

This paper was presented at the annual meeting of the Society of Biblical Literature in San Diego on 24 November 2014. I read an abbreviated version of this paper. It is still a work in progress.

The Grammar and Meaning of the Leviticus Texts on Same-Sex Relations Reconsidered

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The Hebrew Bible has very little to say about homosexuality.¹ The two narratives in Genesis 19 and Judges 19, about cities whose men demand to have sex with newly-arrived male visitors, allude to homosexual activity but, in my view, seek to denigrate the violent and inhospitable ways of the cities' male populations rather than subject homosexuality or homosexual behavior to moral scrutiny. The only other texts that plainly refer to same-sex relations occur in priestly literature in Leviticus, specifically the Holiness Code, and take the form of rules that have been interpreted by most scholars as blanket prohibitions on sex between men.² They are Lev 18:22 and 20:13. The New Revised Standard Version translates each as follows:

Lev 18:22

וְאֵת-זָכָר לֹא תִשְׁכַּב מִשְׁכַּבִּי אִשָּׁה תוֹעֵבָה הִוא :

“You shall not lie with a male as with a woman; it is an abomination.”

Lev 20:13

וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת-זָכָר מִשְׁכַּבִּי אִשָּׁה תוֹעֵבָה עָשׂוּ שְׁנֵיהֶם מוֹת יוּמָתוּ דְמֵיהֶם בָּם :

“If a man lies with a male as with a woman, both of them have committed an abomination; they shall be put to death; their blood is upon them.”

¹ The paper uses Hebrew characters in some places and transliteration in others. I have not had time to make everything consistent in this regard.

² There is general agreement that these texts belong to the so-called Holiness Code or Holiness Source, often abbreviated simply as H. A great deal of debate exists, however, with respect to the date of H. For a summary of the view that H is early or pre-exilic, see Jacob Milgrom, *Leviticus 17-22: A New Translation with Introduction and Commentary* (AB 3A; New York: Doubleday, 2000), 1361-64. I accept a later exilic or post-exilic date for H and, on this issue, generally follow the conclusions of Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (FAT 2/25; Tübingen: Mohr Siebeck, 2007), 545-59; see also Eckart Otto, “Das Heiligkeitsgesetz Leviticus 17-26 in der Pentateuchredaktion,” in P. Mommer and W. Thiel, eds., *Altes Testament: Forschung und Wirkung* (Frankfurt a.M.: Peter Lang, 1994), 65-80.

While many seem to assume that the meaning of these texts could not be any clearer, they are not without their difficulties. Most importantly, both contain the phrase *miškēbê 'iššâ*, a longstanding crux for interpreters.³ English translations typically render the phrase along the lines of “as one lies with a woman,” although justifications for such a rendering have been few and far between. In this paper, I wish to contest the standard translation and the usual interpretation that accompanies it. I will do so on both philological and contextual grounds. In the end, I hope to show that the phrase is included in order to qualify the prohibition such that it forbids principally sexual relations between married men, though certain other males may be included in the prohibition as well. I begin with several philological arguments related primarily to the syntactical structure of the main clause in these verses and then move to a consideration of the general meaning of the prohibition and its context.

Syntactical Function

The most noticeable feature of the phrase *miškēbê 'iššâ* is what is missing. Were it to convey the meaning “as one lies with a woman,” we would expect a particle of comparison to begin the phrase: the particle *kē* (“like, as”) or, perhaps, the word *ka 'āšer* (“just as”). We would also expect an infinitive construct to follow the particle *kē* or a finite verb form following *ka 'āšer*. For this is precisely what we find in a number of other biblical texts. In Judges 14:6, for example, we find *וַיִּשְׁפַּעְהוּ כְּשֹׁפַע הַגִּידִי* “and he tore it [a lion] apart as one tears apart a kid.” Here, the particle *kē* is attached to the infinitive construct of *šs* ‘ to form the comparison.⁴ Jer 19:11 presents the alternative construction: *אֲשַׁבֵּר אֶת־הָעַם הַזֶּה וְאֶת־הָעִיר הַזֹּאת כְּאֲשֶׁר יִשְׁבֵּר אֶת־כָּלִי הַיּוֹזֵר* “I

³ Jacques Berlinerblau goes so far as to suggest that scholars should probably “admit defeat” in light of the perplexities presented by these verses and by this phrase, in particular; *The Secular Bible: Why Nonbelievers Must Take Religion Seriously* (New York: Cambridge University Press, 2005), 104.

⁴ For similar constructions, see also 2 Sam 6:20; Isa 10:14; Zech 12:10; 13:9; Job 2:10.

will break this people and this city as one breaks a potter's vessel." The word *ka 'ăšer* is followed by an imperfect form of the root *šbr*.⁵ Neither of these constructions is what we have in the texts from Leviticus.

What we have is the phrase *miškēbê 'iššâ*—a masculine plural form of the word *miškab* ("bed") in construct to the singular form of *'iššâ* ("woman/wife"). The phrase is an accusative complementing the intransitive verb *škb* ("to lie"). We are thus dealing here with an adverbial accusative.⁶ The question then becomes what kind of adverbial function the phrase fulfills. If we were to accept the conventional understanding, then we would say that the phrase describes the manner of the act of lying: the type of lying with a male that is at issue is sexual in nature, just as lying with a woman is typically sexual. An analysis of the use of verb *škb* in the Hebrew Bible, however, shows that it can be associated with at least two types of adverbial accusatives. I believe that it also shows that the adverbial function of the phrase *miškēbê 'iššâ* in these texts is not to indicate manner but location.

Of the more than 200 uses of the verb *škb* in the Hebrew Bible, the vast majority occur in the Qal stem and have no direct object or other type of accusative. Only 13 uses of *škb* occur with an adverbial accusative, and two of those come in the Leviticus texts under analysis here. That leaves 11 occurrences of the verb to examine. In eight of these occurrences, the function of the adverbial accusative is to indicate location.

⁵ See also 2 Kgs 21:13; Amos 9:9.

⁶ Jerome T. Walsh argues that *miškab* here is a cognate accusative ("Leviticus 18:22 and 20:13: Who Is Doing What to Whom?" *JBL* 120 [2001]: 201–209). He claims that the man being addressed in Lev 18: 22 is one who would lie "the lying of a woman," meaning lie as a woman would lie and be the receptive partner. One problem with this reading is that the expected cognate accusative of *škb* is *šikbâ* (as in Lev 15:18; 19:20; Num 5:13). Another potential problem is that *miškab* ordinarily means "bed," not the act of lying down, and part of my argument is to say that the notion of place or places of lying down should be understood as underlying all of the term's uses in the Hebrew Bible.

2 Sam 4:5	וְהוּא שָׁכַב אֶת מִשְׁכַּב הַצָּהֳרָיִם	And he (Ishbosheth) was lying (on) a bed at noon
2 Sam 12:16	וַיִּשְׁכַּב אֶרְצָה	And he lay (on) the ground.
2 Sam 13:31	וַיִּשְׁכַּב אֶרְצָה	And he lay (on) the ground.
2 Sam 11:9	וַיִּשְׁכַּב אֲוִיָּה פֶתַח בַּיִת הַמֶּלֶךְ אֶת כָּל-עַבְדֵי אֲדֹנָיו	And Uriah lay (at) the door of the house of the king with all the servants of his lord.
Mic 7:5	מִשְׁכַּבְתַּי הַיְקִיךְ שְׁמֵר פֶּתְחֵי-פִיךְ	From the female one lying (in) your lap guard the doors of your mouth.
Ps 88:6	כְּמוֹ חַלְלִים שְׁכַבְי קִבֵּר	like the slain, those lying (in) the grave ⁷
Ruth 3:14	מִרְגְּלֹתָיו [מִרְגְּלֹתָיו] עַד-הַבֹּקֶר וַתִּשְׁכַּב	And she lay (at) his feet until morning.
Ruth 3:8	וַהֲנֵה אִשָּׁה שֹׁכְבַת מִרְגְּלֹתָיו	And, behold, a woman was lying (at) his feet.

Some of these accusatives certainly do have sexual connotations. In addition to Ps 88:6, which refers to the “female one lying in your lap,” the actions that Ruth takes, lying at Boaz’s feet (a word that can serve as a euphemism for sexual organs), may well be sexual in nature. But the meaning of these expressions at the surface level of the text is strictly about location. We might say, in our vernacular, “I found the two of them in bed together.” The surface-level or grammatical/syntactical denotation has only to do with location; it is at a deeper level where one finds a sexual connotation. Thus, it remains the case that, from a syntactical point of view, these texts contain adverbial accusatives of location. The deeper-level connotation would have to be determined on a case-by-case basis. The text of 2 Sam 4:5 is especially noteworthy, given that the accusative there is the singular form of the very same term (*miškab*) that serves as the accusative in our two verses in Leviticus. In addition, I wish to highlight 2 Sam 11:9. The clause in this verse contains the same basic elements as those in the clauses in the Leviticus texts: a finite form of the verb *škb*, an adverbial accusative, and a prepositional phrase that begins with *ʔet* and describes with whom the subject of *škb* is lying down.

⁷ To be sure, *šökēbê* is in construct to *qereb*, but participles are often in construct to their accusatives; *GKC* §116g.

	Finite form of <i>škb</i>	Adverbial accusative	Prepositional phrase beginning with <i>'et</i>
Lev 18:22	תִּשְׁכַּב (לֹא)	מִשְׁכַּבִּי אִשָּׁה	אֶת־זָכָר
Lev 20:13	יִשְׁכַּב (אִישׁ אִשָּׁר)	מִשְׁכַּבִּי אִשָּׁה	אֶת־זָכָר
2 Sam 11:9	וַיִּשְׁכַּב (אִוְרִיחַ)	פָּתַח בֵּית הַמֶּלֶךְ	אֶת כָּל־עַבְדֵי אֲדֹנָיו

The other three texts are Lev 15:18, 19:20, and Num 5:13, all from priestly literature. In each of these, the accusative associated with *škb* is *šikbat zera'*, literally “a lying of seed.” The accusative functions in these instances to indicate the manner or nature of the lying down. The act of lying down is sexual in nature because it results in the emission of seed or semen. This use of *šikbat zera'* shows that the priestly authors already had an expression at hand that they could use to convey the sexual nature of an act, and this expression is missing from our two verses.⁸ Compare, for example, the opening clauses of Lev 19:20 and 20:13.

19:20 – *wě'iš kī yiškab 'et 'iššā šikbat zera'*

20:13 – *wě'iš 'āšer yiškab 'et zākār miškēbē 'iššā*

The clauses are structurally the same, and the only substantive difference comes with the phrases at the end. It thus stands to reason that the authors, with their use of *miškēbē 'iššā* in 20:13, meant something substantively different from *šikbat zera'*.

All of this evidence points to the conclusion that the adverbial accusative in Lev 18:22 and 20:13 is not one of manner but location. The only adverbial accusative that occurs with *škb* in the Hebrew Bible but does not indicate location is *šikbat zera'*. All other adverbial accusatives are locative. In fact, the only text other than Lev 18:22 and 20:13 to use a form of *miškab* as an

⁸ One might respond and say that *šikbat zera'* was used only when the sexual act was between a man and a woman. The phrase *šikbat zera'*, however, is used in Lev 15:16 to identify an emission of semen that a man experiences when he is by himself and not with a woman. Thus, *šikbat zera'* can designate any emission of semen, whether it takes place with a woman or not, and could have been used in Lev 18:22 and 20:13 to mark the act of lying with a male as sexual, but it was not.

adverbial accusative modifying the verb *škb* is 2 Sam 4:5, and the accusative has a locative function there.

Why Masculine Plural?

That *miškēbê ʾiššâ* indicates location seems sensible in light of the basic meaning of the term *miškab*—“bed.” A straightforward translation of *miškēbê ʾiššâ* would be, taking into account its adverbial function, “on the beds of a woman/wife.” In this case, Lev 18:22 would read, “And with a male you shall not lie on the beds of a woman; it is an abomination.” Scholars have generally avoided this interpretation without saying exactly why. One very likely reason is that the term *miškab* appears with two different plural forms in the Hebrew Bible. One plural form is masculine, and one is feminine. It is the feminine plural form that seems to convey the plural notion of the term’s most basic meaning, namely, “beds”; this form is found in Isa 57:2, Hos 7:14, Mic 2:1, and Ps 149:5. The form of the plural in our Leviticus texts is masculine. If it is the feminine plural form that means “beds,” then the masculine plural form, which occurs in Gen 49:4 and in the two Leviticus texts, may well mean something else.

There are, in fact, over 90 nouns in the Hebrew Bible that have both a feminine plural form and a masculine plural form. Several reasons can account for this.⁹ First, some nouns, such as the term *hēkāl* (“palace”), take one form in the absolute state and the other form in the construct state. Second, particular biblical books or texts from particular time periods or even particular genres prefer one plural form over the other.¹⁰ Third, some nouns mean something distinctly different in one plural form from what they mean in the other. The term *ḥāṣēr*, for example, denotes the outside area around a house in its feminine plural form but small, unwalled settlements in the

⁹ See Meirav Tubul, “Nouns with Double Plural Forms in Biblical Hebrew,” *JSS* 52 (2007): 189–210.

¹⁰ With the term *bēkôr* (“firstborn”), for example, writings from the Second Temple period seem to prefer the masculine form, while earlier texts prefer the feminine form.

masculine plural. These reasons, however, do not provide a satisfactory explanation for why the term *miškab* occurs in a plural form in our two texts.

miškēbē ʾiššā as Analogy

Before explaining my own view on the difference between the feminine and masculine plural forms of *miškab*, I want to look at what I think are the two most substantive attempts in recent scholarship to deal with the connotation of *miškēbē ʾiššā* in these texts. They come from the work of Saul Olyan and David Tabb Stewart. A number of studies of Lev 18:22 and 20:13 have taken as their starting point one of the main conclusions drawn by Saul Olyan in his 1994 article in the *Journal of the History of Sexuality*.¹¹ That conclusion is essentially this: the specific act referenced by the two verses is sexual intercourse that entails anal penetration by a male Israelite of any other male Israelite. “Other sexual acts” between two men, says Olyan, lie outside the scope of these prohibitions.¹² David Stewart, in his 2000 dissertation, challenges Olyan’s interpretation, but Stewart’s criticism of Olyan and Stewart’s own understanding of these texts have largely been overlooked.¹³

¹¹ Saul Olyan, ““And with a Male You Shall Not Lie the Lying Down of a Woman’: On the Meaning and Significance of Leviticus 18:22 and 20:13,” *Journal of the History of Sexuality* 5 (1994): 179-206. Scholars who have recently followed Olyan’s lead include Martti Nissinen, who accepts that “the concrete point of reference in Leviticus 18:22 and 20:13 seems to be male anal intercourse” (*Homoeroticism in the Biblical World* [trans. Kirsi Stjerna; Minneapolis: Fortress, 1998], 44 [he cites Olyan in nn. 36 and 38]); Robert A. J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon, 2001), 111-17; Jerome T. Walsh, who claims that Olyan lays out “a convincing philological analysis that the laws refer specifically to male-male intercourse” (“Leviticus 18:22 and 20:13: Who Is Doing What to Whom?” *JBL* 120 [2001]: 201); David M. Carr, who calls Olyan’s work “a pivotal article” and agrees that the texts refer “specifically to one man’s sexual penetration of another male” (*The Erotic Word: Sexuality, Spirituality, and the Bible* [New York: Oxford University Press, 2003], 52); and Lesleigh Cushing Stahlberg, who cites Olyan, albeit less enthusiastically than others, but prefers to see these texts “as explicit prohibitions of any same-sex sexual behavior” (“Modern Day Moabites: The Bible and the Debate about Same-Sex Marriage,” *BibInt* 16 [2008]: 463).

¹² Olyan, “Meaning and Significance,” 204.

¹³ David Tabb Stewart, “Ancient Sexual Laws: Text and Intertext of the Biblical Holiness Code and Hittite Law,” Ph.D. diss., University of California, Berkeley, 2000. An abbreviated version of Stewart’s views on these texts can be found in “Leviticus,” in Deryn Guest et al., eds., *The Queer Bible Commentary* (London: SCM Press, 2006), 77-104, esp. 96-99. Stewart is followed in part by Milgrom, *Leviticus 17-22*, 1569.

Olyan’s interpretation is an analogical one. In other words, he bases his understanding of the male-with-male sex referred to in Leviticus on an analogy with sex between a man and a woman. The focus of his analysis is on the phrase in question, *miškēbê ʾiššâ*, which he translates as “the lying down of a woman.” It seems that he assumes a semantic differentiation in the term *miškab*—one that is to be found in the singular as well as the plural. In some cases, the term means bed; in others, the act of lying down. Olyan reaches this conclusion by comparing *miškēbê ʾiššâ* to a similar phrase—*miškab zākār*—found in Numbers 31 and in Judges 21, where virgin women are described as those who “have not known the *miškab zākār*” and other women are described as those who have.¹⁴

Num 31:17—*kol ʾiššâ yōdaʿat ʾiš lēmiškab zākār* (“any woman who has known a man with respect to the *miškab* of a male”)

Num 31:18 and 35—*ʾāšer lōʾ yādēʿû miškab zākār* (“who have not known the *miškab* of a male”)

Judg 21:11—*kol ʾiššâ yōdaʿat miškab zākār* (“any woman who has known the *miškab* of a male”)

Judg 21:12—*ʾāšer lōʾ yādēʿâ ʾiš lēmiškab zākār* (“who has not known a man with respect to the *miškab* of a male”)

Given its use in these texts concerning virginity, Olyan argues that the phrase *miškab zākār* refers to what the lying-down experience with a man would ordinarily entail for a woman. Olyan terms this “vaginal penetration.”¹⁵

According to Olyan, the phrase in our two texts—*miškēbê ʾiššâ*—must identify the converse of vaginal penetration. In other words, it connotes what a man experiences during intercourse, namely, the receiving of him by a woman. Olyan calls this “vaginal receptivity.”¹⁶

¹⁴ Olyan, “Meaning and Significance,” 184.

¹⁵ Ibid.

¹⁶ Ibid., 185.

Olyan goes on to argue that the phrases *miškab zākār* and *miškēbê ʾiššâ* form a pair.¹⁷ The former, based on the texts from Numbers and Judges listed above, is restricted to vaginal penetration, since any other sort of sexual experience would not affect a woman’s virginity. The latter, concludes Olyan, is also restricted—in this case, to vaginal receptivity.¹⁸

But what does vaginal receptivity look like when it occurs between two men? Olyan explains his reasoning as follows:

The male-male sex laws of the Holiness Source appear to be circumscribed in their meaning; they seem to refer specifically to intercourse and suggest that anal penetration was seen as analogous to vaginal penetration on some level, since “the lying down of a woman” seems to mean vaginal receptivity.¹⁹

For Olyan, then, the two texts from Leviticus are directing their comments primarily at the man who experiences “the lyings of a woman” with another man—i.e., he experiences the receptivity of the other man. He is the addressee of the law, and it is his act that the texts prohibit.

miškēbê ʾiššâ as Metonym

Stewart’s main criticism of Olyan’s analysis has to do with Olyan’s apparent decision not to make any distinction between those phrases that use a singular form of *miškab* and those that use a plural form.²⁰ In Olyan’s understanding, the phrase in Leviticus with the plural form of *miškab* is simply the counterpart to the phrase from Numbers and Judges with the singular form. Stewart, however, points to a text, overlooked by Olyan, that complicates the straightforward

¹⁷ Ibid., 184-85. For Olyan, the verb that occurs in the clause along with the expressions under discussion is not of great significance (ibid., 185). The verb *ydʿ* is used in the texts from Numbers and Judges, while the texts from Leviticus employ *škb*. Regardless of the verb, the construct collocations with *miškab* retain their same meaning.

¹⁸ Ibid., 184-86.

¹⁹ Ibid., 185-86.

²⁰ Stewart, “Ancient Sexual Laws,” 72. Previous attempts to explain the difference between the singular and plural forms of *miškab* include Daniel Boyarin, who says that the use of the plural form with *ʾiššâ* occurs because there are multiple ways—vaginally and anally—to penetrate a woman (“Are There Any Jews in the ‘History of Sexuality’?” *Journal of the History of Sexuality* 5 [1995]: 346-47); Milgrom, who, like Stewart, claims that the plural stands for illicit intercourse and the singular for licit (*Leviticus 17-22*, 1569); and Walsh, who speculates that the distinction may have to do with the multiple positions that a receptive partner can take during intercourse (“Who Is Doing What to Whom?” 204 n. 9).

connection that Olyan makes between the two phrases.²¹ The text occurs in Gen 49:4, where Jacob says to Reuben,

Unstable as water, you shall no longer excel
because you went up (onto) your father's bed (*miškēbê 'ābîkā*);
then you defiled it—you went up onto my couch! [NRSV]

The reference here is to Reuben's having slept with one of Jacob's wives and may have in view the tradition about Reuben's sleeping with Bilhah, recorded in Genesis 35.²² The phrase translated as "(onto) your father's bed" by the NRSV is *miškēbê 'ābîkā*, an adverbial accusative indicating location.

This verse does not fit Olyan's understanding. According to Olyan, what a man experiences—vaginal receptivity—is described in terms of the *miškēbê* of a woman, but here, in Gen 49:4, what Reuben experiences is described in terms of the *miškēbê* of a man (Reuben's father). This appears to call Olyan's interpretation into question. It is also, in part, what leads Stewart to the conclusion that the singular-plural distinction between the different forms of *miškab* is an important part of a larger distinction between "licit and illicit sexual relations," with the plural identifying illicit relations.²³ These expressions with *miškēbê*, for Stewart, are about a particular kind of illicit sex, namely, incest. Reuben committed incest with a female relative, and it was described in terms of the *miškēbê* of a male. Thus, Stewart infers, incest with a male would likely be described in terms of the *miškēbê* of a female. In other words, if the Genesis text is about incest, then the Leviticus texts are as well—but, more specifically, homosexual incest between men. Stewart explains his conclusion:

²¹ Stewart, "Ancient Sexual Laws," 72.

²² The poems in Genesis 49 are usually deemed earlier than the tradition in Genesis 35. It is, therefore, difficult to know exactly which woman is meant by the tradition recalled in Genesis 49.

²³ *Ibid.*, 73.

Just as the plural construct מִשְׁכְּבֵי אֲבִיךָ (*mīškēbê ʾābīkā*) speaks of incest, so also מִשְׁכְּבֵי אִשָּׁה (*mīškēbê ʾiššā*) speaks of incest. The former speaks of incest with a female relative in terms of a male relative; the latter speaks of incest with male kin in terms of female kin. What female kin? Kin of all the same degrees of relation already spoken of in Lev. 18:7-18.²⁴

Stewart's interpretation of the key phrase in Lev 18:22 and 20:13, then, is not analogical but metonymic. Just as he believes that the term ʾāb in Gen 49:4 serves as a specific metonym for Bilhah, so he believes that the term ʾiššā functions as a generic metonym for male relatives with whom the male addressee of the laws is not allowed to have sex. The plural form of *miškab* signals the illicit nature of the sex act, and the gender switch—from Bilhah to ʾāb in Genesis and from male relative to ʾiššā in Leviticus—provides the connotation of incest. Hence, Stewart's metonymic interpretation identifies homosexual incest as the prohibited sex act in Lev 18:22 and 20:13.

miškēbê ʾiššā as Abstract Plural

One drawback of the views of both Olyan and Stewart is that each scholar omits discussion of a relevant text that the other incorporates into his discussion. For his part, Olyan omits any reference to Gen 49:4. Stewart, on the other hand, overlooks a Qumran text (1QSa) that Olyan references. The following section occurs in 1QSa 1.8-11 (the text is also cited as 1Q28a or “The Rule of the Congregation”):

At the age of twenty y[ears, he will transfer] [to] those enrolled to enter the lot amongst his family and join the holy community. He shall not [approach] a woman to know her (הַאִשָּׁה לְדַעְתָּהּ) through carnal intercourse (לְמִשְׁכְּבֵי זָכָר) until he is fully twenty years old, when he knows [good and] evil.²⁵

²⁴ Ibid., 74.

²⁵ Florentino García Martínez, *The Dead Sea Scrolls Translated: The Qumran Texts in English* (trans. Wilfred G. E. Watson; Leiden: Brill, 1994), 126. Geza Vermes entitles the document “The Messianic Rule” and translates the relevant section thus: “He shall not [approach] a woman to know her by lying with her before he is fully twenty years old, when he shall know [good] and evil” (*The Dead Sea Scrolls in English* [4th ed.; New York: Penguin Books, 1995], 119-20).

A young man, who intends to follow “the rule for all the armies of the congregation, for all native Israelites” (1QSa 1.6), is not to approach a woman before he is twenty years old. The prohibition literally says that he may not “approach a woman to know her with respect to (*lě*) the *miškēbē zākār*.”

This text would have been difficult for Stewart to reconcile with his interpretation of *miškēbē ʾiššā* in Leviticus, since the act it prohibits is not restricted to incest. Olyan also cannot fit the text into his interpretation. Within Olyan’s scheme, it would refer to a young man, who sleeps with a woman, as experiencing *miškēbē zākār* or vaginal penetration—the very thing that a woman is supposed to experience when she sleeps with a man. Olyan recognizes this and concludes that “a solution is elusive.”²⁶

If we focus on only those texts that employ a masculine plural form of *miškab*, we find only four, all of which present the masculine plural form in a construct state. They are:

- Gen 49:4 – *miškēbē ʾābikā* “the beds of your father” (when Reuben has sex with a woman)
- Lev 18:22 – *miškēbē ʾiššā* “the beds of a woman” (when a man has sex with a man)
- Lev 20:13 – *miškēbē ʾiššā* “the beds of a woman” (when a man has sex with a man)
- 1QSa 1.10 – *miškēbē zākār* “the beds of a male” (when a man has sex with a woman)

Two features of this collection of texts stand out. First, each instance refers to a sexual act that is clearly illicit. Second, in each case, the masculine plural form of *miškab* is in construct to a noun that represents the opposite gender of the person being slept with. In contrast to this, all occurrences of singular construct forms of *miškab* that are used in the context of sexual activity are in construct to a noun that has the same gender as the person being slept with (Num 31:17, 18, 35; Judg 21:11, 12). They come in the texts of Numbers 31 and Judges 21 and identify virgins as those who have not known the bed of a male, a very intelligible euphemism for sexual intercourse. All of

²⁶ Olyan 1994: 185 n. 14.

this, to my mind, makes the use of the masculine plural form distinctly different from that of the singular. It does not seem that the two uses should be combined into one semantic category.

What, then, does the masculine plural of *miškab* mean? Let us start with the only biblical occurrence of this form outside Leviticus—the reference in Gen 49:4 to Reuben’s actions with respect to his father. There, Jacob says of Reuben that “you went up (onto) the *miškēbê* of your father; you defiled my couch, going up (onto it).” Two aspects about the use of *miškēbê* here stand out. First, what seems clear is that, regardless of the term’s meaning, the *miškēbê* at issue belong to Jacob, and, by going up onto Jacob’s *miškēbê*, Reuben has wronged his father. Does the author want us to imagine that Reuben lay directly on Jacob’s personal bed when he committed this transgression? Although the surface level of the text recounts that Reuben went up onto Jacob’s beds, the deeper meaning is that he went up onto Bilhah. It is Bilhah herself that functions as Jacob’s *miškēbê*, or, at least, she falls within the category designated by the term. It seems, then, that the term *miškēbê* is being used here to identify women that belong to Jacob such that other men are not allowed to sleep with them. They are Jacob’s “beds,” as it were. In short, Reuben accessed *miškēbê* that were not his to access.

Second, the word *miškēbê* is, of course, plural in this verse, but the word in parallel with it is singular—*yāšûa*’ (“couch”). It seems much more likely that *miškēbê* is meant to convey a singular idea than that *yāšûa*’ is intended to convey plurality of some sort.²⁷ Thus, if we combine these two aspects of how *miškēbê* is used—(a) that it represents women who belong, sexually speaking, to Jacob and (b) that it conveys a singular as opposed to a plural concept—we arrive at the proposal that I am offering to explain the connotation of the masculine plural form of *miškab*. What I propose is that *miškēbê* (the masculine plural construct form of *miškab*) is an abstract plural

²⁷ The word *yāšûa*’ is a term that can convey a similar connotation in the sense that what it denotes—“bed of wedlock” (*BDB* 426-427)—belongs only to Jacob.

that communicates the notion of someone’s lying-down area or zone.²⁸ We might even say that it stands for an individual’s sexual domain. Reuben’s transgression, therefore, lay in the act of crossing over into his father’s sexual domain and lying with a woman who belonged to that domain.²⁹

This sexual domain, it seems to me, can be one of two types. The first type might be called an ownership domain. It is one where the person who owns the domain possesses exclusively the right to have sex with the individuals who fall within that domain, just as Jacob was the only one possessed the right to have sex with Bilhah. The second type is what I would call a guardianship domain. This occurs, for example, in a father-daughter relationship. The father does not possess the right to have sex with his daughter. But her sexual activity is under his control, and he is the one to decide who is allowed into the sexual domain that she inhabits. Moreover, any illegitimate trespass in that domain is not a violation of the daughter but a violation of the rights of the father.

²⁸ It is certainly the case that masculine plural forms can be used to express abstract concepts (Bruce K. Waltke and Michael O’Connor, *An Introduction to Biblical Hebrew Syntax* [Winona Lake, Ind.: Eisenbrauns, 1990], 120–21). Rebecca Hasselbach notes that “The marking of abstracts by the masculine plural is rare in Semitic, but it does occur occasionally, as in Hebrew *zəqūnīm* ‘old age’ and *bəšārīm* ‘fleshliness,’ and Syriac *ḥayyē* ‘life’ and *raḥmē* ‘compassion’” (“External Plural Markers in Semitic: A New Assessment,” in *Studies in Semitic and Afroasiatic Linguistics Presented to Gene B. Gragg* (edited by C. L. Miller; SAOC 60; Chicago: The Oriental Institute of the University of Chicago, 2007) 123–138 (quote from 130 n. 40). While a number of masculine plural abstracts follow the noun pattern *qəṭūlīm*, the *miqṭalīm* pattern also occurs (e.g., *mibṭaḥīm* “security” in Isa 32:18). Waltke and O’Connor, however, put the masculine plural of *miškab* into the category of “complex inanimate nouns” (*Syntax*, 120). Their prime example is the term *’ōhel* (“tent”)—a place designation like *miškab*—which in the plural can mean “dwelling” or “encampment area” At the end of their discussion of such nouns, they state: “Compare also מִשְׁכָּבִים for ‘bed,’ alongside מִשְׁכָּב ‘bed’ (but also ‘the act of lying down’)” (ibid). The comment about the act of lying down seems to be included only because they, too, are assuming that this has to be the term’s connotation in the Leviticus texts. It may be that designating the masculine plural of *miškab* as a complex inanimate noun is more accurate than identifying it as an abstract plural, though the two categories appear to be closely related, but this will require further consideration. *GKC* classifies the masculine plural of *miškab* with “plurals of local extension” (§124b). Such plurals “denote localities in general, but especially level surfaces . . ., since in them the idea of a whole composed of innumerable separate parts or points is most evident” (§124b).

²⁹ A similar use of the singular term for “bed” (*mayyālu*) in Akkadian occurs in a Babylonian omen text: “If Ištar shows (herself) at the beginning of the year and disappears: slaves will ascend to their masters’ bed and marry the women who hired them” (E. Reiner, in collaboration with D. Pingree, *Babylonian Planetary Omens, Part Three* [CM 2; Groningen: STYX, 1998], 183). The use of “bed” here connotes the women with whom the slaves’ masters had sexual relationships. For the slaves to have sex with these women signals the crossing of a boundary into their masters’ sexual domain.

What binds the two types together is that the owner or guardian of that domain has the authority to determine who is allowed to enter that domain and who is not.

I base my understanding of the second type of sexual domain on how the term *miškěbê* is used in 1QSa. The text forbids a young man from approaching and having sex with a woman “with respect to the *miškěbê* of a male.” The *miškěbê* belong neither to the young man nor to the woman with whom he might sleep, but to another male. For the young man to have sex with the woman, whether forced or consensual, would not be a violation of her as much as it would be of whichever male figure in her life had the authority to say with whom she could and could not have sex.³⁰ The young man would thus be trespassing in someone else’s sexual domain. The woman in question is restricted territory, and access to this territory is governed by a male. This male could be her husband, but, in this context, it also seems likely that the male could be her father or, perhaps, even her brother or another male relative, should she be unmarried and her father deceased. Thus, the use of the term *miškěbê* does not necessarily mean that this male to whom the *miškěbê* belong has the right to lie down with the woman himself; rather, it communicates that this woman is in a sexual domain that is under his control.

In the Leviticus texts under examination, the prohibition has to do with the *miškěbê* of a woman or wife. If we apply the understanding of *miškěbê* just described to these texts, the command that they set forth is not to lie down with a male who belongs to the sexual domain of a woman or wife. Is this domain one of ownership or guardianship? I would suggest that both types

³⁰ Typically, of course, the male figure with this authority would be the woman’s husband or father. It is certainly true that a father would not have rights to his daughter’s sexual activity in exactly the same manner as a husband would; in other words, fathers were not free to sleep with their daughters as husbands were free to sleep with their wives. The point I am making, however, is that both a father and a husband had authority over the sexual activity of their daughters/wives. For a man to engage in sexual activity with a woman without permission from her father or husband would violate that authority. Thus, the rights associated with a woman’s sexual activity were not hers but those of the man over her.

of domain are at issue here but in a slightly different sense from how they operate when the sexual domain of a man is in view.

The Notion of Sexual Domain in Lev 18:22 and 20:13

Using the concept of sexual domain with respect to Lev 18:22 and 20:13, though, could encounter a significant problem. The difficulty emerges from the fact that the construct chain in both texts is *miškēbê ʾiššâ*, with *ʾiššâ* functioning as the *nomen rectum*. According to my reasoning, this means that the person whose rights are violated by the male-with-male sex envisioned by the verses is a woman. In what sort of situation would a woman be violated, should two men sleep together? Throughout the ancient Near East, including the societies of Israel and Judah, it is not at all clear that women—whether married or unmarried—were viewed in this way when it came to a man’s, even their own husband’s, sexual activities.³¹ Generally speaking, women did not have rights to or over a man’s sexuality. Perhaps a better way to understand the import of the phrase *miškēbê ʾiššâ* is to say that it conveys the idea that certain males are, sexually speaking, off-limits because of their relationship to a woman. As we have seen, Bilhah was off-limits to Reuben by virtue of her relationship to Jacob, and the woman imagined in the Qumran text is off-limits to the young man by virtue of her relationship to the male who controls access to her sexuality. Moreover, it was a *miškēbê*-phrase that marked their status as such. By the same token, then, the males whom the Leviticus texts specify, also with a *miškēbê*-phrase, as belonging to a restricted zone are off-limits by virtue of their relationship to a woman. Provisions in Leviticus 18 and 20 forbid sex with certain women expressly because of their relationship to other women; these include the sister of one’s mother (18:13), the daughter of one’s wife (18:17), and the sister of

³¹ See Raymond Westbrook, “Adultery in Ancient Near Eastern Law,” *RB* 97 (1990): 542-80.

one's wife (18:18). This points to the fact that it is not only relationships with men that figure into the priestly reasoning in these chapters, but relationships with women do as well.

What sorts of women and what sorts of relationships might be envisioned? Initial clues to this answer come in the sexual taboos that precede the prohibition in Leviticus 18 and in those that surround the prohibition in Leviticus 20. Many of the women in these chapters who are said to be off-limits are not to be slept with due to the relationship that they have to a particular man. I take the following from the list of prohibitions in chapter 18.

- Your mother is off-limits because of her relationship to your father (v. 7).
- Your step-mother is off-limits because of her relationship to your father (v. 8).
- Your granddaughter is off-limits because of her relationship to you (v. 10).
- The wife of your paternal uncle is off-limits because of her relationship to him (v. 14).
- Your daughter-in-law is off-limits because of her relationship to your son (v. 15).
- The wife of your brother is off-limits because of her relationship to him (v. 16).
- The wife of your neighbor is off-limits because of her relationship to him (v. 20).

To begin with, then, the men with whom one is prevented from having sex in Lev 18:22 are likely to include the very men who are in these relationships. They are off-limits due to the relationship that they have with these women. Your neighbor is off-limits due to the fact that he has a wife. Your son is off-limits due to his relationship with your daughter-in-law. Your father, uncle, brother, and neighbor are off-limits for the same basic reason: they are married.³² Such a line of reasoning might suggest that the prohibitions on male-with-male sex are intended to forbid sex simply with married men. The phrase *miškēbê ʾiššâ* should then be understood as referring to the lying-down zone or sexual domain of a “wife,” and perhaps this is precisely what *ʾiššâ* means in this context. The fact that the prohibitions use the term *zākār*, however, points to the idea that other males, non-married males to be specific, are also included. Such males could include, for

³² To some degree, I am following Stewart's reasoning, when he argues that the men who are off-limits are those husbands who correspond to “all the same degrees of relation” mentioned elsewhere in the lists in Leviticus 18 and 20. But I do not think that Stewart went far enough and that he should have interpreted the prohibitions to include certain other, non-married males as well.

example, one's stepson, the son of one's wife who was born to her in a different marriage. This stepson would be the male counterpart to the stepdaughter mentioned in Lev 18:17. He has a particular relationship to a particular woman, namely, one's wife, and he is off-limits sexually due to this relationship.³³

Others have pointed out that priestly texts are not averse to incorporating women into their overall system and granting them agency at certain points. While not egalitarian by any means, these texts allow women greater agency than other pentateuchal legal collections, even if only to ensure that women and their acts are part of the overall endeavor directed at preventing impurity and purging impurity when it does occur. Some provisions in chapter 20, for example, grant women greater agency (i.e., a more active role) than one might have expected. In v. 17, a sister sees her brother's nakedness; it is not only he who sees her nakedness. In v. 20, the menstruant is said to have "exposed her fountain of blood," rather than only the man doing this. It would not be surprising, then, to see these authors according women a greater and more active role in determining sexual boundaries.

It is also important to note the individuals with respect to whom these males are off-limits. In other words, who is not allowed to sleep with these particular males? The answer comes in identifying the addressees of the laws. As is the case with most of the provisions in what we call biblical law, these rules are directed at male heads of household. It is not simply any male living in the authors' community who is the target of the laws but males who are, in all likelihood, married. And, if they are married, then they themselves are to be considered *miškēbê ʾiššâ*, and these rules prohibit them from having sexual relations with other males who are also considered to be *miškēbê*

³³ In addition, one could argue that the oversight of this stepson's sexual activity is the responsibility of his mother and not that of his stepfather. He does not stand to inherit from the stepfather and so would not be under the latter's supervision in the same way as a legitimate heir; cf. Neo-Babylonian Laws 13, which implies that a stepson in this situation will receive an inheritance only out of his mother's property—mainly, her dowry.

יִשְׁשָׂא. In short, males who have a relationship with certain women are the *miškebê* of those women with respect to the male heads of household in the community.

If the prohibitions in Lev 18:22 and 20:13 are understood in this way, most of the men within the community of the laws' addressee would be removed from being possible sexual partners for him. What would be left would be male chattel-slaves (if there were any in his household or community), foreigners, male prostitutes, and the like. This seems to be in keeping with the majority of the other prohibitions in Leviticus 18 and 20, because most of the people who are declared sexually off-limits with respect to the laws' addressees are such because of their relationship to another person. In chapter 18, when the text wishes to specify that all or any of a particular category are off-limits, it employs the term *kol*. This comes in verse 23, where “you” are commanded not to have sex “with any animal” (*bəkol bəhēmâ*).

The *kol* does not occur in the prohibition on bestiality in chapter 20. I assume, somewhat tentatively at this point, that the rules on sexual relations in Leviticus 20 were compiled prior to those in Leviticus 18. They are fashioned in a third-person, impersonal style and are, thus, more in the nature of traditional law-code provisions. If the list in chapter 20 does indeed predate that in chapter 18, then the prohibition on male-with-male sex was originally part of a set of three prohibitions that are remarkably similar in terms of structure. Each one contains the same basic elements along with a similar formulation. The text of verses 11–13 reads:

- (11) וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת-אִשְׁתּוֹ אֲבִיו עֵרְוַת אָבִיו וְגַלָּה מִזֶּה-יִוָּמְתוּ שְׁנֵיהֶם דְּמִיתָם בָּם :
- (12) וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת-כַּלְתּוֹ מִזֶּה יִוָּמְתוּ שְׁנֵיהֶם תְּבַל עֲשׂוּ דְמִיתָם בָּם :
- (13) וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת-זָכָר מִשְׁכַּבֵּי אִשָּׁה תוֹעֵבָה עֲשׂוּ שְׁנֵיהֶם מִזֶּה יִוָּמְתוּ דְמִיתָם בָּם :

One can identify four elements in each verse: (1) the initial *wəʔš ʔāšer yiškab*; (2) the identity of the individual being lain with, preceded by the preposition *ʔet*; (3) a word or phrase that

Summary

In this paper, I have attempted to demonstrate that the phrase *miškēbê* יִשְׁבָּה refers to the lying-down zone or sexual domain of a woman. First, the phrase occurs as an adverbial accusative with a locative function. This means that it indicates the place where or the space in which the law's addressees may not lie down with another male. Second, because the masculine plural, *miškēbê*, is used—and not the feminine plural, which seems to be the form that communicates the basic meaning of *miškab*—the term likely means something other than simply beds. The use of the masculine plural in Gen 49:4 disfavors interpreting the masculine plural to mean the act of lying down, though its meaning is likely related to the notion of “beds” or place of lying-down in some way. Third, the connotation of the term as it is used in Gen 49:4 and 1QSa 1.10 strongly suggests that the masculine plural of *miškab*, like the masculine plural of some of other nouns, conveys an abstract meaning and that this abstract meaning should be understood in the sense of lying-down zone; when understood with a sexual connotation, the term implies a sexual domain. Fourth, the texts of Gen 49:4 and 1QSa 1.10 show that a person can be the sexual domain of someone else in two senses. Either the person can be slept with by the other individual, or the person's sexual activity is guarded or managed by the other, who has the right to say who may and may not sleep with that person. Fifth, when this notion is applied to the Leviticus texts, it means that the men with whom the law's addressees may not have sex are qualified as males who are off-limits by virtue of a relationship that they have with a particular woman. I have suggested that these relationships can be identified by means of the relationships described elsewhere in the lists of sexual taboos in chapters 18 and 20. Most of the rules in the lists say that the women in those relationships are off-limits. I argue, in similar fashion (at this point) to David Stewart, that the provisions in Lev 18:22 and 20:13 capture the male side; that is, they specify that the men in those

relationships are also off-limits. That the male in these two prohibitions is qualified in some way—and is not meant to represent merely any male whatsoever—comes through more strongly in 20:13 where the prohibition places *miškēbê ʾiššâ* next to the term *zākār*. Thus, I claim that the male who is off-limits is so because he is considered to be a location of sorts—part of a domain, as it were—that has restrictions in terms of who may access it sexually, and the law’s addressees are forbidden from violating the boundaries around that domain.

Does this reasoning fit with the overall rationale behind the other sexual taboos found in chapters 18 and 20? The question of a single rationale to explain all of these taboos is one around which very little consensus has been built. The proposals on this issue have ranged from expanded commentary on the Ten Commandments³⁵ to individual defilement³⁶ to the misuse of semen³⁷ to the maintenance of familial stability.³⁸ I do not claim to be able to resolve this problem here. I would point out, however, that the notion that certain individuals are to be considered off-limits sexually due to their relationship with some other individual runs through many of the prohibitions in these chapters. The priestly penchant for keeping categories separate has certainly been appealed to before as the basis for these taboos, and there may well be a connection between this tendency on the part of the priestly authors and the idea of a relationship-based rationale. The idea that the desire for familial and community stability underlies the authors’ agenda in these prohibitions also commends itself. I would also argue that the prohibitions on male-with-male sex in Leviticus are not based on an attempt to protect an Israelite male from having his honor violated by being the passive partner in

³⁵ R. A. J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon, 2001), 121.

³⁶ Olyan, “Meaning and Significance,” 205.

³⁷ M. S. Cohen, “The Biblical Prohibition of Homosexual Intercourse,” in S. Scholz, ed., *Biblical Studies Alternatively: An Introductory Reader* (Saddle River, N.J.: Prentice Hall, 2002), 153–164; see also Milgrom, *Leviticus 17–22*, 1567.

³⁸ A. Schenker, “What Connects the Incest Prohibitions with the Other Prohibitions Listed in Leviticus 18 and 20?” in Rolf Rendtorff and Robert A. Kugler, eds., *The Book of Leviticus: Composition and Reception* (Leiden: Brill, 2003), 162–185.

anal intercourse between males.³⁹ There is very little if anything at all in these two chapters in Leviticus that would support this interpretation. If the prohibition in Lev 18:22 and 20:13 should be connected with the other taboos that are listed around it, then we ought to be looking at how the persons declared off-limits are qualified by the text, as they clearly are in almost every instance. And for males, that qualification comes with the phrase *miškēbê ʾiššâ*.

³⁹ As argued, e.g., in R. Hendel, C. Kronfeld, and I. Pades, “Gender and Sexuality,” in R. Hendel, ed., *Reading Genesis: Ten Methods* (Cambridge: Cambridge University Press, 2010), 71–91.