelites must keep clean of the “ways of the Egyptians” and the “ways of the dwellers of Canaan”. Whether this is a correct historical assertion or not,³⁷ it has an important rhetorical role to the reader of the text. The aim of the following set of prohibitions is to be different than the people from who the Israelites came, and from the land to which they are walking to (or already in). The Israelites are asked to keep clean and stay obedient to God’s laws as he articulates them in this chapter, and not follow any of the deeds or habits of

³⁷ For an analysis of the Ancient Near East in regard to sexual norms, see in Schwartz and Nussbaum 1974, pg. 90-115; Milgrom 2000, pg. 1519; Peled 2010b; Peled 2015 & Hoffner 1973.

the inhabitants of Canaan or Egypt. The rules the Israelites are asked to keep to are described (in v. 5) as laws that those who do them are alive with them, or in them.

The word חי, and the abstract term חיים have been much discussed and researched in Biblical and ancient Near Eastern context.³⁸ For the case of this incident in this chapter, it is important to note that the word has two important meanings. The first, being alive and well. Not only participating in the world of the living,³⁹ but also being healthy and in a good state – healthy, thriving, potent, fertile.⁴⁰ The second meaning of the word is the opposite of death, as is present in various other texts of the Hebrew Bible.⁴¹ Meaning, that to be alive means to be *not* dead. To take part in the world of the living, and perhaps nothing more. The latter definition is a more basic one, less broad – it seems like the first definition has to lean first on the basic fact of existence, in order to thrive and have a fulfilled life.

Thus, chapter 18 frames its prohibitions within the context of a fruitful and healthy life. It uses a language of prohibitions, as we will later see, to describe the way to live, thrive, and grow in the land of Israel – unlike the dwellers of Canaan did.

This connection between the land, and living a well and healthy life on the land, is also expressed in the third part of the chapter. It concludes with a new rhetoric, in which there is a description of the land vomiting its inhabitants because of a process that includes the people

³⁸ To name a few, see under TDOT Vol. 5, pg. 324-344. As well as Akkadian equivalents in the Chicago Assyrian Dictionary, Vol. B (1965), pg. 46 onwards.

³⁹ This concept of the “world of the living” implies another world, which we will return to in chapter 20 – and is more widely discussed in Ancient Near Eastern cultures (Gilgamesh, Ishtar’s descent, and so on...)

⁴⁰ For example, see 2 Kings 1:2, Joshua 5:8, Numbers 21:8, and many others. Further research should be invested in understanding the connection between these realms of existence, in the ancient near eastern mind, and in the Hebrew Bible.

⁴¹ Numbers 17:13; 1 Kings 3:22; Isaiah 8:19 Jonah 4:3,8; Ruth 2:20; and many others.

becoming impure, thus impurifying the land, leading to the land vomiting the people out.⁴² Not following these prohibitions, and violating them, will cause the land to throw the people of Israel off it, and not let them sink in and flourish. In verse 26, the Israelites are commanded to keep the laws that are mentioned throughout the chapter, together with those who live among them (and who are not necessarily Israelites):

(26) וּשְׁמַרְתֶּם אֹתָם אֶת חֻקֹתַי וְאֶת מִשְׁפָּטַי וְלֹא תַעֲשׂוּ מִכֹּל הַתּוֹעֵבֹת הָאֵלֶּה הָאֲזָרָח וְהַגֵּר הַגֵּר בְּתוֹכְכֶם:

In addition, the author chooses to use a word that was unique to homosexuality (תועבה) to refer to all of the prohibitions. As Milgrom has noted,⁴³ this might suggest editorial activity. On the other hand, this might suggest a rhetorical choice in placing the same word (a very harsh and intense one, with powerful outcome) close to the homosexuality prohibition.⁴⁴ The chapter ends with the promise to keep alive those who follow the rules, and bring death upon those who do not follow them, make themselves impure (טמאים), making the land impure and causing the land to vomit them out. As the verses state explicitly:

(28) וְלֹא תִקִּיֵּא הָאָרֶץ אֶתְכֶם בְּטִמְאַכֶּם אֹתָהּ כִּאֲשֶׁר קָאָה אֶת הַגּוֹי אֲשֶׁר לִפְנֵיכֶם: (29) כִּי כָל אֲשֶׁר יַעֲשֶׂה מִכֹּל

הַתּוֹעֵבֹת הָאֵלֶּה וְנִכְרְתוּ הַנְּפֹשׁוֹת הָעֹשׂוֹת מִקְרֵב עִמָּם: (30) וּשְׁמַרְתֶּם אֶת מִשְׁמְרֹתַי לְבַלְתִּי עֲשׂוֹת מִחֻקֹּת הַתּוֹעֵבֹת

אֲשֶׁר נַעֲשׂוּ לִפְנֵיכֶם וְלֹא תִטְמְאוּ בָהֶם אֲנִי ה' אֱלֹהֵיכֶם:

To conclude, the framing of chapter 18 is centered around staying away from a specific list of prohibitions, in order to sustain a fulfilling life. If one did not follow those rules, they will be vomited by the land, and won't be able to flourish and grow on the Land of Israel. Having these

⁴² The verses are 18:24-25:

"אל תטמאו בכל אלה פי בכל אלה נטמאו הגוים אשר אני משלח מפניכם: נתטמא הארץ ואפקד עונה עליה נתקא הארץ את ישיביה:"

⁴³ Milgrom 2000, pg. 1516.

⁴⁴ Day 1989, pg. 76; Schwartz 2000, pg. 76.

statements in mind, we continue to chapter 20 – which is very similar, but also uses a rather different, perhaps even opposite, language – with a similar outcome and goal on a theological level.

Leviticus 20

Leviticus 20 is an almost identical twin to chapter 18. However, like all twins, there are many differences between the two chapters.

The chapter opens with the מלך prohibition,⁴⁵ אב וידעני prohibitions,⁴⁶ and with a prohibition on cursing one's parents⁴⁷ (verses 1-9). Only then does it go on to sexual prohibitions. This is already a difference which introduces the reader to a new set of themes that will be discussed in the chapter and is a part of the two sided-coin chapters 18 and 20 present to us. In this big difference, the grandiose ending brings together a collection of other seemingly unrelated topics: differentiation between the Israelites and the other nations, differentiation between pure and impure animals, the blessing of the land, and again אב וידעני. This part begins with the obligation to keep to those rules, and that if they wouldn't the land will vomit them out (20:22):

וּשְׁמַרְתֶּם אֵת כָּל חֻקֹּתַי וְאֵת כָּל מִשְׁפָּטַי וְעָשִׂיתֶם אֹתָם וְלֹא תִקְיֹא אֶתְכֶם הָאָרֶץ אֲשֶׁר אֲנִי מְבִיא אֶתְכֶם
שְׁמָה לְשָׁבֶת בָּהּ:

This is based or summed into not following the ways of the nations of those who live there – as we saw earlier, in chapter 18. Rhetorically, the text plants this claim in relation to the idea of

⁴⁵ Leviticus 20:2-5.

⁴⁶ Leviticus 20:6-8.

⁴⁷ Leviticus 20:7.

differentiating between the Israelites and nations.⁴⁸ In that sense, this unique sexual code (whatever the meaning of the word “sexual” should be, in this context) is set for various reasons, one of them being special and different than those who the Israelites’ live among and with.⁴⁹ This is articulated by another topic that is brought up, to clarify the purity differentiation: of pure and impure animals.⁵⁰ As Milgrom has noted,⁵¹ Israel and the Nations are in the same ratio as Pure and Impure Animals. Those ratios are based on dietary prohibitions – while the nations can eat everything, the Israelites may only eat from a specific dietary list or code. Similarly, while the nations can have sex within their family (with their *בשר* *בשר*), or basically with no limitations – the Israelites are prohibited from doing those things. This comparison, between purity in food and purity in sexual conduct is concluded with the Holiness phrase that is well known to us in those chapters “*וְהִייתֶם*” *וְהִייתֶם* *הֵאֱלֹהִים* *הֵאֱלֹהִים* *כִּי קְדוֹשִׁים כִּי קְדוֹשִׁים אֲנִי ה'* *וְהִייתֶם* *הֵאֱלֹהִים* *כִּי קְדוֹשִׁים כִּי קְדוֹשִׁים אֲנִי ה'*⁵² and then by the notion of differentiating between Israel and the Nations: “*וְאַבְדֵּל אֶתְכֶם מִן הָעַמִּים לְהִיּוֹת לִי*”.

The ethos of separating between pure and impure, Israel and the Nations, prohibited and allowed deeds, and so on - is a central theme throughout Leviticus. Hence, it seems like this is the right verse to end on. The chapter thinks otherwise, and adds the following verse:

וְאִישׁ אִו אִשָּׁה כִּי יִהְיֶה בָהֶם אֹב אוֹ יִדְעֵנִי מוֹת יוֹמְתוֹ בְּאָזְנוֹ יִרְגְמוּ אֹתָם דְּמֵיהֶם בָּם:

The fact the chapter ends with this verse is a big hint for the topic of these chapters, and this is a part of the general framing of the chapter. The chapter opens and closes with the same topic –

⁴⁸ Leviticus 20:23.

⁴⁹ Leviticus 20:24.

⁵⁰ Leviticus 20:25.

⁵¹ Milgrom 1991, pg. 722.

⁵² Leviticus 20:26 and is found all over H. For a broader analysis, see Milgrom 1991, pg. 729-732 & 1603-1605.

some call it necromancy,⁵³ but it might be safer to argue for an umbrella term under which the prohibitions of מולך and אב וידעוני sit together and might be unknown to us. Since it is not only necromancy, as we will later see, but rather abominations that are related with relatives and their death.

In terms of the body of prohibitions within those chapters, we will see that they are very similar. Yet, the framing is different, and the phrasing is distinct in each of these instances. The framing of chapter 18 is on the right way to being alive, and the relationship with the land.

Up until now, as we saw, the framing of chapter 20 begins with אב וידעני and מלך prohibitions – necromancy prohibitions, as we will see in the following part – and also closes with אב וידעני. In order to understand what those mean, we will now delve into the meaning of those two prohibitions.

Meaning of אב וידעני & מלך

As we mentioned, chapter 20 is outlined by אב וידעני and מלך. To understand what each term means, I will start by showing their place in the text and how they are relating to each other, and then go on to defining אב וידעני, finishing with an analysis of the מלך prohibition.

Indeed the first verses of the chapter are about the מלך, but continues with a more or less natural flow to אב וידעני, and also closes with אב וידעני. It can be described in a sense as an inclusio – as the chapter starts with the מלך prohibition (v. 2-5), and then come the אב וידעני prohibitions (v. 6). If

⁵³ For example, in Milgrom 2000, pg. 1559.

מלך and אב וידעני prohibitions are two different things, as their names suggest, the structure of the chapter (vaguely)⁵⁴ is:

A – Opening (v. 1)

B – מלך (v. 2-5)

C – אב וידעני (v. 6)

D – The rest of the chapter (on its many subjects and sub-subjects)

C – אב וידעני (v. 26)

This implies one of two options: a) the מלך prohibition is a special one and deserves a place of its own in the list. b) מלך and אב וידעני are somehow related, in a way that they are understood to be one topic together.

The first option is unlikely in my opinion, as the מלך appears as a regular part of the incest laws in chapter 18. Furthermore, and perhaps even the stronger point, is that it seems like the same phrasing is used to describe those who go after the מלך and after the אב וידעני.⁵⁵

(5) וְשָׂמֵתִי אֲנִי אֶת פְּנֵי בָאִישׁ הַהוּא וּבְמִשְׁפַּחְתּוֹ וְהִכְרַתִּי אֹתוֹ וְאֵת כָּל הַזָּנִים אֲחֶרָיו לְזִנוּת אֲחֶרֵי הַמֶּלֶךְ [...]

(6) וְהִנָּפֵשׁ אֲשֶׁר תִּפְגֹּה אֶל הָאִבֶּת וְאֶל הַיְדֻעֲנִים לְזִנוּת אֲחֶרֵיהֶם וְנִתְּמִי אֶת פְּנֵי בִנְפֹשׁ הַהוּא וְהִכְרַתִּי [...]

Semantically, a person *whores* after (זונה אחר) the אב וידעני or the מלך, according to chapter 20. The same reaction comes from God (literally: “I will put my face on him/them”), and the punishment is bestowed upon that person – using the same phrases and language (וְהִכְרַתִּי). Thus, it

⁵⁴ The structure proposed here is more to prove a point. I will go back to its full structure later, on pg. 40-45.

⁵⁵ These verses are from Leviticus 20.

seems like we are missing a category that unites the two topics together. An umbrella term under which both אב וידעני and מלך reside – something to do with “Abominations involving death of relatives”. It seems like the correct, updated, structure of the chapter should be:

A – an opening (v. 1)

B – Abominations involving death of relatives (v. 2-6)

C – The rest of the chapter (prohibited sexual unions, keeping the land pure, differentiating between pure and impure animals)

B – Abominations involving death of relatives (v. 27)

The word does appear in other places in the Hebrew bible,⁵⁶ and those might illuminate its meaning a little more. It appears in the Prophets a few times,⁵⁷ but in the Pentateuch it appears again only once (Deuteronomy 18:9-12):

(9) כי אתה בא אל הארץ אשר ה' אלהיך נתן לך לא תלמד לעשות כתועבת הגוים ההם : [...] (11) וחבר הקר ושאל אוב וידעני ודרש אל המתים: (12) כי תועבת ה' כל עשה אלה [...]:

⁵⁶ It appears as a name of a place, but I don't think it's irrelevant to this inquiry as it does not add any new information of the meaning of the word. In Numbers 21:

(י) ויסעו בני ישראל ויחגו באבת:
(יא) ויסעו מאבת ויחגו בעי העברים במדבר אשר על פני מואב ממזרח השמש:

And Number 33 (a parallel text):

(מג) ויסעו מפוגן ויחגו באבת:
(מד) ויסעו מאבת ויחגו בעי העברים בגבול מואב:

⁵⁷ It also appears in the stories of Manasseh (2 Kings 21:6), but there it already offers a reading (or perhaps explains to the readers) the meaning of the מלך prohibition:

והעביר את בנו באש ועוגן ונחש ועשה אוב וידענים הרבה לעשות הרע בעיני ה' להקעים:

And its parallel in 2 Chronicles 33:6:

והוא העביר את בנו באש בגי בן הזם ועוגן ונחש וכסף ועשה אוב וידעוני הרבה לעשות הרע בעיני ה' להקעים:

I will refer to those verses in the discussion on מלך (see under 2.2.6.).

This paragraph is perhaps partly⁵⁸ what lead researchers and other readers of the אב וידעני prohibition to understand it as necromancy.⁵⁹ Verse 11 adds to the mystery, as it has another category that is not well defined (הַכָּר הַכָּר). On the other hand, it puts the אב וידעני in relation to those who “ask after the dead” – this adds context and maybe hints to the readers, what the word originally means.

It has been offered by numerous researchers that the word should be derived from the Ancient Near eastern languages. Hoffner⁶⁰ concludes that its meaning comes from the Sumerian *ab*, Hittite *a-a-bi*, Ugaritic *'eb*, and Akkadian *abu* – denoting the ritual pit for sacrificing to chthonic deities. It has later been further supported by excavations in Emar, with texts on an offering “before” the *abû*, which is also called in the same text as the “gate of the grave”.⁶¹ This view was opposed by Schmidtke,⁶² who argued that the Hebrew אב is equivalent to Akkadian *eṭemmu* (spirit). That was based on other occurrences of the word in the Hebrew Bible,⁶³ and means that it refers to the necromancer him/herself.⁶⁴ It makes better philological sense to derive it from the Hebrew word for father, *āb* - together it might mean the necromancing or summoning of ancestral spirits.⁶⁵ Thus, the אב are either the actual spirits or those who conjure and communicate with them in some way – the prohibition is on having some sort of contact with the dead. To sum up, I do not wish to choose a reading from the many suggested here – but rather point to the semantic field they send

⁵⁸ There is a modus operandi to learn from of the term’s meaning in the scene with the אב בעלת אב in 1 Samuel– see chapter 28, specifically verses 3-25.

⁵⁹ Milgrom 2000, pg. 1768; Schwartz 2000; Schmit 1991, pg. 213-226; BDB pg. 15, and many others.

⁶⁰ Hoffner 1967.

⁶¹ Fleming 1995, pg. 146.

⁶² Schmidtke 1967

⁶³ 1 Samuel 28:3, 2 Kings 21:6

⁶⁴ Rouillard & Tropper 1987.

⁶⁵ Hoffner 1967, quoted by Milgrom 2000, pg. 1770.

one's mind to. As I wrote earlier, I think it is safer to connect it with other “abominations involving death of relatives”.⁶⁶

This analysis leaves us with empty hands as to the meaning of the word ידעני. Not only is there a paucity of semantic cognates in the ancient Near East, but also there is no *modus operandi* at hand that we can utilize to infer its meaning.⁶⁷ The best aid we have is its root – yd'.⁶⁸ It means “to know”, but also has a sexual meaning – “to have sex”.⁶⁹ Putting the sexual meaning aside,⁷⁰ an Yidoni is some unknown Hebrew form of “knowing” or “knowledge” – I think it is important to note Spronk's view⁷¹ that the word means “those who are knowing”. The term ידעני never comes by itself, but always with the אב. Thus, it is satisfactory to understand it according to our investigation of the word אב. With that in mind, it is also linguistically connected to the rest of the sexual prohibitions in the chapter at least semantically and literarily, even though the chapter uses a different verb to describe the prohibited sex acts (לגלות ערוה).

Even though the terminology is not fully clear, it gives the reader a better idea as to what the verses mean. Now we can turn to reading them in their context. As we noted, אב וידעני appear only

⁶⁶ The *modus operandi* of the אב prohibition, as mentioned in fn. 58, is from 1 Samuel 28 – in that context, the person who is being asked is not blood-related to the person asking – Saul and Samuel. Future research should be invested in the practices in neighboring cultures - and throughout the Hebrew Bible - of necromancy, and the communication with the dead: both from one's family and outside of one's family. In the context of this research, it seems like the chapters in discussion place אב וידעני in the same category as מלך, and that is thematically and linguistically satisfactory for us.

⁶⁷ Milgrom 2000, pg. 1769.

⁶⁸ Also in the Ugaritic, see in Milgrom 2000, pg. 1769; Avishur 1981, pg. 22-23

⁶⁹ The first and most basic example, is in Genesis 4:1: “וַיִּהְיֶה אָדָם יָדַע אֶת חַוָּה אִשְׁתּוֹ”. The literal translation might be “and the man had sex with Hava his wife” – or “Adam had laid Eve”, in the accusative form. I wish to address this discussion in future research on the semantic field of sexual verbs in biblical Hebrew.

⁷⁰ It is of an artistic value, to have this as the connection between this verse and the rest of the chapter. I think the topic is more closely related than just by its root, and hope to return to that in future research too.

⁷¹ Spronk 1986, pg. 254-255.

in Leviticus 20. The verses are both in the beginning and in the end of the chapter, and the terms appear both in singular and plural form:

(6) וְהִנָּפֵשׂ אֲשֶׁר תִּפְנֶה אֶל הָאֵבֶת וְאֶל הַיְדֻעֲנִים לְזֹנֶת אַחֲרֵיהֶם וְנָתַתִּי אֶת פְּנֵי בְנִפְשׁ הַהוּא וְהִכְרַתִּי אֹתוֹ מִקְרֵב עִמּוֹ:

(27) וְאִישׁ אוֹ אִשָּׁה כִּי יִהְיֶה בָהֶם אוֹב אוֹ יְדֻעֲנִי מוֹת יוֹמָתוֹ בְּאָבֹן יִרְגְּמוּ אֹתָם דְּמֵיהֶם בָּם:

The prohibition in verse 6 is about a person who turns to אוֹב and יְדֻעֲנִי, while in 27 it appears as if an אוֹב or a יְדֻעֲנִי can be *in* a person, or in a people/society. The different phrases both assume the readers already know what an אוֹב or a יְדֻעֲנִי is – and that goes back to Leviticus 19. In the middle of the chapter, after a reminder of the obligation of observing Shabbat (v. 30), and before the obligation of honoring the elderly (v. 32), comes the following verse:

(31) אֵל תִּפְנוּ אֶל הָאֵבֶת וְאֶל הַיְדֻעֲנִים אֵל תִּבְקְשׁוּ לְטַמְאָהּ בָּהֶם אֲנִי ה' אֱלֹהֵיכֶם:

There is not a hint as to what those words mean, and the different phrasing in each verse complicates the reading. Those three verses describe three different attitudes and writing styles, to do with יְדֻעֲנִי. The first (20:6) is in third person, and speaks of a נִפֵּשׁ – a peculiar choice of wording that might indicate that this verse addresses women⁷² as well, and not only men – as the rest of the chapter does, with its phrasing of וְאִישׁ אֲשֶׁר, and in rare places וְאִשָּׁה.⁷³

That which one does with an יְדֻעֲנִי is to whore after them (לְזֹנֶת אַחֲרֵיהֶם),⁷⁴ and the punishment is given by God himself – וְנָתַתִּי אֶת פְּנֵי בְנִפְשׁ הַהוּא. That punishment is death, done and brought by God upon the person who whored him or herself after the יְדֻעֲנִי. The author also chooses to use

⁷² As has been pointed by Milgrom 2000, pg. 1768.

⁷³ For example in 20:16:

"וְאִשָּׁה אֲשֶׁר תִּקְרַב אֵל כָּל בְּהֵמָה לְרִבְעָה אִתָּהּ וְהִרְגַּתְּ אֶת הָאִשָּׁה וְאֶת הַבְּהֵמָה מוֹת יוֹמָתוֹ דְּמֵיהֶם בָּם:"

⁷⁴ It is interesting to note that the term also has a clear sexual connotation.

the same root for the act (תִּפְקֹה) and the punishment (וְנָתַתִּי אֶת פְּנֵי), a kind of measure-for-measure.⁷⁵ This is important to note, especially in comparison with chapter 18, as we won't find there any punishment that was death, for any specific prohibitions – but rather vomited out of the land as a general threat.⁷⁶

The second verse is the last in chapter 20, and it serves as a borderline of the incest laws in Leviticus. Afterwards come a few sexual laws that deal with prohibitions on priests and on the high priest, and prior to that comes the list of prohibitions which we call the incest laws. Based on the ancient Near Eastern background, and the semantic field of that we see in the verses, it seems safe to conclude that אב וידעני⁷⁷ are a form of necromancy – a ritual (or rituals) which involved interaction with the dead or with spirits, as a cultic or religious act. Even if this doesn't fully meet our modern standard or understanding of what necromancy means.

It is widespread to understand the terms אב וידעני as hendiadys – but Milgrom argued otherwise,⁷⁸ based on his conclusion that they mean different things. I tend to think the answer lies in between, and offer that the terms are not exactly synonyms of each other, but more or less are of a similar semantic field – it might be more precise to see them as a trio or an hendiatrix together with the מלך prohibition. The triad would be אב, ידעני, and מלך – three prohibitions or words that

⁷⁵ Milgrom 2000, pg. 1738. This idea is augmented in my reading of the chapter, see more in part 2.4.

⁷⁶ One must take into account verse 18:29, ונכרתו, and that of course has a severe meaning of death. Yet, it comes as a part of the concluding of the chapter – and nothing directly of any specific prohibition, as is the case in chapter 20.

⁷⁷ Milgrom 2000, pg. 1768-1784.

⁷⁸ Milgrom 2000, pg. 1771 – based on Melamed 1964; Kilian 1963; Noth 1977.

refer to some sort of death ritual and cult.⁷⁹ This leads us to the next step in this investigation, regarding the meaning of מלך.

For that, one must delve into better understanding what the word means. The prohibition on the מלך appears twice in the Pentateuch, and both are in chapters 18 and 20 – more generally, both of them are in the Holiness code. The meaning of the word, and the cult or ritual it describes has been a question of great debate in scholarship and traditional commentary. Among most classical commentators⁸⁰ the prohibition was understood as a specific kind of idolatry, Ibn Ezra writes:

למלך שם צלם, ודרשו חז"ל שהוא שם כלל כל מי שימליכנו עליו. ויתכן שהוא תועבת בני עמון.
ומלת להעביר. כמו לשרוף כי זאת היתה עבודתו. וי"א כי יעביר הבן על האש, ויש מי שיחיה ויש מי שימות.

He explains the prohibition as child sacrifice of some sort – and more specifically, as a ritual which consists of a child walking through fire: some survive, and some don't. The idea this ritual belongs to Amon is based on 2 Kings, chapter 23:

(*) וטמא את התפת אשר בגי בני בן הנם לבלתי להעביר איש את בנו ואת בתו באש למלך: [...] (יג)
ואת הבמות אשר על פני ירושלים אשר מימין להר המשחית אשר בנה שלמה מלך ישראל לעשתרת
שקץ צידנים ולכמוש שקץ מואב ולמלכם תועבת בני עמון טמא המלך:

Those unfortunately do not clarify to the reader what the ritual of מלך consists of. It does seem to add to our understanding, in that we now know that העברת זרעו means *through* fire. There have

⁷⁹ The verb זנה is used in both places (20:5 & 20:6), and as Milgrom points out: “[...] the H redactor felt that he could tack on necromancy to מלך because both practices were cut out of the same cloth”. Heider also connects זנה with אב וידעני – see in Heider 1985, pg. 246-252.

⁸⁰ Rashi, Sforno, Nachmanides, and others.

In Bavli Megillah 25:1, Rashi offers a different reading, of the מלך prohibition. He interprets it as a prohibition on having sex with someone who is a gentile, in his words: “לא תבא על הנכרית ותוליד בן לעבודה זרה”.

been many efforts to try to decipher the word's meaning,⁸¹ some were rather creative ideas. For example, Hieke, bases his reading on the Septuagint and proposed it is the priestly way to communicate secretly about the prohibition to hand people over to the Persian army or household of Persian authorities:⁸²

Vielleicht ist „für den Molech“ (hebräisch unvokalisiert l-mlk) in nachexilischer Zeit ein Codewort für die Übergabe eigener Kinder aus der jüdischen Gemeinschaft an die persische Besatzungsmacht für verschiedene Dienste, unter anderem die Bereitstellung von Töchtern als Nebenfrauen und von Söhnen für eine Militärkarriere.

The problem with this practice is the chance of intermarriage and loosening on the boundaries of one's Jewish identity:

Diese Praxis kam möglicherweise recht häufig vor und brachte den jüdischen Familien ökonomische Vorteile - aber auf diese Weise werden Nachkommen der jüdischen Gemeinschaft entzogen, sie verlieren ihre Identität und verlassen den Weg der Heiligkeit. Sollten sie zurückkehren, importieren sie nicht nur die fremde Kultur, sondern auch die fremde Religion. Daher wird diese Praxis wie die Verehrung fremder Götter geächtet und mit den schlimmsten Strafen belegt.

His reading is rather new and hasn't been much discussed, even though it is based very much on the Septuagint's translation of the verse:

καὶ ἀπὸ τοῦ σπέρματός σου οὐ δώσεις λατρεύειν ἄρχοντι

The Septuagint translated the word למלך literally: to a king or to a noble man – and even more literally, to the one who *rules*. This reading is indeed possible grammatically, but as I have pointed out earlier on אב וידעני מלך, the prohibition is very closely related – they all belong to the same

⁸¹ For a good assessment see Heider 1985, specifically pg. 1-92 and his conclusions on pg. 401-409. See also in Schwartz 2000.

⁸² Hieke 2011, pg. 164-165.

world of some sort of death ritual and cult.⁸³ Schwartz summarizes the research on מֶלֶךְ's connection with the world of the dead⁸⁴ and mentions the Mesopotamian god Malik, who is identified with Nergal – the god of the dead. mlk, the Ugaritic god, is also among the chthonic gods in ancient Ugarit.⁸⁵ Indeed, 2 Kings is also familiar with these gods, and mentions Nergal in relation to a ritual that is like our current understanding of מֶלֶךְ:⁸⁶

וְאִנְשֵׁי כָּבֵד עָשׂוּ אֶת סִכּוֹת בְּנוֹת וְאִנְשֵׁי כוֹת עָשׂוּ אֶת נְרִיגַל וְאִנְשֵׁי חֶמֶת עָשׂוּ אֶת אֲשִׁימָא: וְהָעוֹיִם עָשׂוּ
נִבְחָזוּ וְאֶת תְּרַתְקוּ וְהַסְפְּרוּיִם שְׂרָפִים אֶת בְּנֵיהֶם בָּאֵשׁ לְאֶדְרִמְלֵךְ וְעַנְמֵלֵךְ אֱלֹהֵי סַפְרִים סַפְרִיָּים:

Thus, it seems to make more sense to follow Schwartz's reading, he writes the following:⁸⁷

[...] עולה שהביטוי "נתן מזרעו למלך" אינו יכול לציין את מסירת הילדים לשירותו של פולחן זר אלא רק את הקרבתם. יש שמעשה זה נעשה למלך או לבעל, ואז הכתוב רואה בו סוג של עבודה זרה, ויש שהוא נעשה לה', ואז הכתוב מצהיר שהדבר נוגד את מצוותו ואת רצונו. אבל כל הכתובים מדברים על הקרבת בנים ובנות ממש על ידי שרפתם באש.

Schwartz discusses the many instances in which the prohibition is referenced and written within the Hebrew Bible, and comes to the conclusion it means child sacrifice – either to a different deity and then it is prohibited because it is idolatry, or to a God who prohibits it because he is not interested in child sacrifice.

Additionally, the Samaritan Pentateuch's version of the verse changes one word:

וּמִזְרַעְךָ לֹא תִתֵּן לְהַעֲבִיד לְמֶלֶךְ [...]

⁸³ Furthermore, it won't fit with the use of the description with similar terminology in 2 Kings 23:10 – even though it doesn't have the word מֶלֶךְ explicitly in it.

⁸⁴ Schwartz 2000, pg. 68

⁸⁵ In Heider 1985, pg. 108-111 he speculates that this has also existed in Ebla (pg. 99-100) and Mari (pg. 108-111). See also under Day 1989, pg. 40-41 & pg. 46-55; Milgrom 2000, pg. 1770

⁸⁶ 2 Kings 17: 20-21.

⁸⁷ Schwartz 2000, pg. 72.

The letter ך and ך are indeed very close but have very different meanings in our context. It could be read as further strengthening to the Septuagint's reading, or as worship to another god or deity.

To sum up, I think it is most probable to understand מלך with a similar semantic field to אב וידעני - of cultic necromancy, involving a specific ritual which consists of one's offspring. It seems like our chapters can be of use for an even stronger basis for this reading. Thus, we must read the מלך as a part of the semantic field of necromancy and the connection with the world of the dead.

Summary

All in all, landing back in the structural analysis of chapters 18 and 20 – we can see they have very different framings. Those differences connect through a contrasted image, of life and death. Indeed, we had to look carefully under every stone of the meaning of the מלך and אב וידעני prohibitions, but this inquiry granted us with a clearer image of the connection to death in chapter 20. As we will soon see, chapter 20 is also very much centralized on punishments, that are all death penalties, to the sexual prohibitions. In chapter 18, on the other hand, those are only referred to as violations, and that one shouldn't do them – no penalty mentioned. It seems like those two variations, when put together, create a whole and full image, of a connection to the land and god that is all-surrounding, in life and in death.

The next step, having this framework in mind, is to look at the prohibitions that appear in both chapters, and what roles those play in the general structure of the chapter. We will also note the structure of the prohibitions, and the terminology that is used to denote them. This is a prism into the ancient Israelite's mind, and learn more of the meaning of the chapters and that which is presented in them.

Analysis of the Prohibited Unions

I will start the analysis with chapter 18 and its terminology and prohibitions, and then continue to chapter 20. This is not to claim anything about the approximate dating of the chapters, but rather to go with the final redaction that came to us through the generations.

As we saw, chapter 18 opens with an exhortation, and the commandment to keep the rules and as a consequence – to be alive and to thrive on the land. Following the exhortation, comes a verse (6) that serves as a title to the prohibitions.⁸⁸ The verse states that one must not have sex with any close relation of his, שאר בשרו (še'er besaro). In the subsequent verses the text will unfold and explain who exactly are included in this group of people.

(6) איש איש אֵל כָּל נְשֵׂאָר בְּשָׂרוֹ לֹא תִקְרְבוּ לְגִלוֹת עֲרֹנָה אֲנִי ה':

In the following table, I will show the different terminologies in use with the prohibitions and prohibited unions, and of the other topics that are mentioned (as we saw already, מִלֵּךְ for example). The aim is to have a better image of the prohibitions that appear in chapter 18, in order to have a grasp of the theme of the chapter – first of all by itself, and later also in comparison to chapter 20. This will grant the reader with a better understanding of what came to mind when the authors of these chapters wrote of sexuality and prohibited unions.

The following table offers a description of the prohibitions (v. 7-23) and their many components: who is the prohibited sexual partner, what language is used to describe the act, is there a special word to denote the prohibition, and what is the rationale given to it.

⁸⁸ While looking for the prohibition of Father-Daughter incest, some have read this verse as including all those who are first degree and will not be mentioned in the list. See for example in Rattray 1987, pg. 542.

| Table 1: Prohibitions in Chapter 18 | | | | |
|--|---|------------------|------------------------|-------|
| Prohibited Partner | Prohibited Act | Characterization | Rationale | Verse |
| עֲרֹנֹת אָבִיךָ וְעֲרֹנֹת אִמֶּךָ ⁸⁹ | לגלות ערוה | - | אִמֶּךָ הוּא | 7 |
| אִשְׁתְּ אָבִיךָ | לגלות ערוה | - | עֲרֹנֹת אָבִיךָ הוּא | 8 |
| אֲחֹתְךָ בַּת אָבִיךָ אוֹ בַת אִמֶּךָ מוֹלְדֵת בֵּית אוֹ מוֹלְדֵת חֵזֶן | לגלות ערוה | - | - | 9 |
| בַּת בְּנֵךְ אוֹ בַת בְּתֻרְךָ | לגלות ערוה | - | כִּי עֲרֹנְתְךָ הִנֵּה | 10 |
| בַּת אִשְׁתְּ אָבִיךָ מוֹלְדֵת אָבִיךָ | לגלות ערוה | - | אֲחֹתְךָ הוּא | 11 |
| אֲחֹת אָבִיךָ | לגלות ערוה | - | לְשָׂאֵר אָבִיךָ הוּא | 12 |
| אֲחֹת אִמֶּךָ | לגלות ערוה | - | לְשָׂאֵר אִמֶּךָ הוּא | 13 |
| אָחִי אָבִיךָ, אִשְׁתּוֹ | לגלות ערוה, קרבה | - | דִּדְתְךָ הוּא | 14 |
| כַּלְתְּךָ | לגלות ערוה | - | אִשְׁתְּ בְנֵךְ הוּא | 15 |
| אִשְׁתְּ אָחִיךָ | לגלות ערוה | - | עֲרֹנֹת אָחִיךָ | 16 |
| אִשָּׁה וּבִתָּהּ & בַּת בְּנֵהּ וְאֵת בַּת בְּתָהּ | לגלות ערוה, לקחת לגלות ערוה | זָמָה | שְׂאֵרָה הִנֵּה | 17 |
| וְאִשָּׁה אֶל אֲחֹתָהּ | לקחת לצרור לגלות ערוה | - | - | 18 |
| אִשָּׁה בְּנִדַת טַמְאָתָהּ | לקרב לגלות ערוה | - | - | 19 |
| אִשְׁתְּ עַמִּיתְךָ | לתת שכבה לזרע לטמאה | - | - | 20 |
| וּמִזְרָעָךָ לֹא תִתֵּן לְהַעֲבִיר לְמַלְךְ וְלֹא תִחַלֵּל אֵת שֵׁם אֱלֹהֶיךָ אֲנִי ה' | | | | 21 |
| זָכָר | לשכב משכבי אישה | תוֹעֵבָה | - | 22 |
| בְּהֵמָה | לתת שכבה לטומאה (לזכר) לעמוד לרבעה (לאישה) | תִּבְלָה | - | 23 |

The key phrase in the chapter is לגלות ערוה, and we must analyze what it means.

לגלות ערוה, commonly translated as uncovering nakedness,⁹⁰ is a very common phrase in both chapters 18 and 20 of Leviticus.⁹¹ It appears in almost every verse in chapter 18, and a little less

⁸⁹ Regarding the oddity of a specific prohibition of uncovering's one's father's nakedness, alongside the general ban on homosexuality, see Dershowitz's review in Dershowitz 2017, pg. 512-513. See also Levine's answer, in Levine 2002, pg. 125. He offers the following reading of the verse: "הו"ו שבראש המלה ערות ("וערות" איננה וי"ו החיבור, אלא באה להסביר את הביטוי הקודם ("וי"ו המבארת), לאמור: ערות אביך, האל היא ערות אמן. לפיכך "ערות אביך" פירושו: הערוה השמורה לאביך, השייכת לו, ערוה שלאביך גישה בלעדית אליה."

⁹⁰ This is also how Milgrom translated. See for example in Milgrom 2000, pg. 1515 onwards. Also see Rosenstock 2009 for further analysis on the term and its translations and meanings.

⁹¹ Dershowitz 2017, pg. 512.

common in chapter 20. The term is used as the description of the prohibited act and is one among other terms⁹² that are in use throughout the Hebrew Bible (לתת שכבה לזרעה לטמאה, לשכב, לנאוף, (לקחת).

Different scholars have speculated various readings of this phrase. Some have offered an explanation that is based on a focus on the word ערוה, while others focused on understanding the meaning of the verb גילוי. Schwartz, for example, understands the word *erva* to mean one's sexual organs – and doesn't try to analyze the meaning of *giluy*,⁹³ Eilberg-Schwartz focuses on the *giluy* part of the phrase and argues that indeed *giluy* one's mother's *erva* is synonymous with *giluy erva* of one's father, as that is the nature of the connection between the father and the mother.⁹⁴ It is uncovering something, which is usually covered by the father – not necessarily a sexual organ. Unlike Schwartz's reading, Eilberg-Schwartz doesn't think it necessarily means a sexual organ, but rather just a language that implies doing something, that usually only the father does.

Porter tries to offer a creative path, in which the phrase has a few meanings even within this chapter (as it is a unique phrasing, we will soon see it exists almost only in chapters 18 and 20 of Leviticus): sometimes bringing shame, and sometimes having sex.⁹⁵ Benno Jacob argued that only לא תקרב has an intercourse connotation, while גילוי ערוה means a marital barrier – be it emotional or physical.⁹⁶

⁹² I will return to the differences between those terms in future research, I hope.

⁹³ Schwartz 1999, pg. 207-208. He continues Shadal's path (Luzzatto 1871, pg. 137) and of G. J. Wenham (Wenham 1979, pg. 255). See more in Melcher 1996, pg. 92-95.

⁹⁴ Eilberg-Schwartz 1990, pg. 170-171.

⁹⁵ Porter 1976, pg. 143. See also in Péter-Contesse & Ellington 1990, pg. 272: "...the Hebrew expression here can also carry the idea of shame or disgrace associated with a sexual relationship that is unacceptable".

⁹⁶ From his unpublished manuscript, to be found in Dershowitz 2017, pg. 520-522.

All of those suggestions are based on a few lines from chapter 18, but do not necessarily reconcile with the rest: Schwartz's explanation doesn't read smoothly with verse 7: “עֲרוֹת אָבִיךָ” – if the word means “sex organ”, then it makes no sense that two different organs are one's mom's at the end.

Eilberg-Schwartz's reading, that גִּילוי עֲרוּהָ means uncovering of something that is usually covered by the father, is challenged by verse 10: “עֲרוֹת בֵּת בְּנֵךְ אוֹ בֵּת בְּתוּךְ לֹא תִגְלֶה עֲרוֹתוֹן כִּי עֲרוֹתוֹךְ הִנֵּה” – the challenge still stands. After all, if it is indeed one's own עֲרוּהָ, the question stands as to why it is a prohibition at all – after all, it is one doing something to oneself, that he probably does anyway in everyday life. This wouldn't make sense with Porter's reading of the phrase having a few meanings to the phrase within the chapter, as both don't work here. It also won't work smoothly with Jacob's reading – that גִּילוי עֲרוּהָ means a marital barrier - as there is no such barrier between a man and his granddaughter.

Those readings are all possible and based on possible meanings of the roots and words, nonetheless they are unsatisfactory in understanding the phrase in consistent fashion throughout the chapter. It seems like the phrase is used with varying meanings through the different verses. This might be tempting or demanding a diachronic reading of the text, asking of researchers to define the original meaning of the phrase and its added layers as it was rewritten and redacted.⁹⁷ I find that path even more speculative and less grounded – and it seems to me that instead of deciphering what the text originally meant (however many authors it had) we should try to read it as it is given to us, within the Pentateuch, and within Leviticus.

⁹⁷ For such analysis see Dershowitz 2017, specifically pg. 519-525.

Since the use of the phrase is quite scarce outside Leviticus 18 and 20, I find it especially important to look back at where it appears first – and perhaps the instance the author of Leviticus 18 wants us to remember. This other text is of importance to us because it has the words גילוי, and ערוה together – while in other places it just one of the two. Furthermore, it is also related to deeds that were done in relation to one's family, and even more specifically: אביו, Ham's father.

The motivation to look back to this text is also widespread among researchers,⁹⁸ as a way to understand what the word means. The word appears in a couple conjugations in the Pentateuch, mostly in the form of *erva* (ערוה) and *ervat* (ערוות) – the latter being the genitive form of the word. The first time it appears⁹⁹ is in Genesis 9, after Noah comes out of the ark:

(18) וַיִּהְיוּ בְנֵי נֹחַ הַיְצֵאִים מִן הַתֵּבָה שֵׁם וְחָם וְיִפְתָּ וְחָם הוּא אָבִי כְנָעַן: (19) וְשֵׁלֶשָׁה אֲלֵה בְנֵי נֹחַ וּמֵאֵלֶּה נִפְצָה כָּל הָאָרֶץ: (20) וַיִּחַל נֹחַ אִישׁ הָאֲדָמָה וַיִּטֵּעַ כֶּרֶם: (21) וַיִּשְׁתֶּ מִן הַיַּיִן וַיִּשְׁכַּר וַיִּתְגַּל בְּתוֹךְ אֶהְלֵה: (22) וַיִּרְא חָם אָבִי כְנָעַן אֶת עֲרֹת אָבִיו וַיַּגֵּד לְשָׁנֵי אָחִיו בְּחוּץ: (23) וַיִּקַּח שֵׁם וְיִפְתָּ אֶת הַשְּׂמֵלָה וַיְשִׂימוּ עַל שָׂכְמָם וַיִּלְכוּ אַחֲרַיִת וַיִּכְסּוּ אֶת עֲרֹת אֲבִיהֶם וּפְנֵיהֶם אַחֲרַיִת וְעֲרֹת אֲבִיהֶם לֹא רָאוּ: (24) וַיִּיקָץ נֹחַ מִיֵּינוֹ וַיֵּדַע אֶת אֲשֶׁר עָשָׂה לוֹ בְּנוֹ הַקָּטָן: (25) וַיֹּאמֶר אַרְוֵר כְּנָעַן עֶבֶד עֲבָדִים יִהְיֶה לְאָחִיו:

Much scholarly debate and many traditional commentators have tried to decipher what are the exact details of the story.¹⁰⁰ The answer is hidden behind two locks, that in order to open we will need two separate keys: one is the dichotomy of *seeing* and *not seeing* (וירא & לא ראו), and the second is the relationship between the word ערוה and the verbs ויתגל and ויכסו. The relationship

⁹⁸ See for example in Rattray 1987 pg. 542; Carmichael 1997, pg. 16; Milgrom 2000, pg. 1537-1540.

⁹⁹ There are other contexts with which I will not deal with in depth here: in Genesis 42 Joseph speaks of ערות הארץ, in Exodus 28 God commands the creation of pants that will cover the priests' genitals (ערוה), in Deuteronomy 23 God prohibits the Israelites from having ערות דבר being found within them, and in Deuteronomy 24 the same term (ערוות דבר) is in use – referring this time to a case of divorce. More on the meaning of the word will need to wait for future research.

¹⁰⁰ See for example Phillips 1980.

between those texts demands us to date those parts of Leviticus and Genesis and ask which text or author is first to coin the phrase, but since the main focus of this work is Leviticus, I will choose to read Leviticus as it is given to readers: it is the third book, and so at one point in the history of the Pentateuch's canonization its redactors placed it after Genesis for us to read with Genesis already in our mind. Furthermore, linguistically, it seems like the phrase used in Leviticus 18 connects the two keys together – mixing their language: לגלות ערוה, instead of having those two terms separately as we had in Genesis 9.¹⁰¹

This connection between those chapters has been already pointed out, and various scholars have offered various explanations as to what this connection means.¹⁰² As the topic of this research is Leviticus, it is important to understand what the phrase means – and for that we will follow Bergsma & Hahn's reading of Ham's sin with Noah: Ham's crime was maternal incest, he has had sex with his mom – or his dad's wife.¹⁰³ Methodologically, part of that theory is based on chapters 18 and 20 in Leviticus, so in trying to decipher what the words mean we should walk this path in the opposite direction: the chapters in Leviticus use the term לגלות ערוה and reference to Genesis and Ham's crime.

One must therefore read Genesis without any hints from Leviticus 18 and 20, as those chapters are based on Genesis. In addition, Bergsma & Hahn convincingly bring more evidence from ancient Near Eastern traditions and myths to support their claim.¹⁰⁴ Thus, the word לגלות and לראות

¹⁰¹ The discussion on the relationship between לכסות and לראות/לגלות deserves a separate work and deeper research. In relation to Leviticus 18 and 20 it might be important to note that the verb serves as the opposite of the גילוי ערוה, in the sense that it is an act is opposed to (שם הפועל) כיסוי – covering. This sheds new light and demands of us to rethink our understanding of sexuality – as it implies that a sexual act can be “undone”. When something is uncovered, it can also be covered again. This will question will need to be addressed in future research.

¹⁰² See more in Bergsma & Hahn 2005, pg. 25-26; Rattray 1987 pg. 542; Carmichael 1997, pg. 15-20.

¹⁰³ Bergsma & Hahn 2005, pg. 34-35.

¹⁰⁴ Bergsma & Hahn 2005, pg. 36-39.

are used interchangeably in the accusative form with ערוה – all as euphemisms for sexual intercourse in the Hebrew Bible, and more specifically: in chapters 18 and 20 of Leviticus. In Genesis 9, we see this in verses 21-23:

(21) [...] ויתגל בתוך אֶהְלֵה: (22) וּפִרָא חָם אָבִי כָנְעַן אֶת עֶרְוַת אָבִיו [...] (23) [...] וַיִּכְסֹּי אֶת עֶרְוַת אָבִיהֶם
וּפְנֵיהֶם אַחֲרָיִת וְעֶרְוַת אָבִיהֶם לֹא רָאוּ:

This also applies to verse 17 in chapter 20: “וַיִּרְאֵה אֶת עֶרְוַתָּהּ וְהִיא תִרְאֶה אֶת עֶרְוַתּוֹ” – probably also as a euphemism for sexual intercourse, with a similar semantic meaning – to uncover, meaning to see that which is covered. Furthermore, in chapter 20 we will see the roots לשכב and לנאף are used interchangeably with ערוה and לגלות ערוה – another strengthening argument to the reading of those phrases as euphemisms for sex.

Going back to the table from earlier, we can refer to גילוי ערוה as a euphemism for sex, with a negative, shameful connotation.¹⁰⁵ As we saw, the phrase references to Ham’s scene with Noah, and the nations the Israelites are to keep away from are his descendants, as we see in Genesis 10:6 “וּבְנֵי חָם פּוֹשׁ וּמַצְרִים וּפּוֹט וּכְנַעַן”. Furthermore, we must make sense of the prohibitions that are not sexual per se, like the מלך for example. Indeed, the מלך prohibition in chapter 18, structure-wise, breaks a line between bestiality and homosexuality, and the rest of the incest laws.

Yet, it seems like this line is present even if the מלך prohibition wasn’t there: those two prohibitions also receive unique definitions (תועבה for homosexuality, and תבל for bestiality). Even without the מלך in its current place, those two prohibitions stick out. Later in this thesis I will

¹⁰⁵ This is not to say which text is to be dated earlier, but rather point out to the connotations that come to mind of the Pentateuch’s reader.

present a possible hierarchy between the different denotations for these abominations,¹⁰⁶ but until then I will point out their uniqueness and that the only other prohibition that received a definition is the mother and daughter prohibition, and its denotation with the word זמה.¹⁰⁷

The מלך prohibition doesn't seem to make sense in relation to other prohibitions in the chapter. Many have offered different readings and reasoning as to what it means and what it does here, in this context. Hieke has articulated the question well:¹⁰⁸

Es stellt sich die Frage, ob das Verbot der Molech-Praxis ein völlig unpassendes Einsprengsel ist - oder ob nicht gerade der Kontext einen Schlüssel zum Verstehen liefern könnte.

It does indeed seem like the verse has nothing to do with our chapters, if they are indeed laws about sex - and so one must get to the conclusion that it is there as a mistake and understand it as an intrusion to the flow of the chapter. Yet, as Hieke hints and others have argued, the prohibition fits in the text for various reasons – and it might serve as the key to uncovering the topics of these chapters. As I have hinted earlier, those are not laws that refer to incest alone.

The first and unsatisfactory answer,¹⁰⁹ is that it fits because of its phrasing and linguistically form¹¹⁰ – that might be so only because it was crafted so it would fit in the chapter, and not the other way around. There should be an answer that considers the meaning of the prohibition, and what it meant to those who read the chapters as they were redacted and placed in front of our eyes.

¹⁰⁶ See more on pg. 74-92.

¹⁰⁷ Ibid and specifically on pg. 77-84.

¹⁰⁸ Hieke 2011, pg. 148.

¹⁰⁹ I will only analyze a few of the suggested readings of the prohibition. For a more detailed analysis, see in Heider 1985 & Schwartz 2000.

¹¹⁰ For example, see in Bigger 1979, pg. 202.

The second answer will try to argue that it is a late addition to the text.¹¹¹ The problem with such an answer, is that it doesn't deal with generations of readers who weren't bothered by its location.¹¹² Furthermore, not only were they not bothered by it being part of Leviticus 18, in Leviticus 20 (our chapter's twin) the מלך receives a much bigger place and the same silence lingers. We see classical commentary wrestling with the relationship between those realms only much later, in the 19th and 20th century.¹¹³

The third answer argues that the מלך prohibition is placed here because it has some sexual meaning.¹¹⁴ This, as we saw earlier, is partly true – but not because the ritual of מלך consists of a sexual ritual of any kind, as there seems to be no other basis for this claim. Rather, as we saw, the title of the chapters ought to be expanded. In order to understand the meaning of מלך, we had to understand it with its intertextual occurrences, as well as its similarity to אב וידעני. It relates to sex with one's family members, in the sense that both are prohibited interactions – be it with living or dead descendants, ancestors, other relatives, or any state that blurs these boundaries between each family member and his or her place in life. As I wrote in the beginning of this part, the analysis of the content of the chapters must be read with context to their framing. As we saw, chapters 18 and 20 threaten with a consequence, in the case that the Israelites will pollute and defile the land. These offences will make the land vomit the people who live upon it and commit those sins.

¹¹¹ See for example in Hieke 2011.

¹¹² Maybe besides Sforno, who wrote: "ומפני שדבר על העריות להכשיר הזרע שיהיה ראוי לחול עליו שמו הגדול דבר על המולך שהיו עובדיו חושבים להכשיר בעבודתו את שאר הזרע" His explanation is also based on a linguistic approach, but it is evident he is trying to explain why this appears here, while the rest of the prohibitions deal with sexuality. He already has a well-defined understanding of sexuality, into which מלך does not fit.

¹¹³ For example Rav Samson Raphael Hirsch's Commentary, Haamek Davar, and others.

¹¹⁴ See a full analysis of this view in Schwartz 2000, pg. 75 - Specifically in footnote 44. Some examples he brings are from classical commentary (Targum Pseudo-Jonathan on the verse, Bavli Megillah 25, and others) and modern scholarship (Picket 1985, pg. 125; Eligger 1955, pg. 241).

Similarly to chapter 18, following is a table with chapters 20's various components: who is the prohibited sexual partner, what language is used to describe the act, is there a special word to denote the prohibition, what is the rationale given to it, and what is the punishment given, if there is one. The chapter opens with the prohibition, ¹¹⁵ מלך, and with a prohibition on cursing one's parents¹¹⁷ (verses 1-9). Next are the following sexual prohibitions:

| Table 2: Prohibitions in Chapter 20 | | | | |
|--|---------------------------|-------------------------|---|--------------|
| Prohibited Partner | Prohibited Act | Characterization | Punishment | Verse |
| אִשָּׁת אִישׁ = אִשָּׁת רֵעֵהוּ | לנאף | | מֹת יוֹמַת הַנָּאֵף וְהַנָּאֵפֶת | 10 |
| אִשָּׁת אָבִיו | לשכב | | מֹת יוֹמַתוֹ | 11 |
| כִּלְתּוֹ | לשכב | תְּבַל | מֹת יוֹמַתוֹ | 12 |
| זָכָר | לשכב | תוֹעֵבָה | מֹת יוֹמַתוֹ | 13 |
| אִשָּׁה וְאֵת אִמָּהּ | לקחת | זִמָּה | כָּאִשׁ יִשְׁרְפוּ אֹתוֹ וְאֶתֶּהֱנֶן | 14 |
| בְּהֵמָה | לתת שכבה | | מֹת יוֹמַת וְאֵת הַבְּהֵמָה תִּהְרָגוּ | 15 |
| בְּהֵמָה | תִּקְרַב [...] לְרֵבֻעָהּ | | מֹת יוֹמַתוֹ | 16 |
| אָחִיתוֹ בֵּת אָבִיו אוֹ בֵּת אִמּוֹ | לקחת & לראות ערוה | חֶסֶד | וְנִקְרְתוּ | 17 |
| אֵת אִשָּׁה דְּנָהּ | לשכב & לגלות ערוה | | וְנִקְרְתוּ | 18 |
| אָחֹת אִמָּהּ וְאָחֹת אָבִיהָ | לגלות ערוה | | עֹנֵם יִשְׂאוּ | 19 |
| דֹּדְתּוֹ | לשכב | | עֲרִירִים יִמְתּוּ | 20 |
| אִשָּׁת אָחִיו | לקחת | נִדָּה | עֲרִירִים יִקְיּוּ | 21 |

Comparison of the Structures

It is evident, as one reads the two chapters, that they deal with similar topics. Yet, many differences stick out – in phrasing, terminology in use, structure, and literary themes. Those create

¹¹⁵ Leviticus 20:2-5.

¹¹⁶ Leviticus 20:6-8.

¹¹⁷ Leviticus 20:7.

a bridge between the chapters and apply the prohibitions to all forms of existence – as will be shown below, through an analysis of the structure and language of the chapters.

Two basic points of variation between the chapters are the phrasing of the prohibitions in each chapter, and the outcome of the prohibitions, as well their order and sequencing. It seems as if chapter 18 is more focused on articulating who are the prohibited partners, than specifying the outcome or the punishment of not following those prohibitions. The only odd one out is verse 17 (in chapter 18), in which the text denotes the sexual union of one with a woman and her daughter, or granddaughter, as זמז. The themes in which the chapters frame their work are rather wide, chapter 20 clearly centered on death, and 18 with a complementary language regarding life and the living. This creates, poetically or literarily, an image that encompasses a wholistic approach regarding these prohibitions, in all forms of existence, through life and death.

To show that, one must look at the language that is being used in each chapter, and the themes that are in play. The language plays a central role in creating the clear “death” connotation for chapter 20.

Almost every verse in chapter 20 ends with a death penalty, which we have not seen at all in chapter 18. It also has specific words that are in use to denote specific prohibitions, as we will soon see – to name a few: תבל, חסד and others. This is a unique phenomenon within the Pentateuch – that each there are prohibitions that are denoted by a specific term to describe the violation or improperness of it.¹¹⁸ Chapter 20 is the densest chapter, in which the punishments are listed directly after each violation, a death penalty to all parties participating in the act.¹¹⁹ This is in opposition

¹¹⁸ More on this see in Good 1967, pg. 951-960. For forms of intergenerational punishment, see Levinson 2006.

¹¹⁹ For example see more in Schmid 2016, pg. 141-144.

to chapter 18 directly, after the violations, and others where that's not the case. Prohibitions are mentioned in various ways through the Pentateuch and the Hebrew Bible, some through a story,¹²⁰ some in a list,¹²¹ some with their punishments mentioned,¹²² and some without.¹²³ The main curiosity that is of interest for us is the comparison between the two chapters, both belonging to H, dealing with very similar (almost identical) topics - and yet one time has the punishments, and the other time without.¹²⁴

I will start now with the issue of phrasing of the prohibitions in each chapter. The main aim of this comparison is to reinforce the difference that was pointed out earlier between the chapters – chapter 18 only describes the prohibited act, and says it is prohibited. In chapter 20 we will see that each prohibition has a consequence, a punishment, that is a part of the verse. It is like a strong staccato of death penalties. Later we will compare the topics that are mentioned in the chapters, which will also strengthen the argument of the topics these chapters deal with.

The phrasing in chapter 18 for the prohibitions is almost always within the following formula:

ערוֹת X לא תגלה, ערוֹת Y היא.

Each verse specifying why each act is prohibited: it is uncovering Y's ערוֹה, which is something one mustn't do.¹²⁵ The deed is done through an act called גילוי ערוֹה of X's, who is always described in some familial language to the person addressed by the verses. It is important to note that there

¹²⁰ For example Numbers 15:32-36.

¹²¹ Our chapters, Leviticus 18 & 20 as an example. As well as Exodus 20. And many others.

¹²² A few archetypical examples are to be found in Exodus 21:19, Numbers 15:32-36 and Deuteronomy 13:13-18.

¹²³ The famous examples are Exodus 20, ad Deuteronomy 5, for example. See more on these differences by Westbrook, in BDB 5:546-556.

¹²⁴ Wells has pointed out that this is the case in laws that are mentioned in different sources, H and D for example. See more in Wells 2016, pg. 260 onwards.

¹²⁵ Milgrom 2000, pg. 1332.

is no clear consequence for this act, and chapter 18 is satisfied with just explaining to the reader why one shouldn't behave in this way, why it is a life or an action one shouldn't take part in.

In chapter 20, on the other hand, the phrasing is different:

ואיש אשר X את Y [...] Z.

The verbs in use are different: לקרב, לתת שכבה, לנאוף, לשכב (in X), and the prohibited parties are to be put in Y. Z is the punishment, and it has different phrasings of death penalties – of various levels perhaps, or any other intrinsic hierarchy. Z could be מות יומתו, or ונכרתו, or באש ישרפו, and so on. This is clearly more information than we found in chapter 18, with a strong connection to death as a central theme. There is a staccato of death penalties, and the idea of one being killed or dead is very often mentioned, almost in every verse. Also important to note, is that in terms of the topics, it opens and closes with the אב וידעני prohibitions, which have to do with necromancy, also to do with death.

Chapter 18, on the other hand, opens explicitly with the fifth verse, in which God says that keeping those laws will bring upon the man a lively and vital outcome: והי בהם. The text wants those following its rules to stay in the world of the living, and these are rules as to how they should engage with each other while they are alive. Indeed, this is only one verse, so as tempting as it is to say that chapter 18 is primarily about “life”, it is tempting to do so only in comparison with chapter 20. Thus, it is better to see both together, as all-encompassing, or creating a whole and full image, of all forms of existence.

It also seems like the lists are not exactly congruent in terms of the topics that are mentioned in them, and that some prohibitions in one list do not appear in the other. Following is a table of the prohibitions in those chapters, and where they appear (as in which verse):¹²⁶

| Table 3: Comparison of the Prohibitions in Chapters 18 & 20 | | |
|--|-----------------------------|-----------------------------|
| Prohibition | Verses in Chapter 18 | Verses in Chapter 20 |
| Father's Wife | 8 | 11 |
| Sister (through Father or Mother) | 9 | 17 |
| Father's and Mother's Sister | 12, 13 | 19 |
| Aunt (דודה) ¹²⁷ | 14 | 20 |
| Son's Wife | 15 | 12 |
| Brother's Wife | 16 | 21 |
| Woman and her Daughter | 17 | 14 |
| Menstruating Woman | 19 | 18 |
| Friend's Wife | 20 | 10 |
| מלך | 21 | 2-5 |
| Male | 22 | 13 |
| Beast | 23 | 15 & 16 |
| Only in Chapter 18 | | |
| Father & Mother | 7 | - |
| Granddaughter | 10 | - |
| Half-sister (through father) | 11 | - |
| Woman and her Sister | 18 | - |
| Only in Chapter 20 | | |
| אב וידעני | - | 6, 27 |
| Cursing One's Parents | - | 9 |
| Pure and Impure Animals | - | 25 |

It is important to note that 18 is broader in terms of the range of sexual prohibitions (it has 4 more prohibitions¹²⁸ that 20 doesn't mention). Nevertheless, chapter 20 has three unique

¹²⁶ I arranged them only for the sake of convenience according to the order in chapter 18.

¹²⁷ Verse 14 in chapter 18 helps define this term: "אָבִיבִידָה לֹא תִגְלוּ אֶל אִשְׁתּוֹ לֹא תִקְרַב דְּדָתָהּ הוּא". A דודה is one's uncle's wife.

¹²⁸ Depends on how one counts – the half sister prohibition could be read as a part of verse 17 in chapter 20.

prohibitions that are unclear in their relationship with the other sexual prohibitions – but might offer hints and traces of the mindset of the author of this text. To reinforce chapter 20 as themed around death, it is clear that it opens and closes with the אב וידעני prohibition, suggesting a framing to the chapter that has to do with necromancy, death, too. Various explanations have been offered as to why these differences between the mentioned prohibitions exist, some were rooted in each chapter's structure,¹²⁹ and others in textual criticism and research.¹³⁰

It has been offered that the chapters center around the four-generational scheme, allowing or at least not prohibiting sexual prohibitions between generations that are further than four generations away.¹³¹ Rattray¹³² bases the difference between the chapters in the phrase שאר בשרו in chapter 18, and that the rest of the chapter is more or less a definition of what that term mean – while chapter 20 serves a difference purpose, to describe the punishment of those prohibitions from chapter 18.

Douglas has offered to read the two chapters as pillars, as they serve the same purpose almost. She writes the following:¹³³

With slight variations in their sequencing but great overlap in content, the same peroration is repeated for each [...] Less a pedimental composition, these two chapters are more like two massively carved pillars on either side of a shrine, or like a proscenium arch. The laws on each side against incest, sodomy, and bestiality are backed by twice-repeated warnings that the land will vomit the people out if they follow these cults.

¹²⁹ See in Milgrom 2000, pg. 1527 & 1532-1533 on what exactly is prohibited in the chapters, whether it is “sex” or “marriage” or other forms of interaction.

¹³⁰ For example, see Dershowitz 2017.

¹³¹ Schwartz 1987, pg. 87; Kalisch 1868, pg. 359.

¹³² Rattray 1987 pg. 542.

¹³³ Douglas 1999, pg. 236.

She understands them as a part of the larger scheme of Leviticus, as I will discuss in the next part. Currently, what is important to notice, is the fact that she points to the great overlap in their content as something of an artistic value. Indeed, such close repetition is rare in the Hebrew Bible, with this much similarity in content. Douglas herself¹³⁴ has pointed to the similarity between the tabernacle chapters and those of the incest laws in Leviticus, as an illustration to Leviticus 18 and 20's importance according to the Pentateuch. They are both repeated twice very close to each other, and by this repetition, and similarity in layout, she suggests that the chapters are central as much as the tabernacle is.

So to sum up to here, we saw that chapter 20 is very often connected with the theme of death – both through its framing and the punishments that are mentioned. At the same time, chapter 18 uses some language that connects the reader with the world of living, and life – and together they create an image that addresses a full variety of existence - through life and death.

The next step in this research, is to better understand the prohibitions in these chapters and how they fit to this general themes presented above in regard to them. I will present some explanations that have been suggested in previous research regarding the terms that are in use in those chapters. They are not organized by any specific order, but rather by relevance and relation to each other. I start by two terms that stand by themselves (עֲרִירִים and דוֹה), and then move on to one that is of unclear meaning (מִשְׁכְּבֵי אִשָּׁה).

The importance of understanding these prohibitions is key to understanding what those chapters have in mind when speaking of sexuality – how are those prohibitions categorized, and

¹³⁴ Douglas 1999, pg. 195.

to which semantic field they belong. My general aim in this analysis is to show what those words mean and how they connect with the notion discussed until now of the chapters: life and death, as well as thriving and multiplying, or decaying in infertility. Following this semantical analysis, we will be able to continue to an analysis of the chapters' location within Leviticus in general.

dava (דוה)

The word דוה has a clear meaning,¹³⁵ as it is the state a woman is in when she is menstruating in biblical Hebrew – an אישה נידה is a woman *who is* menstruating, and a woman who is experiencing the sickness that comes with menstruation is an אישה דוה. The word appears only a few times, but one of them is in Leviticus 15, in the purity and impurity of bodily charges. The verse is:¹³⁶

וְהַדָּוָה בְּנִדְתָהּ וְהִזָּב אֶת זֹבֹו לְזָכָר וּלְנִקְבָּהּ [...]

Chapter 20 uses the phrasing that is common in the chapter (...וְאִישׁ אֲשֶׁר...) and speaks of an אִשָּׁה דָּוָה.¹³⁷ Leviticus 18, on the other hand, chose to speak of an אִשָּׁה בְּנִדְתָהּ טְמֵאָתָהּ.¹³⁸ Linguistically, the words also have a meaning of pain, or injury.¹³⁹ This perhaps hints to how menstruation was

¹³⁵ Milgrom writes in length about the term in Milgrom 2000, pg. 1753-1756. See also in BDB, pg. 622; HALOT, pg. 696; TDOT, pg. 232-235 – some claim the root originates from “wandering”, “put away”, or “throw down”.

¹³⁶ Leviticus 15: 33.

¹³⁷ The full verse is 20:18:

“וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת אִשָּׁה דָּוָה וְגִלָּהָ אֶת עֶרְוַתָּהּ אֶת מְקוֹרָהּ הֵעֲרָה וְהוּא גִלְתָּהּ אֶת מְקוֹר דָּמֶיהָ וְנִכְרְתוּ שְׁנֵיהֶם מִקֶּרֶב עַמָּם:”

¹³⁸ The verse is in 18:19:

“וְאִל אִשָּׁה בְּנִדְתָהּ טְמֵאָתָהּ לֹא תִקְרַב לְגִלּוֹת עֶרְוַתָּהּ:”

¹³⁹ BDB pg. 188 defines as “ill” or “unwell”. HALOT (def. 2002 on the CD) has the first definition as “sick”, and the second as “menstruating”. Might be related to the Akkadian of *dawûm* – meaning convulsed, and in our context, metaphorically unwell. Or etymologically connected with *dāmum*, meaning blood, with a clear connection to the topic in discussion here. Nonetheless, one must always be careful with etymology; thus, these connections are uncertain.

perceived by the ancients, or how they understood what women were going through in their menstruation. For example, in Deuteronomy:¹⁴⁰

(49) וְהִפְלֵא ה' אֶת מִכְתָּדָה וְאֵת מִכּוֹת וְרַעַד מִכּוֹת גְּדֹלֹת וְנֹאֲמָנוֹת וְחָלִים רָעִים וְנֹאֲמָנִים:

(50) וְהִשִּׁיב בָּהּ אֶת כָּל מַדּוּה מִצָּרִים אֲשֶׁר יִגְרַת מִפְּנֵיהֶם וְדָבְקוּ בָּהּ:

(51) גַּם כָּל חָלִי וְכָל מַכָּה [...]

מדוה is parallel in those verses to מכות and חלי, an injury or an illness. This is something to note when reading the prohibition, especially so when trying to infer the common lines or grounds on which those prohibitions grew and developed. Milgrom has also widened that the prohibition is on having sex with a woman with any genital flow and not just menstruation, based on this understanding of the word.¹⁴¹ I think he might be wrong to think chapter 20 has a wider range of the prohibition, as in chapter 18 the prohibition is about being in close proximity with such a woman (לא תקרב) – I think that is a stronger prohibition than that in chapter 20.

This adds to the semantic field of sexuality in our chapters' a meaning of physicality, and perhaps also pain. As I stated earlier, chapter 20 is mostly centered on the negative side of the coin. The word דוה is of death and punishment, and even though a menstruating woman can be referred to in other ways (as she is referred to in 18:19, for example: אִשָּׁה בְּנִדַת טְמֵאָתָה) the meaning of the word and its usage fit the general theme of this chapter. Lastly, the fact the prohibition exists in both chapters, is also a clear connection between the “life” and “death” themes in it – as the very idea of menstruation is the unrealized potential to create life, in the biblical context.¹⁴²

¹⁴⁰ Deuteronomy 28

¹⁴¹ Milgrom 2000, pg. 1754.

¹⁴² I write in the biblical context, because in feminist discourse menstruation is not only the unrealized potential of creating life, but rather a bodily experience, rooted in many life-span events and connected with all of them. The idea that menstruation is merely an unrealized potential of life doesn't consider the feminine experience of the phenomenon

aririm (ערירים)

The word ערירים is used only in chapter 20, and only in two cases – the last two in the chapter before the chapter continues to final verses. The verses mention two prohibitions:

(כ) וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת דֹּדְתּוֹ עֶרְוַת דָּדוֹ גְּלָהּ חֲטָאָם יִשְׂאוּ עֲרִירִים יָמָתוֹ:

(כא) וְאִישׁ אֲשֶׁר יִקַּח אֶת אִשְׁתּוֹ אָחִיו נָדָה הוּא עֶרְוַת אָחִיו גְּלָהּ עֲרִירִים יִהְיוּ:

Milgrom translates the word ערירים to “childless”.¹⁴³ This seems to be based on the other instances in which the word appears in the Hebrew Bible. For example, the famous story from Genesis 15, in which God promises Abraham that he will have a successor and a child born from his own *zera* (seed):

(ב) וַיֹּאמֶר אַבְרָם אֲדֹנָי ה' מַה תַּתֶּן לִי וְאֶנְכִי הוֹלֵךְ עֲרִירִי וּבֶן מִשְׁקַב בֵּיתִי הוּא דֹמֶשֶׁק אֱלִיעֶזֶר:

(ג) וַיֹּאמֶר אַבְרָם הֵן לִי לֹא נִתְּתָה זָרַע וְהִנֵּה בֶן בֵּיתִי יוֹרֵשׁ אֹתִי:

Literally, Abraham is worried that his בן משק בית – the son of his house – is going to be his heir – as he has no biological children. He says that explicitly, almost demanding of God to grant him a child – זרע נתתה זרע – הן לי לא נתתה זרע – Abraham points at God, as it is God’s decision making that caused Abraham to be childless.

The term ערירים is unique,¹⁴⁴ and appears again in the Pentateuch only in the Abraham story (Genesis 15). It also seems like Abraham is an ערירי, and those who commit the offences in Leviticus 20 (sex with one’s aunt (דודה), or sister in law (אשת אחיו)) are both ערירים – in the plural

itself, regardless of pregnancy and childbearing. More on that see for example in the Handbook of Critical Menstruation Studies: Bobel 2010, and specifically on pg. 34-36.

¹⁴³ Milgrom 2000, pg. 1757.

¹⁴⁴ Carmichael offers to read the prohibition as an answer or a reference to Abraham’s stories and the consequences of his incestuous union with Sarah. Carmichael 1997, pg. 172.

form. Indeed, the term has a singular and a plural form, and in Leviticus 20 both criminals deserve the punishment or the outcome of their action.

עֲרִירִים is a state one is in: one can walk in that state – like Abraham (וְאֶבְרָהָם הָיָה עֲרִירִי) – or be in it (עֲרִירִים יִהְיוּ), or die in that state (עֲרִירִים יָמָתוּ). Finally, it seems right to read the word as “childless” – as has been offered and translated.¹⁴⁵ This adds to our semantic field in these chapters a clear “fertility” and “life” component, which is also clear from the ending of the chapters (thriving on the land, in opposition with the land vomiting the Israelites out). My thesis regarding chapter 20 was that it’s central theme is “death”, and the word *aririm* adds to this notion, with it being the opposite of being fertile and thriving in the land. Rather infertility and decaying.

Furthermore, it is also connected through the punishment of the land vomiting its inhabitants – as both are punishment of an opposite nature to fertility and offspring. The vomiting of the land is the almost literary opposite of thriving and growing roots into it. The vector of thriving on the land is associated with an image of growing roots into it, while being vomited from it is associated with being uprooted, or being torn away from it. Those are active acts which prevent fertility, and vectors that point opposite ways.

miskabei iša (משכבי אישה)

This phrase appears twice, in very similar (almost identical) verses. The first is in Leviticus 18, and the second is in 20. The verses’ different phrasing fit the rest of their chapters, when the

¹⁴⁵ See more in Milgrom 2000, pg. 1755-1758. And in LXX (ἄτεκνος, literally childless), and the Targums (Pseudo-Jonathan, Onkelos & Neofiti: בְּלֵא וְלֵד, childless). Also see under BDB pg. 792 and HALOT, def. 7330.

verse in chapter 18 fits the rest of chapter 18's structure, and the verse from chapter 20 fits its neighboring verses as well. In chapter 18 (verse 22), it is written:

וְאֵת זָכָר לֹא תִשְׁכַּב מִשְׁכַּבֵּי אִשָּׁה תוֹעֵבָה הוּא:

And in chapter 20 (verse 13):

וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת זָכָר מִשְׁכַּבֵּי אִשָּׁה תוֹעֵבָה עָשׂוּ שְׁנֵיהֶם מוֹת יוּמְתוּ דְמֵיהֶם בָּם:

We are currently interested in the meaning of the term “משכבי אשה”, which has been usually translated as “lie with a man as one lies with a woman”. Linguistically, the prohibition can apply to one of the two parts – the active or the passive partner,¹⁴⁶ even though the punishment is on both parties. Some understood it as the prohibition on the active partner, and others read it as a prohibition on the passive partner.¹⁴⁷ The former reads משכבי אישה as active penetration – you shall not penetrate another male (the accusative, את זכר, means that one *does* a deed on another male, that deed being penetration). The latter reads it as a prohibition on the passive partner – much less likely and plausible grammatically¹⁴⁸ but nonetheless worth noting:¹⁴⁹

This construction regularly describes an action performed by the subject, not the subject's experience of someone else's action [...] the man to whom the laws of Lev 18:22 and 20:13 are addressed, then, is the one who performs the “lying down of a woman” – that is, the one who acts as the receptive partner. This is confirmed by the specification that he lies את-זכר, “with a male” [...] the זכר with whom a man is forbidden to lie is the penetrator; the person addressed by the laws is the receptive

¹⁴⁶ It seems necessary to understand the prohibition as anal penetration between two males, for more see Olyan 1994.

¹⁴⁷ Walsh 2001.

¹⁴⁸ See more in Dershowitz 2019.

¹⁴⁹ Walsh 2001, pg. 25.

partner. Thus the phrase *ישכב את-זכר משכבי אישה* is best translated “to lie with a male as a woman would”.

As we have seen, the terms can refer to both parties – but I find it more convincing that the prohibitions is aimed at the active partner, as the rest of the prohibitions (almost all of them, excluding perhaps Leviticus 20:16) are aimed at the active partner in intercourse. Lately,¹⁵⁰ Wells has argued for its meaning being an adverbial accusative of location.¹⁵¹ Nonetheless, the term *משכבי אישה* in the context of these verses means having sex; and more specifically - penetrative sex. For the purpose of this inquiry, understanding what the chapters mean, the phrase *משכבי אישה* will join a list of euphemisms in use in these chapters for sexual intercourse, together with *לגלות ערוה*, *לראות ערוה*, *לשכב* and many others.

This is also the place to note that the verses on homosexuality are greatly discussed for two main reasons: mainly because it is unclear what they meant in their context, and we know very little of the ancients’ sexuality - of their conception of its choreography and performativity – we can only fathom it is similar to sexuality in our modern times. The second reason for which this topic is greatly researched, is that it is a topic many people care about in our modern times: LGBTQ+ rights, the existence of people with non-heterosexual sexual orientation, and so on.¹⁵²

Indeed, the term homosexuality is anachronistic. As Halpern writes:¹⁵³

¹⁵⁰ Wells 2020.

¹⁵¹ Ibid, pg. 128.

¹⁵² Some scholars do participate in both sides and publish on this topic in both spheres. Milgrom has published his views academically (Milgrom 2000, pg. 1780-1790, and also earlier in Milgrom 1994). Dershowitz, a more recent and current scholar, has published his research both academically (Dershowitz 2017) and in the New York Times (Dershowitz 2018). This shows both an interest outside the academic world, as well as more incentives to delve deeper into the meaning and understanding of those verses. This connection could be a fertile land for biased opinions in the research of such issues, or of reading one’s own views into the text. I don’t think that’s the case with Milgrom or Dershowitz, but it is important to note this option.

¹⁵³ Halpern 1990, pg. 15.

[...] Chaddock is credited by the *Oxford English Dictionary* with having introduced “homo-sexuality” into the English language in 1892, in order to render a German cognate twenty years its senior. Homosexuality, for better or for worse, has been with us ever since. Before 1892 there was no homosexuality, only sexual inversion.

As Halpern shows later, “sexual inversion” has been in use mostly in the nineteenth century. Thus, that is also not a phrase or a term that has been in use forever. Every generation or era creates its own terminology for the phenomena within its culture. In the case of ancient Israel or the biblical society, we must be careful with what comes to mind when using a term from our modern age. Yet, at the same time, the word incest might be anachronistic too. The word “sex” is also anachronistic, as I have pointed out. And maybe other terms that have been in use in my research and reading of Leviticus.

Instead of not using all those words and not being able to say anything really, since our language is rooted in a different time we should be careful when calling the prohibition in verses 18:22 and 20:13 “homosexuality”. At the same time, we can continue calling them “homosexual prohibitions” but redefine and sharpen our understanding of what homosexuality is. It doesn’t matter much which option we take, if we remember the gap between our modern mind and understanding, and that of the ancients - the biblical authors, redactors, and readers.

Scholars have argued for different readings and narrowing of the prohibition’s meaning:¹⁵⁴ only when residing in the land of Israel,¹⁵⁵ homosexuality that is related to idolatrous cults,¹⁵⁶ only

¹⁵⁴ See more about homosexuality in the Hebrew Bible in Nissinen 1998, pg. 37-56.

¹⁵⁵ Milgrom 2000, pg. 1786. For further discussion and criticism on his view see: Gagnon 2005, pg. 285 (see under footnote 72).

¹⁵⁶ Bigger 1979, pg. 203.

anal penetration between two males,¹⁵⁷ only sex between males who are blood-related (brother, son, father, and so on),¹⁵⁸ a prohibition on the receptive partner,¹⁵⁹ a prohibition on heterosexual people (=who are not interested in consensual anal sex between two males) who perform anal sex with other males as a form of molestation,¹⁶⁰ a prohibition on a male from having sex with a married man,¹⁶¹ and even the option of ancient Israel not prohibiting homosexual unions but rather that a later redactor added that idea influenced by Zoroastrian ideas.¹⁶²

In the case of my research, it doesn't really matter what the exact meaning of the prohibition is – this might be of relevance to a deeper or clearer understanding as to what the meaning of “sex” is. Thus, it seems more important to have in mind the fact we do not have a clear understanding of what the prohibition meant, and it is clear we shouldn't project our current understanding of the choreography and social norms of sexual interaction between two males.

Furthermore, it seems important to note another theoretical discussion: the existence of lesbianism in the society the Hebrew bible refers to. Stiebert sums the scholarly discourse logically and accurately:¹⁶³

There are a number of possibilities:

1. Female-female sex was not practiced; it did not exist. Something that does not take place does not need to be banned.
2. Female-female sex was so taboo it was virtually completely repressed.

¹⁵⁷ Olyan 1994, pg. 180.

¹⁵⁸ Lings 2009.

¹⁵⁹ Walsh 2001, pg. 207-209.

¹⁶⁰ Douglas 1999, pg. 238. Based on Genesis 19, and see more in Carmichael 1997, pg. 54-55.

¹⁶¹ Wells 2020, pg. 156.

¹⁶² Dershowitz 2017, pg. 523-524.

¹⁶³ Stiebert 2016, pg. 116.

3. Female-female sex probably existed by was under the radar of the males who are most likely to have composed, transmitted, and used the texts preserved in the Hebrew Bible.
4. Female-female sex was practiced and known of, as well as disapproved of and outlawed. This did not need spelling out and can be extrapolated from existing prohibitions.
5. Female-female sex was practiced and known but not outlawed.

It seems like all those possibilities are sheer speculations, as we have no textual evidence for these cases. Based on other societies and cultures, it seems to me that it is safest to argue for the third possibility. Yet, that cannot be defended by any biblical-based research. As such, I will leave those questions to future research, perhaps with new archaeological or extra-biblical material.

Homosexuality has shown us that we need to be very careful in imposing our modern mind on the text. In the context of our chapters, we also saw the semantic field of sexuality expanding – to another term, denoting a sexual union as a feminine act, or related to women. Even though the meaning of this term is wide and has many implications, it also adds to the notion of sexuality that is in-fertile and leads to a prohibited union. It is an act that belongs to the symbolism of death, without any potential offspring, and as such it belongs to the second part of chapter 18 – directly after the מלך (necromancy) prohibition, as well as it being listed with a death penalty in chapter 20. These themes might help us gently speculate, that female homosexuality was also prohibited, for similar reasons of infertile acts – even though the severity of the prohibition might differ, as there are no males involved in the act, in opposition to all the other prohibitions we see in those chapters.

The words we saw up to here, added to the fertility component of both chapters. Emphasizing the centrality of life and death in them, and the connection between all those ideas. There are other words that deserve further analysis in order to fully understand the chapters (חועבה, חסד, זמה, תבל)

but those will be discussed later, in reconstructing the severity and moral standards of ancient Israel, and as was hinted earlier.¹⁶⁴

Chapters' Place within Leviticus

This part will consist of a few central views regarding the placement of chapters 18 and 20 within Leviticus.¹⁶⁵ The main aim is to show that both chapters are not located close to each other by mistake, but rather serve a more general goal in the ordering of the chapters. In the context of this research, it is important to show how both serve as two parts of the same idea. As the aim of this work is analyze the floating signifier of “sex” in these texts, and to infer its regulation in ancient Israel’s social structure – a short overview of Milgrom and Douglas will suffice, as the main point is to show the centrality and co-dependence of chapters 18 and 20, in order to justify them as good test cases for the semantic field of sexuality.

Milgrom, in his commentary on Leviticus, he explicitly follows Mary Douglas’s argument of Leviticus’s structure:¹⁶⁶

The most commendable attempt to account for the organization of Leviticus has, in my opinion, been proposed by Mary Douglas. [...] she arranges the chapters of Leviticus in the form of a ring.

Douglas herself, on the other hand, chooses a rather different shape later on, to define Leviticus’s structure. She writes:¹⁶⁷

¹⁶⁴ See more on pg. 74-92.

¹⁶⁵ Deuteronomy 27:9-26 refers to those chapters almost explicitly, and places them in close relation its neighboring chapters. See more on that in Ellens 2008.

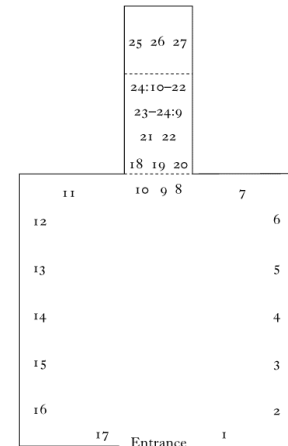
¹⁶⁶ Milgrom 2000, pg. 1364. Based on Douglas 1995, pg. 247-255; Douglas 1993, pg. 11.

¹⁶⁷ Douglas 1999, pg. 218 & 223.

The narratives have suggested an unexpected partitioning of the book. They divide it into three unequal compartments with laws filling the spaces between the stories. These compartments correspond to the relative size of the chambers in the desert tabernacle built according to God's instructions in Exodus. The result is to project the three parts of the book on to the tripartite architecture of the tabernacle.

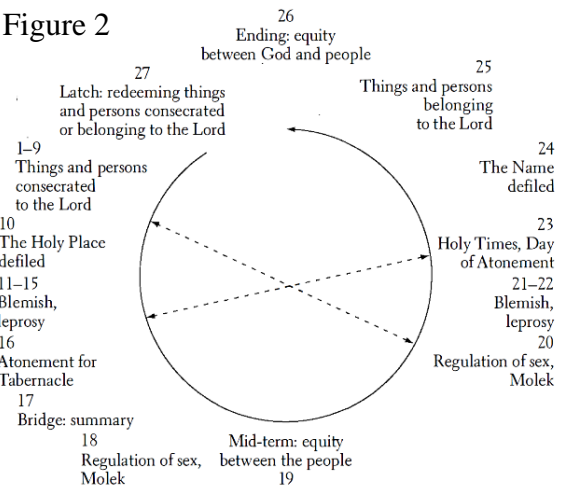
She reads the “circle” as an outline of the tabernacle and offers a figure to support the comprehension of the model. In the figure on the right (Figure 1: Leviticus’s Structure According to Douglas),¹⁶⁸ she places the chapters in the order she sees fitting, with the comparisons between the chapters in it. This is one structure, through which one can understand the different roles of each chapter in the greater structure of Leviticus.

Figure 1



Milgrom, in the quote above, chose to follow another structure she proposed, taken from a different standpoint. He brings it with slight amendments he made to it (in the figure on the right, Figure 2: Leviticus’s Structure According to Milgrom).¹⁶⁹ In his ring, there are many unanswered questions from Douglas’s model¹⁷⁰ – but the most important part is in presenting Leviticus’s organization or text as unit to itself,

Figure 2



and a circle serves that goal well rhetorically. In Milgrom’s model, there’s a mirror image on both

¹⁶⁸ Taken from Douglas 1999, pg. 223 (figure 11.3).

¹⁶⁹ Milgrom 2000, pg. 1365

¹⁷⁰ Ibid, pg. 1365-1367.

sides of the ring: of holiness of time, space, interaction with animals (eating), and interaction with one's close ones (incest laws, and necromancy) – all leading and based on the equity between God and people. To put differently, based on the aim of similarity between the people to God. Other commentators and researchers have argued for other structures of the chapters and of Leviticus, but for the brief outline on this spot Douglas and Milgrom will suffice.

To conclude, I think it is evident that there is a clear structure (perhaps even more than one) to Leviticus and to chapters 18 and 20 within it and by themselves.¹⁷¹ In it, chapters 18 and 20 are very central and are at the heart of the book of Leviticus, and maybe also of the Pentateuch. We, as readers and interpreters of those texts must also educate ourselves with the world its readers and authors had in mind. This will lead us to the next step in this research: widening what we know of its neighboring societies and how those can be relevant to our understanding of ancient Israelite society. Before that, I will try to conclude and bring together in a general discussion all that has been presented and researched in the previous pages, to collect everything and conclude, before we continue to the next step.

Discussion

It seems like the wiser path to walk on is the latter, as the main goal in this research is to reconstruct the ancient Israelite understanding of society and their norms of sexual regulation, is reading the texts as they are presented for us. Indeed, diachronic analysis might be a window to earlier stages in the formation of Ancient Israel as a culture and a society,¹⁷² but might also be

¹⁷¹ In contrast to various other scholars. For example: Snaith 1967, pg. 137: “the compilations of laws and customs come from different sources, all brought together without any real attempt at editing or correlation”. A similar view can also be found in Noth 1965, pg. 146.

¹⁷² Dershowitz 2017.

flawed with much speculation and imprecision. Consequentially, I am interested in pursuing the meaning of the texts as they appear before us, fully redacted, as readers.

As we saw earlier, there are many unique phrases and words in chapter 18 and 20. They are unique within Leviticus, and sometimes unique throughout the Hebrew Bible. This indeed asks of us to be careful in trying to read them and make sense of those words. It seems safer to argue for their semantic field, than to anything more exact than that. We saw that **אב וידעני** have the same semantic field as **מלך**, and that there is some scholarly consensus as to their relationship to the realm of necromancy.

The chapters use multiple phrases to describe sexual intercourse: **לגלות, לתת שכבת זרע, לשכב את**, **לראות ערוה, ערוה**, and others. As we have seen, they are referring and built upon previous narratives (Lot's daughters and the story of Ham and Noah). All of them seem to indicate different things, otherwise the chapters would have used the same wording to indicate those sexual acts. At the same time though, they might serve a literary purpose. This should also be researched in future work, perhaps via detailed analysis and comparison to other neighboring societies and cultures. In the case of this research, they are understood and read as euphemisms for sexual intercourse. Lastly, the phrase **משכבי אשה** is understood as anal intercourse between males – even though it is unclear whether the verse refers to the active or passive partner, or as some other details regarding this act. It is thus another euphemism for penetrative sex.

I have also showed the need for a re-definition of the term “sex” in reading those laws, or at least the definition of “incest”. It seems like the text we have at hand is one unit (created by two separate chapters, each well defined), and it wishes to be read as such. If we think it is one unit, a modern reader might suggest their topic is incest – or incest laws. Nonetheless, we saw this is not the case – as there are many other topics in discussion.

As we have seen in the analysis of chapter 20, but would also be very relevant for chapter 18, there are other topics in those chapters. אב וידעני for example, the מלך prohibition, cursing one's parents – have no connection to sex in the modern mind. As I have pointed out, I think we as readers should adjust our terminology and semantic field when reading a text from so long ago and with a different set of values and associations. The idea of sex today is limited and based on human bodies and their interaction other bodies, in a specific choreography or energetic connection. It seems like it reduces an idea that is not well defined in our society or culture at all.

Miriam Webster's Dictionary brings a few definitions:

1a: either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male especially on the basis of their reproductive organs and structures

b: the sum of the structural, functional, and sometimes behavioral characteristics of organisms that distinguish males and females

c: the state of being male or female

d: males or females considered as a group

2a: sexually motivated phenomena or behavior

b: sexual intercourse

3: genitalia

It seems like this is reduced to interactions and living situations, functions and structures of organisms – and only those who distinguish between males and females. It seems like sex is a set of actions, organs, or people – if this one word can include so many things in our modern age, it seems safe to argue for the existence of another word a few thousand years ago. Perhaps it was more than one word, thus the topic of our chapters is no longer “incest” or “sex”. Indeed,

quantitatively, it seems like essentially most verses deal with sex in chapter 18—¹⁷³ but that is not the case with chapter 20.¹⁷⁴ There, it seems, אב וידעני and מלך are of even greater rhetorical importance. I think that if we tried to use Biblical Hebrew, that which was used by the first generation of readers of these chapters, we wouldn't have called those chapters “incest laws” or “sexual prohibitions”. I think those words did not exist, but a word to be used as a title did exist – and we have lost it in this generational gap.

The redefinition of sex, widening our mind, is the first step that is needed to make, in the path of clearing the mist surrounding the topic of these chapters. We might not be able to create a clear-cut picture, but hopefully this allows us to draw a finer outline as to the topic of these chapters.

As we saw in chapter 18, those rules are rules of being alive on the land (והי בהם). Sexuality, in this sense, is a way of being alive. Limitations on sexual conduct within the family has to do with many other implications on the idea of family in the ancient's way of thinking,¹⁷⁵ but more than anything it has to do with the proper way of being alive and a part of a clan – a family. According to what we saw so far, regarding מלך and אב וידעני, in relation to prohibited sexual unions, implies that one must interact in the world of the living alone - and not initiate contact with those he/she shouldn't – be it illicit sexual partners, or people who are dead and shouldn't be contacted or a part of the living anymore.¹⁷⁶ This is not yet a full understanding, as it does not yet take into account the part in both chapters, that speaks of the relationship between the land and the people living on it.

¹⁷³ 17 verses out of 30, in my counting.

¹⁷⁴ 12 verses out of 27, also in my counting.

¹⁷⁵ I will refer to that in the third chapter of this thesis. Specifically, see on pg.

¹⁷⁶ Interesting to note Stewart 2021, on Ob ve'Yidoni being a prohibition on sex with ghosts. I think that is a wrong understanding of the term, as I have mentioned earlier.

Thus, the laws in Leviticus 18 and 20 are rules that deal with fertility and liveliness. They are rules about how the Israelites should live as a nation. There are two axioms to that sentence: in order to live as a nation, they must stick to the world of the living, and they must maintain a strong sociological model to lean on – that model is based on families. Within families, in order to keep the social order in place, there must be prohibitions as to what constitutes a family and which unions are prohibited. The verses point to a violated relationship with the land, in using the term of the land vomiting its inhabitants – instead of its inhabitants settling in the land, planting in their seeds and growing trees and fruit in their settlements. For example, in 18:28:

וְלֹא תִקְיָא הָאָרֶץ אֶתְכֶם בְּטִמְאַתְכֶם [...]

It seems plausible to point to the violation of the familial structure, as causing a symmetrical response from the land. It implies that if the Israelites violate their commitment to the laws given to them, the land will turn its back on them and throw them out (as we said, exactly the opposite of seeding and planting in it). This is one side of the chapters, which we called “fertility” – having to do with procreation as the way in which humans are fertile, and the basic outcome of sexual conduct in times before the invention of effective contraception.

The second theme of the chapters is on how the Israelites should live in their families and as a group of people. The verses use an explicit set of words to describe that, first positive and then a little more threatening. In 18:5:

וְשִׁמְרֶתֶם אֵת חֻקֹּתַי וְאֵת מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אִתְּכֶם הָאָדָם וְחַי בְּהֶם אָנִי ה'

And after the long list of prohibited unions, the text finished with a verse which is a little harsher, 18:29:

כִּי כָל אֲשֶׁר יַעֲשֶׂה מִכָּל הַתּוֹעֵבֹת הָאֵלֶּה וְנִכְרְתוּ הַנַּפְשׁוֹת הַעֲשֹׂת מִקְרֵב עַמָּם:

Chapter 20, on the other, builds up upon the intensity with which we left the topic in chapter 18, and opens the first prohibition with a death penalty – 20:2:

וְאֵל בְּנֵי יִשְׂרָאֵל תֹּאמַר אִישׁ אִישׁ מִבְּנֵי יִשְׂרָאֵל וּמִן הַגֵּר הַגֵּר בְּיִשְׂרָאֵל אֲשֶׁר יִתֵּן מִנְרָעוֹ לַמֶּלֶךְ מוֹת יוּמָת עִם הָאָרֶץ
יִרְגְּמֶהוּ בָאֶבֶן:

If this wasn't a clear enough framing, of death as a framework for the punishment and the realm in reach of the themes discussed in the chapter, the next verses in the chapter (almost all of them) keep to a staccato of death penalties. Although different terms are in use, it is death, nonetheless. For example, in 20:3: “וְהִכַּרְתִּי אֹתוֹ”, and in verse 4: “הִמִּית אֹתוֹ”, then again in 5&6: “וְהִכַּרְתִּי אֹתוֹ”, and later in verses 11&12: “דָּמִיָּהם בָּם”, and in many other verses (10,13,15,16, 27): “מוֹת יוּמָת”. So many cases of death, that are the outcome or the punishment of violating those laws. The crescendo ends with the following verse in 20:22:

וּשְׁמַרְתֶּם אֶת כָּל חֻקֹּתַי וְאֶת כָּל מִשְׁפָּטַי וַעֲשִׂיתֶם אֹתָם וְלֹא תִקִּיאוּ אֶתְכֶם הָאָרֶץ

This refers to what we saw in chapter 18:22, as its twin chapter. Not only must one live in a specific way, stay in the world of the living, and stay away from prohibited unions – if that one doesn't follow God's commandments, he will find himself dead – either straightaway, or by not having any children, זרע.¹⁷⁷

All in all, these chapters are explicitly dealing with question of life and the right way of being alive in a family, as well as the question of fertility and procreation – in which the land is used both as a metaphor and as a punishment. The symmetrical readings here are almost a clear *lex talionis*, which we know so well from other biblical texts, both narrative and law. To put it in

¹⁷⁷ Or ערירים, as we saw on pg. 48-49.

simple words: just like you (Israel) are going in the wrong direction that you were expected to go with your families (i.e. have sex with those you are prohibited from having sex with), the land will do the opposite of what it is supposed to do with you (i.e. vomit you out, instead of let you dwell and settle in). And if you kept to those rules, and had sex only with those you are allowed to have sex with – you will dwell in the land, happily and healthily, with all of God’s blessings upon you. That is the two-sided coin chapters 18 and 20 present us, of life and death on the land, via following those rules.

Conclusion

To sum up this part of the research, an overview of what we did up to here is in order. We read and analyzed the גילוי ערוה prohibitions in their two appearances in Leviticus. We then paid attention to their location within Leviticus, and to their structure by themselves and in relation to each other. In order to read them coherently, there have been definitions offered to the challenging terminology in them, both key terms and more unique and obscure terms which were relevant only to a few prohibitions. The close ties between sexual conduct and dwelling in the land have been pointed to, as well those being the theme of the chapters in question. Not “just” sexual prohibitions, but chapters on “how to live in the land of Israel” – with an emphasis on the *live* and on the *land*. It is not only centered on sexual fertility or infertility, but rather on deeds that are centered on life and refrain from interaction with death on its many levels.

The next part is a discussion of the different themes that were brought up until now, as well as some overarching themes in the chapters. It will have three main points of discussion: the nature of holiness as is presented in the chapters, as well as a possible title for the chapters instead of the

incest laws. Lastly, a hierarchy will be suggested among some of the prohibited unions, and the words used to denote them – based on a contextual analysis, and the research up to this point.

3. Discussion

It is time to go back to the questions which started this investigation. The main question I tried to answer was regarding the overarching theme of chapter 18 and 20 in Leviticus. It is common to call them the “incest laws”, and we have seen that there are many other topics in these chapters - they either distract this title from “incest” alone or widens that which this word signifies.

In the current chapter, I will present three major ideas. They are all in continuation from the previous chapters but will also present some new layers of scholarship. The theses I will attempt to prove are the following:

- a. Holiness is a vector, and it is dependent on how separated one is from others. It affects the relationship with the land. Holiness is intertwined with land and separation from others.¹⁷⁸
- b. The title of the chapters shouldn't be “incest laws”, but rather a word in the midst of the triangle of fertility, life, and death. The deeds and prohibitions in those chapters, as well as their punishment and consequences, are all related to fertility of humans and the land, death – of ancestors and violators of the law, and life – in creating life, taking it away, and thriving in life. Those are chapters that deal with “fertility as a mediator between life and death”.¹⁷⁹

¹⁷⁸ The relationship between life, humanity, and land, is to be discussed in future research. It is semantically and Midrashically tempting to note the similarity in the root: אדם, דם, and אדמה – especially with the creation stories, and the verse from Noah's story in Genesis 9, v. 7: שִׁפְךָ דָם הָאָדָם בְּאָדָם דָּמוֹ יִשְׁפָּךְ כִּי בַצֵּלִם אֱלֹהִים עָשָׂה אֶת הָאָדָם. Yet, those are currently to be regarded as mere speculation.

¹⁷⁹ Stewart 2020, tries to address these chapters and find what their idea of sexuality is. Unfortunately, he doesn't address the topics that are (in my opinion) the key to uncovering the topic of these chapters – אב וידעני and מלך. The conclusion he comes to is an idea of hierarchy, between deities, humans and animals – which he compares with the Hittite incest laws.

c. I will show that Chapters 18 and 20 Leviticus introduce the readers to four words that all are commonly read with some ambiguous meaning of disgust. תבול, זמה, חסד, and תועבה. I think they create a rather specific hierarchy - *zima* is at the very top, *toeba* at the bottom, and *hesed* and *tebel* are of unclear relation to one another but exist in between *zima* and *toeba*. This will be shown based on the context of their appearance, and the semantical field they imply to the reader.

Starting with the first thesis, the vector of holiness is a regarding the ways in which one can become holy, or perhaps *be* holy.

The Holiness Vector

In reading Leviticus 18 and 20, the addressee is a male member of the Israelite society. A man being the ego, leads the text to describe all his family members in relation to him: “your mother” or “your friend’s wife”. It is evident that this applies to every male member of ancient Israel, as the text explicitly states: “איש איש”.¹⁸⁰ This already teaches us a great deal about how those laws were meant to be read: they are basic rules that are meant to be followed by everyone in the society. There is no differentiation between different kinds of people (at least in chapters 18 and 20), and there isn’t a distinction at all between slaves and free people. Yet, in the following chapter, such a distinction is made between priests and the other Israelites.

¹⁸⁰ Leviticus 18:6 & 20:9.

Berman has pointed out that the Hebrew Bible broke through with the idea of equality in ancient political thought.¹⁸¹ This view is also supported by Faust,¹⁸² but seems to be contradicted in relation to sexual laws. Even though the sex laws of Leviticus are aimed at all members of the Israelite society, the following chapter to Leviticus 20 that was analyzed earlier, already puts forth a difference between two societies within ancient Israel:

(1) וַיֹּאמֶר ה' אֱלֹהֵי-מֹשֶׁה אָמַר אֱלֹהֵי-הַכֹּהֲנִים [...] (7) אִשָּׁה זֶנֶה וְנִחְלָהּ לֹא יִקְחוּ וְאִשָּׁה גְרוּשָׁה מֵאִשָּׁה לֹא יִקְחוּ כִּי קֹדֶשׁ הוּא לַאֲלֹהֵינוּ... (10) וְהַפֶּהן הַגְּדוֹל [...] (13) [...] אִשָּׁה בְּתוּלִיָּהּ יִקַּח: (14) אֶלְמִנָּה וְגְרוּשָׁה וְנִחְלָהּ זֶנֶה אֵת אִלָּה לֹא יִקַּח כִּי אִם בְּתוּלָהּ מֵעַמּוֹ יִקַּח אִשָּׁה: (15) וְלֹא יִחַלֵּל וְרָעוּ בְּעַמּוֹ כִּי אֲנִי ה' מִקְדָּשׁוֹ:

Priests are not allowed to marry a woman who is a זונה, a חללה, or a גרושה. It is unclear whether the חללה is a part of a woman being זונה – with the latter probably best translated as prostitute.¹⁸³ Here is a clear differentiation between two kinds of people in Israel: priests and non-priests – commoners, perhaps, as a better word. At the same time, one must ask whether this difference is one which creates a hierarchy. And if so, we must understand this hierarchy better.

The rules are aimed at all classes of society, and those rules are tightened on the priests. Which means that the priests have *less* freedom, and *fewer* liberties than the commoners do. In the context of the text, it creates a vector among other humans. On the right, is a vector Milgrom proposed in the context of dietary laws.¹⁸⁴

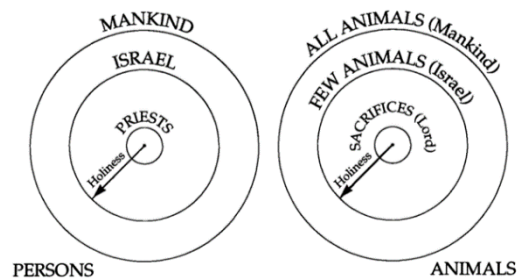


Figure 3: Dietary Holiness Vectors

¹⁸¹ See Berman 2008, pg. 6 for the scope of this equality. See also in pg. 28-29. And throughout the book he brings examples and other proofs to this point. For the sake of our context, it is also important to note he discusses social equality, and not gender equality.

¹⁸² Faust 2013, pg. 47.

¹⁸³ Milgrom 1998, pg. 1555.

¹⁸⁴ Milgrom 1991, pg. 722

This hierarchy resembles those who is allowed to eat which kind of food. The hierarchy as he described it consists of three levels, with priests on the top and the rest of mankind in the lowest level. Mankind eats all kinds of animals, Israel eats fewer animals that are allowed to them, and Priests are the only ones to eat from sacrifices.

A similar vector can be created for the incest laws, and the hierarchy created within society accordingly. To the right, is a figure I created with inspiration from Milgrom's. It consists of different classes of society, as derives from Leviticus (ch. 18, 20 & 21:1-15). This time, there are four levels: the High Priest (כהן גדול) is very limited in his permitted sexual partners, below him are the rest of the priests, then the Israelites, and then the rest of mankind.

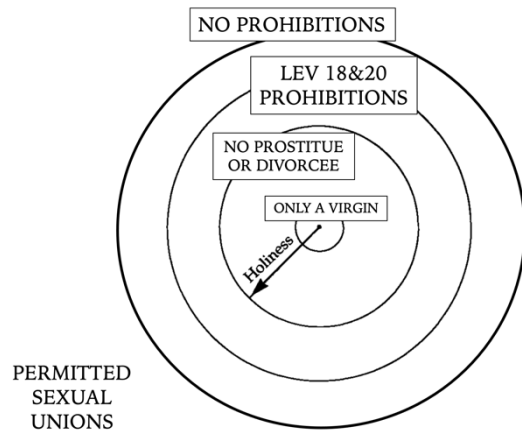


Figure 4: Sexual Holiness Vector

As we have seen, it is not true that the rest of mankind engaged in incestuous sexual unions.¹⁸⁵ Not even those cultures that were neighboring to Ancient Israel, but so far it seems like rather a rhetorical claim – as at least some of those prohibitions existed in the nearby societies.¹⁸⁶ If we are to understand it as is, then it could mean the Israelites shouldn't be similar to the other cultures in that people who higher in the hierarchy have more rights than those who are lower in it.¹⁸⁷ Ancient Israel chooses the opposite: if one is higher in the hierarchy, he would have more prohibitions and limitations upon himself. Those limitations and prohibitions in Ancient Israel

¹⁸⁵ As we have seen in Hatti and Babylon perhaps. Interesting to note Roman Egypt, where it seems to have be widely practiced. See more in Robinson 2020, and specifically on pg. 40; Bagnall & Frier 2006, pg. 123-133; Parker 1996, pg. 374.

¹⁸⁶ and many others. See for example in Driver & Miles 1935.

¹⁸⁷ That might be due for the similarity between gods and kings, as Adamson proposes in Adamson 1982, pg. 89. Further research should be invested as to the reason this happens.

apply to all, and on top of them there are more limitations upon priests and high priests. Milgrom reads these vectors as leading to a resemblance to God, which I think it is hard to base without investing so much more on understanding what it means, to be God. It is worth noting though that the Milgrom reading is probably based on the classical commentary on these verses, as Rashi and Ramban comment: “קדושים תהיו, פרושים תהיו”,¹⁸⁸ which perhaps was what led Milgrom to his vectors theory.

A woman is usually prohibited for a specific man because she is related to another man – at the same time, there are other reasons for those prohibitions: two sisters, a mother and her daughter, and a menstruating woman – those aren’t closely related to male members of one’s family, at least not necessarily. It seems to put the dynamics among men as in a larger context, of a hierarchy of families, relation to fertility and to nature. A man is prohibited from having sex with a woman and her daughter, *because* she is her daughter. It is prohibited for a man to have sex with two sisters, as they are connected through a living connection –¹⁸⁹ once one of them dies, the other is not prohibited anymore.¹⁹⁰ This prohibition is dependent on its simultaneity aspect. Lastly, the prohibition on menstruating women is dependent on a natural phenomenon that occurs to these women – similar to growing of the moon and the rising of the sun, clearly things that are and resemble a connection to nature and to divinity. Those point to another important point that is central to those chapters: the importance of time (in terms of simultaneity, and when things occur) as well as space – nature: in terms of what it implies to the people who live in and on it.

¹⁸⁸ Both on Leviticus 19:2, based on Sifra Kedoshim 1.

¹⁸⁹ “בהייה” in the verse. Leviticus 18:18.

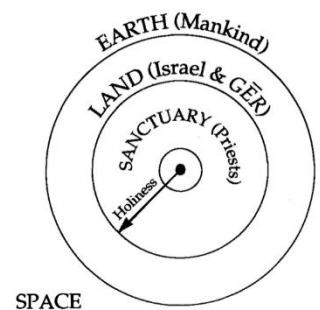
¹⁹⁰ See more in Levavi-Feinstein 2014, pg. 95. Or in Sheckman 2020, pg. 188 – she points out that this also sheds light on the prohibition on a priest to marry a divorcee, while being allowed to marry a widow.

Both chapters end with the relationship with the land. As I have written earlier, the land is where one lives his or her life. And in the context of prohibited actions like those in our chapters, it is where those sins are committed. This creates a bond between one who lives in a specific way, and their land. At the same time, it creates a connection between actions and their consequences – as if every act has two sides. One that happens by the man, and the other that is a reaction of the world – or of God. These two realms, of “sexual”¹⁹¹ conduct and living in the land are connected and dependent on each other. The verses are as follows:

| Leviticus 18 | Leviticus 20 |
|--|---|
| (27) כִּי אֵת כָּל הַתּוֹעֵבֹת הָאֵל עָשׂוּ אַנְשֵׁי הָאֶרֶץ אֲשֶׁר לִפְנֵיכֶם וַתִּטְמְאוּ הָאֶרֶץ: (28) וְלֹא תִקְיֵא הָאֶרֶץ אֶתְכֶם בְּטִמְאַכֶם אֹתָהּ כַּאֲשֶׁר קָאָה אֵת הַגּוֹי אֲשֶׁר לִפְנֵיכֶם: (29) כִּי כָל אֲשֶׁר יַעֲשֶׂה מִכָּל הַתּוֹעֵבֹת הָאֵלָה וַנִּכְרְתוּ הַנְּפֹשׁוֹת הַעֹשֹׂת מִקְרֹב עִמָּם: (30) וַיִּשְׁמְרֶתֶם אֵת מִשְׁמְרֹתַי לְבִלְתִּי עֲשׂוֹת מַחֲקוֹת הַתּוֹעֵבֹת אֲשֶׁר נַעֲשׂוּ לִפְנֵיכֶם וְלֹא תִטְמְאוּ בָהֶם אֲנִי ה' אֱלֹהֵיכֶם: | (22) וַיִּשְׁמְרֶתֶם אֵת כָּל חֻקֹּתַי וְאֵת כָּל מִשְׁפָּטַי וַעֲשִׂיתֶם אֹתָם וְלֹא תִקְיֵא אֶתְכֶם הָאֶרֶץ אֲשֶׁר אֲנִי מְבִיא אֶתְכֶם שָׁמָּה לְשִׁבְתָּ בָּהּ: (23) וְלֹא תִלְכוּ בַחֲקֹת הַגּוֹי אֲשֶׁר אֲנִי מִשְׁלַח מִפְּנֵיכֶם כִּי אֵת כָּל אֱלֹהֵי עֲשׂוֹ וְאֶקְיֵץ בָּם: (24) וְאָמַר לְכֶם אֹתָם תִּירְשׁוּ אֵת אֲדֹמְתָם וְאֲנִי אֶתְנַנֶּה לְכֶם לְרִשְׁתָּ אֹתָהּ אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ אֲנִי ה' אֱלֹהֵיכֶם אֲשֶׁר הִבְדַּלְתִּי אֶתְכֶם מִן הָעַמִּים: |

Figure 5: Space Holiness Vector

It does seem like the land reacts to the specific prohibited acts, and it is based on being different to the previous people who lived on it: אתכם. Milgrom, in the figure on the right, suggests a space vector too, of various levels of holiness in different lands.¹⁹² Being in a specific space, living on a specific land, yields some prohibitions and



suitable actions. Incestuous unions are inappropriate to those who live in the land of Israel,

¹⁹¹ I put the “sexual” in quotation marks, as I have shown earlier the chapters include more ingredients than what falls under this category.

¹⁹² Milgrom 1991, pg. 725.

according to our chapters – similarly to other ideas of space holiness in other parts of Leviticus. Within the Israelite society, there are animals living too – as property of men, and perhaps some which move around freely. Those are all prohibited from sexual unions of any kind – maybe as a polemic with the Hittites,¹⁹³ or any other culture that allowed sexuality with animals and we have yet to unearth.

Thus, to conclude, the idea of holiness in the chapter is that which makes some things more special than others, who is excluded from other things. It puts the land of Canaan on a different level than other lands in which humans live, and also the people of Israel on another level than their fellow humans – through their actions and limitations on their interactions with sexual partners and family members.

Possible Title for the Chapters

The next thesis I suggest in this chapter, is regarding the overarching theme of the chapters – a possible title for the chapters, different to the “incest laws”. This theme is an attempt to redefine sexuality as Leviticus 18 and 20 do, and to carefully spell out the title or ideas that the chapters bring forth.

The land is a place to live on, only when the Israelites keep to the rules aforementioned – those are the אב וידעני, cursing one’s parents, sex with menstruating women, מלך, homosexuality,

¹⁹³ During the work on a final version for this thesis, an article came to my attention that points to the similarities and possible interaction and influence that chapters 18 and 20 in Leviticus might have had on the Hittite incest laws – or at least an evident connection. See more in Welch 2022.

bestiality and many other prohibitions. Generally, it isn't enough for those topics to be in close relation in order for us think they are related. As Carmichael articulated well:¹⁹⁴

[...] how does one explain this lack of logical connection between the subject matter of one rule and the next? What we should not do, I submit, is what scholars typically do. They look at the two rules together and try to puzzle a link despite the gulf in substance between them.

Our case is unique though, as the end of both chapters command the Israelites to keep all those laws – and then the chapters connect those actions to their being on the land. Thus, there is a strong interdependency between those three aspects: prohibited sex, wellbeing on the land, and offspring.

Yet, fertility or procreation might be a good match: being on the land means on a fertile land, that can give fruit and allow humans to live in it. The prohibition is on sex with one's offspring, and other relation that are family and fertility related. Thirdly, the prohibited sex is always related to fertility and common breeding ground: two sisters, a mother and her daughter, one's own sister, and so on. Lastly, the other prohibitions are also related to fertility in the sense that they refer to the relationship between oneself and his offspring or ancestors. Thus, the mysterious connection between מלך, cursing one's parents, אב וידעני, and the incest prohibitions make more sense. Menstruation, is also a phenomenon that is related with a woman's fertility or infertility, for biological reasons, primarily. Furthermore, it connects with male-male intercourse,

¹⁹⁴ Carmichael 1997, pg. 45. His research was dedicated to show the intertextuality of these laws to the narratives from the book of Genesis. He doesn't try to make sense of the topics and connections the text itself makes, but rather prefers to look at the intertextuality it creates with previous narratives. This is a choice one can make, no doubt, but should have in mind that he or she will not have an understanding of the specific text they are analyzing, but rather of its intertextual connections.

as it is also an inherently infertile intercourse. It doesn't seem like the word "fertility" fits all those subjects together, but it clearly fits to a wider range of topics that exist in those chapters, than the term "sex" does. It might imply that the term "fertility is dependent on a strong sense of family structure and boundaries, in order for the fertility to be proper and right.

Another interesting direction to think regarding the topics of those chapters, is the living and dead dichotomy. One may not marry two sisters while they are alive, he may not commit necromancy (אב וידעני), and may not take part in מלך worship. Those come along and serve as a framework to those who live together, as a family – and to whom the prohibited sex laws apply. This is also true about a priest and a prohibition on marriage to a divorcee, while it is allowed with a widow. The fact that the ex-husband is dead makes her prohibited. Those rules govern the laws of how to be alive, and which unions are allowed to exist in order to create life – and how those are limited from unifying with the dead. A living person, lives on a land – and in order to live on a land that one has to keep specific sexual rules. Those rules are connected to his existence and belonging to the land, and to the way he procreates and creates his offspring.

It is elusive to point to the specific topic these chapters deal with, but it is something along the lines of fertility, procreation or offspring, and the living or dead dichotomy. We might have lost that word through many generations, and thousands of years – or that it even isn't reducible to a single word. Furthermore, it is important to remember the many intertextual connections we saw to the book of Genesis, and specifically the stories of creation. These imply a context that is mythical, as well as something that is deeply rooted in human nature.

Creatively thinking, one could choose one of the words in chapters 18 and 20, and build from it a more proper title than the "incest laws". Those chapters include the incest laws but should rather be titled as: חוקי ומשפטי הארץ, or מוות העמים בארץ. In English, perhaps, I suggest calling these

chapters: “The Being on the Land”. The verb “being” can encompass both living and dying, and indeed both are in play here.

Next, comes the third thesis of this chapter. The hierarchy among the different prohibitions as presented in the chapters. Specifically, the hierarchy between *חסד*, *תבל*, *תועבה* and *זמה*.

The Hierarchy Between *תבל*, *חסד*, *תועבה* and *זמה*

In our modern society, one distinguishes between sexual intercourse with a friend’s wife, to sexual unions with one’s own siblings. Leviticus uses different reasoning for each prohibition, and I think those are the key to start uncovering the hierarchy that is hidden in the chapter among those sexual unions.¹⁹⁵ Previous scholarship has tried to decipher the meaning of the different terminology in it, and came to the following unsatisfying conclusion:¹⁹⁶

There seems, in short, to be an element of randomness to the selection of motive clauses. The effect of this liberal and more or less random use of expressions conveying disgust, repulsion, and condemnation is to give the impression that each individual motive clause applies to the whole set of prohibitions.

The fact there are many different kinds of phrasings, which are hard to understand, doesn’t imply a randomness – rather the opposite. It is a rich layer of information for us to delve into, as careful readers and interpreters. Peled, in his research regarding Hittite sexual prohibitions,¹⁹⁷ has attempted to create a hierarchy among the different Hittite terms in use for sexual prohibitions. Similarly, I wish to identify the different options of such a hierarchy within ancient Israel. Here is the place for a short analysis of each word and their occurrence. The first one is *תועבה*, then *חסד*,

¹⁹⁵ For an updated discussion of the prohibitive terminology in the chapters, see in Feder 2020.

¹⁹⁶ Levavi-Feinstein 2014, pg. 119.

¹⁹⁷ Peled 2010b, pg. 256-258.

then תבל and lastly זמה – which is also a discussion regarding the prohibition on one having sex with his own daughter. Those will give us more information regarding the social structure of ancient Israel, as is implied by the severity of these actions.

Leviticus 18 and 20 have a very specific use for the word תועבה in their set of prohibitions: only the male-male sex prohibitions. The verses are as follows (18:22):

וְאֵת זָכָר לֹא תִשְׁכַּב מִשְׁכַּבֵי אִשָּׁה תוֹעֵבָה הוּא:

And the second (Leviticus 20:13) has a slightly different phrasing:

וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת זָכָר מִשְׁכַּבֵי אִשָּׁה תוֹעֵבָה עָשׂוּ וְשְׁנֵיהֶם מוֹת יוּמְתוּ דְמֵיהֶם בָּם:

Why one has a punishment in it and the other doesn't is the easy part, as I pointed out earlier – that is due to the general themes of the chapters.¹⁹⁸ What is of interest to us is the meaning of the word תועבה in this context, and the fact that it is unique to this prohibition – it doesn't appear in any of the other prohibitions. Yet, in chapter 18 it is used again, to refer to all prohibitions (verse 27):

כִּי אֵת כָּל הַתּוֹעֵבוֹת הָאֵל עָשׂוּ אֲנָשֵׁי הָאָרֶץ אֲשֶׁר לִפְנֵיכֶם וַתִּטְמֵא הָאָרֶץ:

The word is known to the biblical reader, and she will be familiar with it from other contexts – idolatry, magic, invalid offerings of sacrifices, and others (in various books, in Deuteronomy¹⁹⁹

¹⁹⁸ See in ch.2 in this thesis, and more specifically on pg. 25.

¹⁹⁹ One instance in Deuteronomy (chapter 18) has אב וידעני as well as passing of children in fire (מלך perhaps) in a toeba list:

(9) כִּי אָתָּה בָּא אֶל הָאָרֶץ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לָךְ לֹא תִלְמַד לַעֲשׂוֹת כְּתוֹעֵבוֹת הַגּוֹיִם הַהֵם: (10) לֹא יִמָּצֵא בְּךָ מַעֲבִיר בְּנוֹ וּבִתּוֹ בְּאֵשׁ קִסָּם קִסָּמִים מְעוֹנָן וּמְנַחֵשׁ וּמְכַשֵּׁף: (11) וְחֹבֵר חֶבֶר וְשֹׂאֵל אוֹב וְיִדְעֹנֵי וְדַרְשׁ אֵל הַמֵּתִים: (12) כִּי תוֹעֵבֹת ה' כָּל עֲשֵׂה אֵלֶּה וּבְגִלְלַת הַתּוֹעֵבוֹת הָאֵלֶּה ה' אֱלֹהֶיךָ מוֹרִישׁ אוֹתָם מִפְּנֵיךְ:

as well as Genesis²⁰⁰). Those other contexts always mean some sort of disgust or repulsion from an act or a thought of some sort.²⁰¹

It seems like the word has a negative connotation and has to do with some level of disgust and shameful deeds,²⁰² used in an almost purely sexual context in the chapters discussed here (Leviticus 18 and 20).

The other instances in which the word תועבה is in use might be traces as to other meanings of the word, and maybe more precise as well. It is also used at the end of the lists in our chapters, as a way to speak of *all* prohibitions. They were all referred to as תועבה – this is something to have in mind. At the same time, there were other words in use in these chapters, that referred to more specific acts.

Next, comes the word חסד. In the family of words that are ambiguous and unclear in the incest chapters, the word “חסד” is one which seems to have a clear and almost obvious meaning. The problem arises from the fact that the meaning of the word does not make sense in the context of the verse. The word “חסד” appears in the Hebrew Bible in over a hundred instances, always in the meaning of kindness.²⁰³ Yet, it appears only once in the Holiness Source, and the verse is as follows:²⁰⁴

וְאִישׁ אֲשֶׁר יִקַּח אֶת אָחִיתוֹ בֵּת אָבִיו אוֹ בֵּת אִמּוֹ

²⁰⁰ For example, in Genesis 42:32: “וְנִשְׂימוּ לוֹ לְבַדּוֹ וְלָהֶם לְבָדָם וְלַמִּצְרַיִם הָאֵלֵּים אִתּוֹ לְבָדָם כִּי לֹא יוּכְלוּן הַמִּצְרַיִם לֶאֱכֹל אֶת הָעֵבְרִים”.

²⁰¹ Milgrom 2000, pg. 1569; Weinfeld 1972, pg. 267; Hoffner 1973, pg 84.

²⁰² BDB, pg. 1072.

²⁰³ Genesis 21:23; Exodus 20:6; Numbers 14:18; Deuteronomy 7:9; Joshua 2:12; and many others. See in BDB pg. 338-339 under חסד. On Pg. 340 it adds that there is one instance in which it means “shame”, but that is solely based on the context in our chapter, and the coming examples from Proverbs.

²⁰⁴ Leviticus 20:17.

וְרָאָה אֶת עֲרוֹתָהּ וְהָיָא תְרָאָה אֶת עֲרוֹתוֹ

הַסֵּד הוּא

וְנִכְרְתוּ לְעֵינֵי בְנֵי עַמָּם

עֲרוֹת אַחֲתוֹ גִּלְהָ עֲוֹנוֹ יִשָּׂא:

There are at least two other instances in which another meaning of the word is attested throughout the Hebrew Bible. Those two instances are in Proverbs²⁰⁵, first in 14:34:

צְדָקָה תְרוֹמֵם גּוֹי

וְהַסֵּד לְאֻמִּים חֲטָאת

In this parallel, in which *חסד* is something that means *חטאת* to the nations, just like *צדקה* will glorify the nation. The context in the chapter is of verses that present oppositions, and here the word *חסד* means the opposite of glorifying – denouncing, shaming, or dishonoring. The second time it appears in Proverbs is in 25 with a slightly different context:

(9) רִיבָה רִיב אֶת רַעְךָ וְסוֹד אַחֵר אֵל תִּגְלַל: (10) פֶּן יַחֲסִדְךָ שִׁמְעַ וְדַבְּתָהּ לֹא תִשׁוּב:

Here, too, it seems like the one who is active in the verb with the *ח.ס.ה* root is dishonoring or shaming another, based on his disloyalty to a secret of another. Onkelos translates²⁰⁶ the word *חרפה* to *היסודא* – with the same root as we have in those verses. It seems safe to argue that the root (and word) *חסד* has another meaning besides “kindness”, which is better translated as shame or disgrace. The latter is the meaning that fits chapters 18 and 20. In addition, those two meanings

²⁰⁵ This has been pointed out by Milgrom 2000, pg. 1754. In classical commentary this has been shown by Ibn Ezra (he brings the second verse from Proverbs: "מגזרת פן יחסדך שומע (משלי כה, י), וטעמו תוספת בזנות").

²⁰⁶ Genesis 34:14: "כִּי חָרְפָה הוּא לָנוּ", regarding Shechem and Dinah. This is a case of someone having someone who is uncircumcised who had sex with Dinah (or at least that seems to be what they are ashamed of). Rashi has also noted the Aramaic parallel: "לשון ארמי חרפה (בראשית לד יד) חסודא". See more in HALOT, under "חסד".

might hint to the development of various meanings to the root, maybe affected by other neighboring languages.²⁰⁷

This discussion is still lacking an answer to the central question of its denotation of a specific prohibition, of a man and his sister. Perhaps the answer is to be found in the fact in that they “see” each other’s nakedness (וַיִּרְאֶה אֶת עֲרֹוֹתֶיהָ וְהִיא תִרְאֶה אֶת עֲרֹוֹתָיו), while it might be just another euphemism for having sex. The discussion on חסד allows us to understand the closeness between uncovering one’s nakedness, having sex, and the feelings of shame and embarrassment related with it.

The word זמה is also very important, especially so because of its common occurrence throughout the Hebrew Bible. Its analysis is a bit longer, but in the end it will also connect to the hierarchy created out of these terms.

זמה refers to the case in which a man uncovers the nakedness of a woman and her daughter – in both chapters.²⁰⁸ I wish to argue that, these prohibitions need to be read as a prohibition on a man having sex with his daughter – a prohibition that is missing from the explicit text of chapters 18 and 20. The prohibitions have a slightly different phrasing in each verse; however, both use the word זמה to denote the same act. This could imply that the word has a specific meaning. The word appears in chapter 19 as well, under the prohibition of turning one’s daughter to a prostitute:

(29) אֵל תְּסַלֵּל אֶת בִּתְּךָ לְהַזְנוֹתָהּ וְלֹא תִזְנֶה אֶת בִּתְּךָ וְהָיָה אִם עָרְוֹתָהּ הִנֵּה זָמָה:

²⁰⁷ For example, in Ben Sira 41:22: “מאהב על דברי חסד. ומאחר מתת חרף”.

²⁰⁸ The verses are in 18:17:

“עָרְוֹת אִשָּׁה וּבִתָּהּ לֹא תַגְלֶה אֶת בִּתְּךָ וְאֶת בִּתְּךָ לֹא תִקַּח לְגִלוֹת עֲרֹוֹתֶיהָ שְׂאֵרָה הִנֵּה זָמָה הוּא:”

And 20:14:

“וְאִישׁ אֲשֶׁר יִקַּח אֶת אִשָּׁה וְאֶת אִמָּהּ הוּא זָמָה הוּא בָּאֵשׁ יִשְׂרְפוּ אֹתוֹ וְאֶתְהֵן וְלֹא תִהְיֶה זָמָה בְּתוֹכְכֶם:”

The first half of the verse can be read in two grammatical possibilities: “do not violate your daughter: which means, turn her to a prostitute”, or “do not turn your daughter to a prostitute (that means to violate her)”.²⁰⁹ This might give the reader a clue about the “missing” prohibition of father-daughter incest, as we will soon see. For now I will translate it as BDB does:²¹⁰ “wickedness, licentiousness, adultery”. The word is a way to signify God’s disapproving of the act, with connotations from the semantic field of disgust and revulsion of what people do. It seems that word comes from the Hebrew root זמז, which means a negative deed or wrongdoing.²¹¹ Important to note, in the context of Leviticus, that there is no prohibition referring explicitly to a man having sex with his daughter. This stands out in relation to a prohibition from 18:10:

עֲרֹנֹת בַּת בְּנֵד אוֹ בַת בְּתֻד לֹא תִגְלֶה עֲרֹנֹתוֹ כִּי עֲרֹנֹתָהּ הִנֵּה:

One is not allowed to engage in sexual intercourse with his granddaughter (daughter of his son or daughter). As the lists do include many other obvious prohibitions, we cannot argue that the case of sex with one’s daughter was too tabooed to even prohibit it. This becomes even more dissonant as the Hittites were rediscovered, and the following laws were found:²¹²

ták-ku LÚ-aš a-pé-e-el-pát an-na-aš-ša-aš kat-ta wa-aš-ta-i hu-ur-ki-il

ták-ku LÚ-aš DUMU.MUNUS-aš-ša kat-ta wa-aš-ta-i hu-ur-ki-il

ták-ku LÚ-aš DUMU.NITA-aš kat-ta wa-aš-ta-i hu-ur-ki-il

And Hoffner’s translation is as follows:²¹³

if a man sins (sexually) with his own mother, it is an unpermitted sexual pairing.

²⁰⁹ It is important to note the literary similarity between the choice of language here and in 20:5-6, regarding מלך and Ob Ve’Yidoni. Furthermore, it is important to note that chapter 19 might belong to another source, therefore perhaps implying another meaning to the word. A source based analysis should take that into account.

²¹⁰ BDB, pg. 273

²¹¹ See more in Milgrom 2000, pg. 1751; BDB, pg. 273.

²¹² Hoffner 1999, pg. 149.

²¹³ Ibid.

If a man sins (sexually) with (his) daughter, it is an unpermitted sexual pairing.

If a man sins (sexually) with (his) son, it is an unpermitted sexual pairing.

According to these laws, a man is prohibited from having sex²¹⁴ with his DUMU.MUNUS (daughter) and his DUMU.NITA (son). Both are Sumerograms and are commonly used in Hittite texts to refer to one's daughter and son, and unfortunately we don't have the Hittite translation of the word "son".²¹⁵ The word used to denote those prohibitions are all the same: "ḫurkil", and there has been much scholarly debate as to what they mean.²¹⁶

This raises two main questions in relation to my research: the first is on the absence of father-daughter incest in the Israelite society, while it seems safe to assume it existed in neighboring societies. The second question in the other direction, a question for Hittitologists: as the lawgiver in Hatti prohibits sex with one's son, this might imply sex was allowed with male partners that are not blood related.²¹⁷ This needs to be further investigated, but also wouldn't be a social abnormality at the time, as we know from ancient Greece, for example.²¹⁸

As this research is in the field of biblical studies, and what is of interest to us is the society in which the Hebrew Bible was read and written – only the first question deserves further discourse in this work. Not only did the Hittites have a prohibition on sexual intercourse with one's daughter, the Babylonians did too. In Hammurabi's Law Code, we find:²¹⁹

²¹⁴ See more on the language of these laws and what are the verbs in use and the words used to denote the prohibitions in Peled 2010b

²¹⁵ See more in Shields 2000; Melchert 1980.

²¹⁶ See more in Peled 2010b (and more specifically: ft. 23).

²¹⁷ See more on this question in Peled 2010a; Peled 2015, pg. 292; Hoffner 1973.

²¹⁸ Dover 1978.

²¹⁹ Law 154. Richardson 2004, pg. 88.

šum-ma a-wi-lum a-na mâra-zu il-ta-ma-ad²²⁰ a-wi-lam šu-a-ti alam u-še-iz-^bzu-u-šu

In English: ²²¹

If a man has got to know his daughter, they shall make that man leave his city.

This law prohibits a man from having sex with his daughter, condemning him of exile if he violates the law. Indeed, many commentators and scholars have struggled with the question of the clear absence of a prohibition on sex with one's daughter, with two main explanations: the first being that such a prohibition existed, but was not included in the text for a variety of reasons.²²² The second explanation, perhaps a little less gladdening, is that there isn't a prohibition because there wasn't one as such – that might mean that sex between a father and a daughter wasn't prohibited.²²³ That could mean it was practiced, but could also mean it wasn't for other reasons that were not legalistic.²²⁴ Carmichael has argued that there was no need to explicitly name the prohibition, as that is the most basic prohibition the language refers to – ואיש אשר ישכב refers to Lot's daughters, and that is the basis of the phrasing in chapter 20.²²⁵ Nonetheless, Milgrom is convinced by Rattray's solution. She writes:²²⁶

²²⁰ Interesting to note the similarity in the root that is in use here: the Akkadian lmd (iltamad, from lamādu, in the Perfect 3rd Masculine Singular form) is the same as ללמד in Hebrew, and a synonym to לדעת, and also close in its semantic field to what we saw regarding אוב וידעני and לגלות ערוה. This yields more research which I hope to return to in future research, but is evident in this text that it means “having sex”. See also in Richardson 2004, pg. 89 in ft. 73.

²²¹ Richardson 2004, pg. 89. It is interesting to note, the similarity of the vomiting of the land to the notion of exile, and how this connects to the general proposed theme of these laws: Rules of the Living on the Land.

²²² McClenney-Sadler 2007 (mostly on pg. 1-6); Rattray 1987, pg. 537-540; Levine 1989, pg. 120; and many others. Some classical commentators proposed that the father-daughter prohibition is to be inferred from other prohibitions, as they couldn't fathom the act being allowed. The Hizkoni and Ibn Ezra inferred it from the prohibition of *giluy erva* with a mother and her daughter, while Rashi learned it from the prohibition of *giluy erva* with one's granddaughter. The fact those classical commentators had to look for other verses in which they found the prohibition, indicates a great silence that needs to be listened to.

²²³ Ziskind 1966, pg. 125-130; Rashkow 2000, pg. 21.

²²⁴ Ziskind 1966, pg. 130.

²²⁵ Carmichael 1997, pg. 17.

²²⁶ Rattray 1987, pg. 542.

The key lies in the opening verse to the incest prohibitions (Lev 18:6): one may not marry close kin (שאר בשרו). Who are they? In Leviticus 21:2 we have the expression שארו הקרוב אליו, which is spelled out as follows: mother, father, son, daughter, brother, and maiden sister (Sister who never married). Hence mother, sister and daughter, as close kin, are automatically forbidden by Leviticus 18:6. The purpose of the list of Leviticus 18 is to indicate who else is forbidden by extension from the basic relationships.

This solution might be tempting. Yet, as Milgrom notes,²²⁷ it doesn't explain well why the text explicitly brings the mother right after, in verse 7 (עֲרוֹת אָבִיךָ וְעֲרוֹת אִמְךָ לֹא תִגְלֶה אִמְךָ הוּא לֹא תִגְלֶה) (עֲרוֹתָהּ). Horton²²⁸ suggests that verse 7 comes as an explaining title to the rest of the prohibitions that will come afterwards: each prohibition being a violation of either one's father or mother. Lastly, Meachem has argued that the prohibition is omitted because neither the patriarchs, nor the House of David violated them.²²⁹ Not knowingly,²³⁰ she makes the path for Carmichael, even though he chooses a different reasoning and expands her ideas to chapters 18 and 20 more generally.²³¹

I would like to add another voice to this symphony of explanations. As I have noted earlier, the word זמה is in use only two cases in chapter 18 and 20: a prohibition on having sex with a woman and her daughter. The verses are a bit different in their phrasing, 18:17 writes:

עֲרוֹת אִשָּׁה וּבִתָּהּ לֹא תִגְלֶה אֶת בֵּית בְּנֵיהָ וְאֶת בֵּית בִּתְּהָ לֹא תִקַּח לְגִלוֹת עֲרוֹתָהּ שְׂאֵרָהּ הִנֵּה זָמָה הוּא:

²²⁷ Milgrom 2000, pg. 1529

²²⁸ Horton 1973, pg. 29-31.

²²⁹ Meachem 1997, specifically page 258.

²³⁰ As she publishes her paper in 1997, and Carmichael's book comes out in 1997 as well. It is possible that her ideas are based on his previous articles or books, for example Carmichael 1992, but it is not explicit in her work.

²³¹ His arguments are not necessary for the theses presented in my work, but for more see in his book: Carmichael 1997.

In 20:14 the verse is:

וְאִישׁ אֲשֶׁר יִקַּח אֶת אִשְׁתּוֹ וְאֶת אִמָּהּ זָמָה הוּא בְּאֵשׁ יִשְׂרְפוּ אֹתוֹ וְאֶתְהֵן וְלֹא תִהְיֶה זָמָה בְּתוֹכְכֶם:

The word זָמָה appears once more in Leviticus, and it is almost exactly between these two verses, in 19:29. The verse is as follows:

אֵל תִּחְלַל אֶת בְּתוּרָהּ לְהַזְנוֹתָהּ וְלֹא תִזְנֶה הָאֶרֶץ וּמְלֵאָהּ הָאֶרֶץ זָמָה:

It seems safe to argue, that a close reader of these three verses (or even chapters 18-20) will have two pictures in her mind: the first being a man having sex with a woman and her daughter, and the second being a man prostituting his own daughter. Indeed, both pictures are revolting to imagine and are also unclear: I am interested in the relationship between those two acts. A man having sex with the “fruit” of another one of his sexual pairings (her mother), could be perhaps called an act of prostitution.

I find it interesting to point that the same term is used for the revulsion those images create in the reader’s (or writer’s) mind. The word זָמָה brings to mind two images that have to do with violating something that needs to be mentioned. The fact the same word is used in those instances, makes it safe to argue for the meaning of the prohibitions in 18:17 and 20:14 as referring to sex with one’s daughter. Furthermore, if one indeed turns his daughter to a prostitute, *prostitutes her* – a verb that adds to the mystery. Perhaps the text is explicit about it: אֵל תִּחְלַל אֶת בְּתוּרָהּ – still the question stands, regarding the meaning of the verb לִחְלַל in this context.

In 21:9, a priest’s daughter becomes a prostitute out of her own will, and that is a case in which she is מחללת her father:

וּבֵת אִישׁ פָּהֵן כִּי תִחַל לְזָנוֹת אֶת אֲבִיהָ הִיא מְחַלֶּלֶת בְּאֵשׁ תִּשְׂרָף:

If a man turns his daughter to a prostitute, he is מחלל her. On the other hand, if a priest's daughter becomes a prostitute, she is מחללת him. This leads the reader to notice that it seems as if the same act per se brings such opposite outcomes. It seems like there is much meaning to who is initiating her prostitution, adding to the possible reading that if a man turns his daughter to a prostitute, he also has sex with her. If a woman becomes a prostitute, and more specifically a בת כהן, she is violating her father – as the other prohibitions from chapter 18 show: ערוה X לא תגלה, ערוה Y היא. Uncovering the nakedness of X – having sex with X – means doing something to Y, and that something can be לחלל and can be to uncover Y's ערוה too.

All in all, I think fathers were prohibited from having sexual intercourse with their daughters according to the prohibition of having sex with a woman and her daughter – and that is the simple meaning of verses 18:17 and 20:14 – clearly a man is allowed to have sex with a woman who is his wife, but he shouldn't have sex with her daughters, who are also his daughters. Having sex with his daughter would mean to spread זמה throughout Israel, and to – at least rhetorically-²³² turn her to a prostitute. This is not to say verse 19:29 is rhetorical, but that the use of the word זמה in verses 18:17 and 20:14 have the rhetorical meaning and textual resonance as turning one's daughter to a prostitute – thus, to violate (לחלל) her.

This leaves the question of phrasing open, as to why the writers of these chapters didn't find fit to write a proper prohibition on sexual union with one's daughter. I think the answer is to be found in the “less-gladdening” explanation mentioned above; that sex with one's daughter wasn't so strongly prohibited sociologically – thus the verses wrestle with a proper phrasing that would

²³² For it to not be a rhetorical claim, future research must be invested in seeing if the root חלל can be read as “to have sex”, or as “to penetrate”.

fit their culture and society. At the same time, I understand this is a mere speculation, and this will perhaps stay the case until new findings are uncovered. All in all, I think the word *zima* is important in exemplifying the importance and deep revulsion from one having sex with his own daughter.

Heading now to the fourth and last word in this analysis, which will later be summed up into a hierarchy between those prohibitions and terminology, in levels of severeness or revulsion.

As we saw earlier, there are specific words to denote specific prohibitions. *zima* for having sex with a woman and her daughter, *hesed* for having sex with one's sister, and now *tebel* (תבל) in two very different cases: sex with an animal (18:23):

וּבְכָל בְּהֵמָה לֹא תִתֵּן שְׂכָבְתְּךָ לְטִמְאַהּ כִּי הִיא אִשָּׁה לֹא תַעֲמֹד לְפָנַי בְּהֵמָה לְרַבְעָה תִּבְלֵהּ הוּא:

And sex with one's daughter-in-law (20:12); כְּלָתוֹ (literally: his bride):

וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת כְּלָתוֹ מוֹת יוּמָתוֹ שְׁנֵיהֶם תִּבְלֵה עֲשׂוּ דְמֵיהֶם בָּם:

Those two prohibitions appear in both chapters, so the first comparison we need to do is to see whether we can find any hints in the other chapter as to the meaning of the word. As we saw in זמה, the word is used only in one context – and the verse in chapter 19 added to the reader's knowledge. The כלה prohibition though does not use the תבל terminology in chapter 18,²³³ and the word תבל is not used in chapter 20 regarding bestiality.²³⁴ Hence, we must infer their meaning from these two appearances within the incest laws – but there is only a frail connection between a prohibition on intercourse with a beast or with one's daughter in-law.

²³³ The verse is in Leviticus 18:15: “עֲרֹנֹת כְּלָתְךָ לֹא תִגְלֶה אִשָּׁת בְּנֶדְךָ הוּא לֹא תִגְלֶה עֲרֹנֹתָהּ”

²³⁴ Leviticus 20: 15-16: "וְאִשָּׁה אֲשֶׁר תִּקְרַב אֵל פֶּל בְּהֵמָה לְרַבְעָה אִתָּהּ וְהִרְגִיתָ: "וְאִישׁ אֲשֶׁר יִתֵּן שְׂכָבְתוֹ בְּבֵהֵמָה מוֹת יוּמָת וְאֵת הַבְּהֵמָה תִּמְרֹגוּ: "אֵת הָאִשָּׁה וְאֵת הַבְּהֵמָה מוֹת יוּמָתוֹ דְּמֵיהֶם בָּם:"

BDB translates the word as “confusion, violation of nature or the divine order” but is based only on these two occurrences of the word.²³⁵ Kadari argues²³⁶ the root is from the Arabic تَبَل (tbl) – meaning sexual insanity. Others²³⁷ have argued it comes from בָּלַל (bll) - meaning “mix”. Both options imply some distortion of the “natural order” – either it means the mixing of two that must not be mixed (like the rest of the prohibitions discussed in chapters 18 and 20) or they mean a confusion within the “way things ought to be” – both should be read as an explanation and as a term unique to those prohibitions.

A father must not copulate with his daughter in law, as it intervenes with his son becoming a father or a patriarch by himself, and must also surely not have sex with a beast – as that is a mixture of species and social roles, which would fit with Douglas’s idea of holiness, as she has articulated: “Holiness requires that different classes should not be confused”.²³⁸

This connects to the idea of a natural order that is to be kept, as we saw in the consequences of violating these rules while *living on* the land. There is a notion of “nature” to the way Leviticus’ laws in chapters 18 and 20 laws are to be kept – that is a natural order that Israelites are commanded to stick to. This natural order has a sense of keeping things separate, and not mixing those that are not to be mixed. The idea of nature is present through the idea of land that is repeated at the end of both chapters, and how that land will thrive and be fertile – as a notion of nature and natural existence, the way things are and ought to be.

²³⁵ BDB, pg. 117, see under תבל.

²³⁶ Kadari 1996, pg 1157.

²³⁷ Milgrom 2000, pg. 1749 & 1571. And other classical commentators (Rashi, Ibn Janah, Ibn Ezra & Sifra Kedoshim 10:10)

²³⁸ Douglas 1976, pg. 53.

To sum up the conclusions regarding the four terms, here is a short summary of the words we discussed up to here, from both chapters:

הסד – a man having sex with his sister or half sister. This is the only case in which this word appears, and it belongs to the semantic field of **הרפה** too. The punishment is divine, "וְנִקְרְתוּ", according to the verse.

זמה – a man having sex with a woman and her mother (or her daughter, those are essentially one and the same case). It is also used in Leviticus 19:29.²³⁹ In Leviticus 20 this act yields a punishment as all parties being burned in fire – “בְּאֵשׁ יִשְׂרְפוּ אֹתוֹ וְאֶתֶּהוֹן”. The verb “לקחת” is also in use in both verses, with its slightly more nuanced meaning of marriage perhaps.

תועבה – in the context of chapters 18 and 20, it has been used to describe all acts,²⁴⁰ and specifically homosexual intercourse. This word is in use in many other instances, in both religious and non-religious contexts, and as a general term for prohibited sex acts, throughout the chapters and other instances in the Hebrew bible.²⁴¹

תבל – this word denotes two rather different acts: a man who has sex with an animal, and a man who has sex with his daughter in law. The punishment for those prohibitions are death – “מִוֹת” “וְיָמָתוּ”.

²³⁹ The verse is: “אֵל תִּסְלַל אֶת בְּתוּדָהּ לְהַזְנוֹתָהּ וְלֹא תִזְנֶה הָאָרֶץ וּמִלֹּאָה הָאָרֶץ זָמָה”.

²⁴⁰ In the closing verses of Leviticus 18, for example in verse 27: “כִּי אֵת כָּל הַתּוֹעֵבוֹת הָאֵל עָשׂוּ אֲנָשֵׁי הָאָרֶץ אֲשֶׁר לִפְנֵיכֶם וַתִּטְמְאוּ” “הָאָרֶץ”.

²⁴¹ Ezekiel in many instances. For example, in 8:9: “וַיֹּאמֶר אֵלַי בֹּא וּרְאֵה אֶת הַתּוֹעֵבוֹת הַרְעוֹת אֲשֶׁר הֵם עֹשִׂים פֹּה”.

The hierarchy I wish to offer among those words is the following:

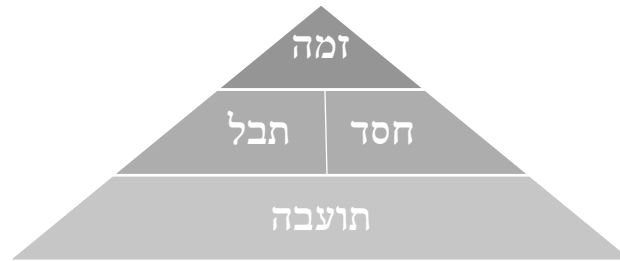


Figure 6: Severity Hierarchy of the Prohibitions

The word זמה is the most severe of them all. It is a violation of the only relationship that is always described by a unique word in every kinship system – one’s father always has a unique word,²⁴² and in the Hebrew Bible too. This relationship is meant to be of a specific kind, and violating it shakes the boundaries of the foundation of a family and threatens authority structures.²⁴³ It also exhibits an abuse of the generational difference between one and his offspring. After all those, it is also an act which is frowned upon in the family’s context and its place in society. It brings shame and is deeply frowned upon those who are related to those who committed the offense.²⁴⁴ Their punishment is public, באש ישרפו, and is probably well remembered among those who witnessed it.

In the next plateau, the less severe words are: “חסד” and “תבל”. Each of them is less harsh in a different way, making it hard to decide how they are to be placed in relation to each other. In the case of “חסד”, similarly to the Onkelos translation of the word, it brings shame upon those who

²⁴² See more about that in McClenney-Sadler 2007.

²⁴³ On the nature of a father-daughter relationship in Ancient Israel we can infer from other texts in the Hebrew Bible, but that shall be done in a future research.

²⁴⁴ As Carmichael noted, in the context of the framing of the incest laws: Carmichael 1997, pg. 15-18.

are related to those siblings. At the same time though, it does not challenge at all the generational hierarchy. Indeed, it does challenge the structure of a family – but that is common to all those prohibited sexual unions. The punishment is almost secretive, as it isn't something that is done in public, and it is taken care of without any societal action towards them.

The term “תבל” is a little different: it only challenges a hierarchy but doesn't necessarily bring so much shame upon those who do it. We don't know enough in order to tell whether it brought a lot of shame upon those who violated these prohibitions – we don't have a case of a man having sex with an animal, or how this is similar to having sex with one's daughter-in-law. Yet, as we saw earlier, to have sex with one's daughter will be “זמה” – a highly disgraceful act. Perhaps, this similarity between those two relatives place in the English kinship system can teach us regarding the revulsion the text implies. The place in hierarchy of one's son's wife is reasonably close to the relationship between one and his direct offspring – technically speaking, the idea of mixing one's sperm with his son's sperm is the prohibition, both metaphorically and grotesquely literally.²⁴⁵ As Peled has shown,²⁴⁶ some cases of bestiality in Hatti were not viewed as severely as others. It seems safe to suggest, that the case was similar in ancient Israel – those acts were prohibited, but also didn't affect the general society too much to bother them. Lastly, the sinners are killed. It doesn't specify how, or by whom, but it seems like it's done by human beings. This could be an argument to put it above “הסד” in its severity, although it doesn't fit to the other hierarchical damages and challenges it brings upon society when those acts are committed.

²⁴⁵ Rashi points in this direction, in his commentary on the verse: Leviticus 20:12: “מבלבלין זרע האב בזרע הבן”.

²⁴⁶ Peled 2015.

The word “תועבה” has a lot of meanings. There are a few things that are clear about it: it has a negative connotation, and it is used to describe many kinds of prohibitions. In the case of the chapters discussed in this research, it is used at the end of the chapters to refer to all those acts. And it is those acts, when called this word, that makes the land impure - וַתִּטְמָא הָאָרֶץ. In the list of words discussed here, “תועבה” sends the reader to the realm of purity and impurity, as well as holiness and divinity that might be exemplified in human actions.²⁴⁷ The word is placed at the base of the pyramid, because it is also used to refer to all other words. One of the many problems is that we can't infer from this analysis how frowned upon homosexual intercourse was – whether it was uncommon, or a deep profaning of holiness. We can only fathom if it was regarded “worse” than a father who has sex with his daughter, or similar to sex with a beast. Clearly, we have limitations in understanding the past, especially when speaking of the very far past – and this question will stay open for future research.

Chapter 20 ends with a few verses that some up all the topics and ideas the were weaved together in those chapters:

(23) וְלֹא תִלְכוּ בְחֻקֹת הַגּוֹי אֲשֶׁר אָנִי מְשַׁלַח מִפְּנֵיכֶם כִּי אֵת כָּל אֱלֹהֵי עֲשׂוֹ וְאֶקְרָא בָּם: (24) וְאָמַר לְכֶם אַתֶּם תִּירְשׁוּ אֵת אֲדֹמְתֵם וְאָנִי אֶתְנַנֶּנָה לְכֶם לְרִשְׁתָּהּ אֵתהּ אֶרֶץ זָבֹת חֶלֶב וּדְבָשׁ אֲנִי ה' אֱלֹהֵיכֶם אֲשֶׁר הִבְדַּלְתִּי אֶתְכֶם מִן הָעַמִּים:

All of the prohibitions that appear in those chapters, are rules the Israelites are meant to follow, and be different from the people who live in the land of Canaan. The land is fertile, and full of milk and honey, and god will grant it to the ancient Israelites if they keep the rules. He will

²⁴⁷ Genesis 42:32:

“וַיִּשְׂמְרוּ לוֹ לְבַדּוֹ וְלָהֶם לְבָדֵם וְלַמִּצְרַיִם הָאֹכְלִים אֹתוֹ לְבָדֵם כִּי לֹא יוּכְלוּן הַמִּצְרַיִם לֶאֱכֹל אֶת הָעֵבְרִים לְחֶם כִּי תוֹעֵבָה הוּא לַמִּצְרַיִם”

also distinguish and differentiate them from the other people who lived in it. In a like manner to what god does, he obliges the Israelites to also differentiate between two things:

(25) וְהִבְדַּלְתֶּם בֵּין הַבְּהֵמָה הַטְּהוֹרָה לַטְּמֵאָה וּבֵין הָעוֹף הַטְּמֵא לַטְּהוֹר וְלֹא תִשְׁקְצוּ אֶת נַפְשֹׁתֵיכֶם בַּבְּהֵמָה וּבְעוֹף
וּבְכָל אֲשֶׁר תִּרְמַשׁ הָאֲדָמָה אֲשֶׁר הִבְדַּלְתִּי לָכֶם לַטְּמֵא: (כו) וְהִייתֶם לִי קְדוֹשִׁים כִּי קְדוֹשׁ אֲנִי ה' וְאַבְדַּל אֶתְכֶם מִן
הָעַמִּים לִהְיוֹת לִי:

Literally, as God differentiates between Israel and the other nations, Israel is to distinguish between pure and impure animals. According to the context of these verses, it seems like the nations equated with impure animals. Another possible reading is that impure animals are prohibited from sexual conduct, while pure animals are allowed. Milgrom suggested to understand this relationship as two vectors, of humanity and of animals. God choosing the Israelites out of the rest of mankind, and Israelites choosing specific animals out of all animals in the world. He claims that this ending also serves as a framing with the dietary prohibitions of Leviticus 11.²⁴⁸ By reading those last few verses alone, it seems like the context is almost entirely sexual – implying that those also refer to sexuality. It is arguable that this reading is unlikely, as the text explicitly prohibits sex with all kinds of animals.²⁴⁹ Thus, it seems to strengthen Milgrom's reading and suggest these verses serve as further illustrations to the idea of separating and differentiating between a few kinds.

Nonetheless, the next verse, which ends the chapter, brings the reader back to its very beginning, and creates a very clear frame:

²⁴⁸ Milgrom 2000, pg. 725-726.

²⁴⁹ Leviticus 20:15-16.

(27) וְאִישׁ אִוְ אִשָּׁה כִּי יִהְיֶה בָּהֶם אוֹב אוֹ יִדְעֹנֵי מוֹת יוֹמְתוֹ בְּאֶבֶן יִרְגְּמוּ אֹתָם דְּמֵיהֶם בָּם:

As we saw, “אב וידעני” and “מלך” are all cultic rituals to chthonic deities – rituals of death and with the dead. The first involving one’s ancestors, and the latter consisting of one’s offspring. Both are violating the generational boundary, as our chapters suggest, in a similar sense to prohibited sexual unions. We must continue to connect this topic again, to the rest of the chapter. The careful reader might already be able to see how those connect, and connect to the idea of the land, and the Canaanites being thrown out of the land for not following these rules.

Traditionally, one had to understand how those necromancy prohibitions belonged in the same chapter as sexual prohibitions – and by now we have seen that those are not directly connected to sexuality, but rather both connect to the rules of living on the land. As such, they are also laws of refraining from the dead, and instead of necromancy and sexuality being connected – necromancy is prohibited because it crosses the clear boundary between life and death that the chapters push to.

Those two chapters serve both symbolically and literally as partners, describing and creating a clear distinction between Israel and the other nations. Those are two partners, that are mythologically related to Life and Death, encompassing all phases of being, and mandating the right ways to exist – in relation to the world of the living in specific ways, and in keeping the desired distance from the world of the dead. Indeed, in both sides of existence, those regulations are described through the connections of one with his family – be it descendants, same-generational kinsmen, or ancestors.

Lastly, this connects to the redactors' understanding of sexuality. Ibn Ezra, the prominent Jewish commentator from the 11th-12th century, has struggled with the meaning of the word תבל. He recalls a story that we have already visited in a different context:²⁵⁰

תבל הוא - אנשי הדקדוק אמרו שזאת המלה מהכפל, כמו תמם יהלוך (תה' נח, ט), והתי"ו נוסף, ואמרו כי טעמה כמו השחתה. וי"א כי גם מבול ממנו, וקרוב מגזרת בלל ה' שפת כל הארץ (ברא' יא, ט).

When we analyzed the meaning of the terminology in chapter 18 (לגלות ערוה), we came across Ham's story with Noah. It seems like the connection is vaster, to the stories of creation in Genesis 6-11 more broadly, including the tower of Babylon. The world was destroyed because of corruption of the people, because they were not following God's ways – as God says will happen to the Israelites if they are not to follow his ways. The first sin that happens after the flood ends, and Noah and his family touch land again – is a sexual sin of Ham with one of his nearest kinsmen. The terminology is connected to our chapter, and Noah's grandson, Canaan, is being cursed. This name is the name of the people who lived in the land to which the Israelites arrive, as well as the name of the land itself, in which those prohibitions – of chapter 18 and 20 – apply to.

To conclude, as the Ibn Ezra has noted, God wants order in his social structure of Ancient Israel. There are rules that apply to priests, and others that apply to the high priest. There is a hierarchy of holiness in people, in the land, and in animals and nature. It is a vector, leading a path on which one becomes more and more holy. The more separated and unique one is, the closer to

²⁵⁰ Ibn Ezra on Levitius 18:23. In English (my translation): “The linguists explain that this word comes from the multiplication, like תמם יהלוך (he will walk innocent [with a double מ]), and the extra ת comes from the meaning of destruction. There are those who say that the word מבול (flood) also comes from the same root, and it is close to the verse [of the story of Babylon] שפת כל הארץ (in Gen. 11, 9).”

God he is. A creator God - of life, fertility and procreation, and a god of death and punishment. A god that is all-surrounding, in all possible realms.

4. Conclusion and Thoughts for Future Research

It is time to collect the discoveries and their context from this research: the nature of sex, in the mind of readers and redactors of Leviticus 18 and 20. It's related themes and the words used to describe it – and the way those create a society and its structure.

A floating signifier is a term that was coined after Levi-Strauss's text from 1950. He states the following regarding some notions/signifiers within a language:²⁵¹

[...] those types of notions, somewhat like algebraic symbols, occur to represent and indeterminate value of signification, in itself devoid of meaning and thus susceptible of receiving any meaning at all; their sole function is to fill a gap between the signifier and the signified, or, more exactly, to signal the fact that [...] a relationship of non-equivalence becomes established.

In the case of our research, the floating signifier of “sex” or “sexuality” has been used throughout many generations to represent a gap between our language and that of Ancient Israel. Indeed, those are words that represent and relate to themes within those chapters, which have evolved to independent categories in the modern world.²⁵² Thus, the word “sexuality” is not fitting for the rules in both chapters of Leviticus. In truth, the “incest laws” are not laws regarding incest necessarily. Yes, they also refer to incestuous unions – but the topic the chapters deal with is something which is somewhere in the midst of the triangle of fertility, land, and life & death. Be it triangle, or a rectangle. Procreation, perhaps, or fertility.

²⁵¹ Levi-Strauss 1950, pg. 55-56.

²⁵² As we saw on pg. 59, in Miriam Webster the word “sex” can have a few meanings: 1. The state of being male, or of considering the groups of males and females. 2: sexual intercourse and behavior. 3: genitalia.

We can go a bit further with our westernized minds, but really not so much further: sexuality is a way of being fertile and giving birth – creating life. Creating life is always connected to its absence, because those often come together (for example with women dying in labor, and children dying after they are born). At the same time, those are deeply connected to the land – as it is the basic giver of life to humans, through food of various kinds: animals and vegetables. When the land is dry, when there is lack of water, death is to come upon the humans who live in it. In a way, they must leave the land, and those are viewed as connected to the ways in which those people lived.

As we have seen, the regulation of incest describes and prescribes a society that keeps a clear gender difference within a household. It is a society in which a generation has meaning, and there are some actions of mixing generations that are strictly prohibited. A family, being alive, means it has offspring and continues on through time – that is possible through the allowed sexual unions of one, which will enable him to stay in the land of Israel. The land shall be fertile and allow him to live on it, if he will be fertile in the right way, if he will create life, and not delve into the world of the dead – in worship or in any other prohibited sexual conduct. This might be through ancestral worship in the form of אב וידעני, or other form of abomination to do with relatives – מלך, for example.

When the Israelites do not follow God's rules, they make the land impure, they defile it. As Douglas has written:²⁵³

Defilement is never an isolated event. It cannot occur except in view of a systematic ordering of ideas. Hence any piecemeal interpretation of the pollution rules of

²⁵³ Douglas 1966, pg. 42.

another culture is bound to fail. For the only way in which pollution ideas make sense is in reference to a total structure of thought whose key-stone, boundaries, margins and internal lines are held in relation by rituals of separation.

I chose to begin in Leviticus, chapters 18 and 20, as they are the two most explicit law corpuses which address sexuality in the Pentateuch. Not only are they most explicit, but they are very similar and placed within a book that is usually connected with ritual and sacredness – an oddity, when reading those chapters in relation to their neighboring chapters on sacrifices, dietary prohibitions and the calendar’s structure. There are many other chapters in which sex and sexual conduct are discussed or presented – both in narrative (Lot and his daughters, Yehuda and Tamar, Zimri and Cozbi, etc.) and law (The decalogue in Exodus, prohibition on prostitution in Deuteronomy, laws governing sex with virgins in Deuteronomy, etc.). Those deserve an analysis to themselves, and in relation to what is found here in Leviticus 18 & 20. Within the context of chapters 18 and 20 specifically, future research yields explanation as to the ordering of the prohibitions of the chapters. Surprisingly, there is very literature in this field.²⁵⁴

Furthermore, it is interesting to note that the dead are usually buried in the land.²⁵⁵ Future research which might utilize anthropological or psychological tools, might be useful in uncovering the meaning of the being able to thrive on the land and not be covered under it, with it. Being vomited from the land, or a death penalty, leads one to be buried – in the land, and not on it. It would be interesting and fruitful to analyze the meaning of death in the Hebrew Bible or in the Pentateuch, independent of the meaning of land, but also in relation to it. On the other hand, the

²⁵⁴ Mostly lately see the updated research on redaction history in Dershovitz 2017. Also see a detailed discussion of the comparison of the chapters in Welch 2022.

²⁵⁵ Interesting to note that in Hesiod’s theogony, the underworld (Tartarus) was created deep within the Earth. See more in n. 1 and the sources brought there.

meaning of corpses, in terms of defilement and impurity, might be effective in understanding why sexuality is so related to the land. This might also lead to a more general inquiry, regarding the connection between a human body, and the land, and how those are related through sexuality.

In order to delve deeper into the minds of ancient Israel, and the breeding land of western society in general – future research must address with more semantical questions of the differences between different kinds of terms for sexuality. We saw many kinds of words in use in chapter 18 and 20, and I wish to return to those questions in later research. Specifically, as we saw in this research, regarding the connection between knowledge (עֵדָה), sexuality (עֵדָה), and necromancy (יִדְעוּנִי).

Moreover, there are different genres of texts that should be researched: poetry, narrative, myths, historiographies, prophecies, and many others. Those affect the semantic field of sexuality in various ways and interact with the way ancient Israel regulated sexuality. These questions also yield future research.

In addition, intercultural research would also be useful, as was hinted in the opening of the introduction of this research. These themes, of life and death, through creation and procreation, are major themes in all human cultures – Greek, Egyptian, Hittite, as well as Jungian psychology and psychoanalysis. Sexuality stays a mystery and power that connects between many parts of the human psyche and soul, body and spirit – as such, the Hebrew Bible and its scholarship will benefit greatly from further comparative research in its neighboring societies, in time and in space – but also in such research from afar, from our modern day and time, using psychological and anthropological tools.

Lastly, chapter 18 and 20 are packed with many details and thought. They are chapters regarding the existence of the Israelites on the land of Canaan, along with the mythological and psychological connection between humans and the land. They are chapters on sexuality in the broad sense, of a medium between living things, and that that's how it should be – while staying away from deceased relatives and abstaining from ancestral worship. The dead are not to be interacted with. If the Israelites do not follow these rules, the land will vomit them out, and won't let them settle, and grow their own roots into it.

I have touched only the beginning of ideas from chapters 18 & 20, and it is evident many new doors and gates were opened for future research. As always, while researching a question regarding a specific, narrow, idea – we came across a world rich of life and ideology. I hope this work has been some contribution to our understanding of the interplay between life, death, creation and fertility – as those connect human beings, with the land they live on.

וּשְׁמַרְתֶּם אֵת חֻקֹתַי וְאֵת מִשְׁפָּטַי

אֲשֶׁר יַעֲשֶׂה אִתְּם הָאָדָם

וְסִי בָקֶהֶם

אֲנִי ה'

(Leviticus 18:5)

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תקציר עברי

עבודה זו היא ניתוח של השדה הסמנטי של מיניות, כפי שהוא מיוצג בפרקים י"ח ו"כ' בספר ויקרא. מטרתה היא להגדיר מחדש את המשמעות של "מיניות" דרך הנושאים הנידונים, ובנוסף להציע קריאות עדכניות לתימות המובאות בפרקים. הכלים המתודולגיים הם בעיקר עיון לשוני וטרמינולוגי, לצד ניתוח קונטקסטואלי ומבני של הפרקים. המחקר מגלה קשרים בין הגילום של החיים והמוות בפרקים, לצד חיים בארץ, על הארץ, והסדר הטבעי שמשמע ועל פיו צריך לחיות.

הפרק הראשון, המבוא, מציג לקורא/ת את השאלות שידונו לאורך העבודה, וגם מציג מבנה כללי ואקספוזיציה לתכני הפרקים וחשיבותם. הפרק השני הוא גרעין המחקר, עם הניתוח המבני והלשוני של הפרקים והטרמינולוגיה הייחודית שבהם. הפרק השלישי מציג את הרעיונות הנובעים מהניתוח, והשלכותיהם. ראשית, עיון מחדש ב"קדושה" בספר ויקרא. שנית, הצעה לכותרת לפרקים שהיא יותר מקיפה מאשר "חוקי העריות", בהינתן שישנם נושאים אחרים נוספים בפרקים הללו. לבסוף, הצעה להיררכיה בין האיסורים המוצגים בפרקים, והשלכותיה לסדר החברתי.

העבודה נחתמת עם הערות סיכום אודות התרומה האפשרית של המחקר הזה לשדה, וגם בשאלות מחקר חשובות למחקר עתידי שטרם קיבלו מענה מספק. מבחינה מתודולוגית, העבודה מתייחסת לטקסט המקראי כפי שהוא מונח לנגד עיננו. זאת אומרת, כתעודה אחת ערוכה ומוגמרת. אין בה דיון על המקורות השונות שבפרקים האלה, אך ישנן הפניות במקומות הרלוונטיים למחקרים מתאימים. נקודת המוצא היא שהמטרה היא לפענח את השפעת הטקסט על הקוראים בו כפי שהוא מוצג לנגד עיננו, ועל העולם הרעיוני שמתגלם בו כטקסט אחד. שאלת המקורות היא שאלה נפרדת שאינה נידונה.

החידושים המרכזיים בעבודה הם סביב מושג הקדושה, המיניות, והנגזרות שביניהן. הקדושה, כפי שהיא מוצגת בעבודה, היא דרך חיים של היבדלות מהאחרים ובנויה באופן הדרגתי. הוקטורים שמילגרום מציע בפירושו לספר ויקרא, מיושמים כאן בהקשר של האיסורים המיניים, עם דרגות שונות: כלל האנושות, עם ישראל, כהנים, וכהן גדול – כאשר ככל שמתקדמים מעלה במדרגות ההיררכיה, חלים יותר איסורים על הבן אדם – בדומה לאכילה בקודש, ובדומה לדיני אכילה של בעלי חיים טהורים.

שנית, המונח האנכרוניסטי "מיניות" מתברר כלא לגמרי תואם את הנושאים העולים בפרקים, וזאת בעיקר בעקבות בירור המושגים "אב וידעני" ו"מלך". המושגים האלה קשורים בשדה הסמנטי של פולחן מתים, או קשר עם קרובי משפחה שעברו מן העולם – העבודה לא מכריעה במשמעות המדויקת של המילים האלה, אך מצביעה על שייכות לעולם פולחן המתים ו"קרובי המשפחה" שעברו מן עולם החיי. ליתר דיוק, אלו איסורים על התקשורת בין עולם החיים לעולם המתים, ועל כך שעל חיי קדושה להיות ממוקמים בחיים, ולא בתקשורת עם אלו שאינם. פריצת הגבול בין החיים והמתים הוא חילול הקודש, כפי שהקדושה מיוצגת בפרקים.

בנוסף, באמצעות ניתוח המילים המשמשות לתיאור האיסורים, מוצגת הצעה להבנת חומרת המעשים והמדרג שביניהם. המדרג מציג גם את האיסור על יחסים בין אב לביתו כחלק מהאיסורים המגולמים בפרק, גם אם לא באופן מפורש. ניתוח זה מאפשר להבין את ההבדל בין החומרה של יחסי מין הומוסקסואלים לבין ניאוף עם אשת איש, או יחסים עם אחד ההורים. זוהי פתיחה לדיון אודות חומרת מעשי טאבו שונים, כפי שהם מתוארים בפרקים.

לסיכום, העבודה ממקמת את ה"קדושה" ואת ה"מיניות" בפרקים, כחלק משיח רחב יותר של "טבע" והפרדה בין חיים ומוות – לכן "מיניות" היא מסמן צף, והיא מסמנת יותר מאשר מה שהיא בדרך כלל כוללת. זאת לצד מדרגים שהתיאולוגיה המקראית בספר ויקרא מבקשת לבנות בין קבוצות שונות. ההפרדה וההבחנה מביאות איתן דרגות שונות של קדושה, בכל תחומי החיים, וכך גם במיניות.

עבודה זו נעשתה בהדרכתו של פרופ' יהושע ברמן

מן המחלקה לתני"ך ע"ש זלמן שמיר של אוניברסיטת בר-אילן

אוניברסיטת בר-אילן

מיניות כמסמן צף בפרשיות העריות בספר ויקרא

דביר שלם

עבודה זו מוגשת כחלק מהדרישות לשם קבלת תואר מוסמך
במחלקה לתנ"ך ע"ש זלמן שמיר של אוניברסיטת בר-אילן

תשפ"ב

רמת גן