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## Women, Ideology, and Violence: Critical Theory and the Construction of Gender in the Book of the Covenant and the Deuteronomic Law by Cheryl B. Anderson

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Women, Ideology, and Violence: Critical Theory and the Construction of Gender in the Book of the Covenant and the Deuteronomic Law by Cheryl B. Anderson (2005, NY: T&T Clark International, Pp. x + 148, \$39.95). Reviewed by Carolyn S. Leeb, Valparaiso University, Department of Theology.

Biblical scholars are not always well-informed about developments in gender theory or feminist legal theory. Conversely, those who study gender in systematic ways may not know of recent trends in critical biblical study, although they may be acutely aware of the way the biblical text is used by groups promoting particular theologies and ideologies. All three disciplines benefit when they are brought into conversation with each other, as Cheryl Anderson has done in *Women, Ideology, and Violence: Critical Theory and the Construction of Gender in the Book of the Covenant and the Deuteronomic Law*, released in hardcover in 2004 and more recently in paperback.

Only in the past few decades has gender been explored as a category in critical biblical scholarship, and the uses of gender theory have been even more recent. This addition has brought valuable new insights to the understanding of biblical texts and has led to interpretations and appropriations of these texts which have had important positive ramifications. The importance of an understanding of critical biblical scholarship by gender theorists and feminist legal theorists becomes apparent when one considers the extent to which all of us, whether connected to a religious community or not, live out our lives in a world where the social construction of gender is influenced, indeed ultimately founded, on particular readings of these texts.

Although written principally for scholars in her own field of biblical studies, Anderson has brought together methods from all three fields to examine a portion of the Hebrew Bible/Old Testament. As she works through examples, the methods of all three disciplines become more accessible to those whose work does not directly fall within them, and she introduces the reader to significant bibliography in all three areas as a place to begin a deeper exploration.

Anderson restricts her survey to two law codes which fall within the portion of the HB/OT which we

call Torah or Pentateuch: the Book of the Covenant (BC, Exod. 20:23-23:19) and the Deuteronomic Law (DL, Deut. 12-26), which contain a number of over-lapping laws. She has conveniently gathered these laws in an appendix, sorted according to the categories with which she will work as she develops her arguments. She does not propose a theory of the dating or provenance of these law collections, preferring to concentrate on the world which these laws construct, rather than the world which constructed these laws. She does, however, echo the broad mainstream of biblical scholarship in placing the genesis of BC in the premonarchic period and DL in the period of the Judahite monarchy. (She does not treat the post-exilic Priestly Code and Holiness Code of Leviticus but suggests that the results of such treatment would not contradict the evidence found in the other two codes.)

After establishing definitions and assumptions, Anderson divides the laws into two categories: inclusive laws and exclusive laws. “[E]xclusive laws, the laws that construct gender, are those that prescribe or proscribe behavior and attributes for women only. Exclusive laws consist of laws that (1) specifically apply only to women, (2) laws that specifically exclude women, and (3) those that determine a woman’s treatment based on her relationship to a male” (21). Inclusive laws, by contrast, are laws which, on their face at least, apply to both men and women, either explicitly or implicitly. Anderson is able to demonstrate the presence of both sorts of laws in BC and DL and extends her analysis further than previous scholars of these legal codes have, using gender theory to clarify a situation which is more complex than previous conclusions that the legal system treated men and women either in symmetric, complementary ways or in asymmetric ways.

A very important contribution of *Women, Ideology, and Violence* lies in its description of the ways in which laws serve to construct identity. These laws reflect “the perspective of the free, privileged, adult male who is the head of a household,” and they serve to “construct identities for other groups who are not free (slaves and debt slaves), not privileged (the marginalized), and not male (females)” (51). Anderson systematically demonstrates the ways in which the laws of BC and DL create class identity by outlining the mechanisms for the elite to maintain “power, privilege, or prestige” (52-56); generational identity by describing the prerogatives inhering in age (56-58); and national identity by delineating the markers of Israelite identity – namely “concern for the marginalized, uniformity in cultic practices, and fertility” (58- 66).

Having described the multiple identities which persons may have under these laws, depending on their class, ethnicity, and age, Anderson addresses the ways in which the law codes inscribe gender identity, using both gender theory and feminist legal theory. One of the definitive attributes of female gender in this system “is having her sexuality controlled by a male. In marriage, her sexuality is controlled by her husband; before marriage or betrothal, it is controlled by her father” (67). Anderson uses the laws concerning the penalties for rape to demonstrate that the legal issue is not the violation of the person of the woman, but rather the violation of the rights of the male who controls exclusive access to her sexuality.

Anderson notes that “gender theory uniformly looks for oppositional male and female attributes constructed by the laws” (68). On the other hand, postmodern feminist legal theory suggests that language is “constitutive of human experience,” and in these laws she identifies “the following qualities of the female body that legal rules create and reinforce: the female body submits to male authority, the female body is meant for sex with men, and the female body is meant for maternity” (69). Thus, a married woman is not only restricted from sexual intercourse with another man, but she must not even touch another man’s genitals (Deut. 22:22), an infraction which merits the Bible’s only sentence of bodily mutilation. She points out that the legal material carefully circumscribes sexual activity with a woman belonging (as daughter, betrothed, or wife) to another man, but contains no prohibition against sexual activity with women who have no such protector; in the process, “the BC and DL indirectly sexualize nonprivileged females,” since they are not rendered off-limits to the male’s lust (71). Thus prostitution is shown, rather than as universal, to be “the result of gender asymmetry in patriarchal societies where men demand ‘exclusive control of their wives’ sexuality’ while maintaining their ‘sexual access to other women” (71). The quality of a woman’s body as intended for maternity is demonstrated by the concern for the perpetuation of the male line in a variety of texts, such as those which address levirate marriage, that is, marrying the widow of one’s brother (72).

Of course, these attributes assigned to female bodies are conceived of as “natural,” “legitimate,” and “the will of God” by their placement in the mouth of Moses when the law is given on Mount Sinai. Any deviation from the gender identity constructed by these laws is seen as a threat to the very structure of Israelite society and an affront to God himself.

Having demonstrated the ways in which the BC and DL construct gender roles of female subordination and male dominance, Anderson explores the ways in which this differential in power between the genders contributes to sexual violence. Following feminist legal theorists, who ask the question, “Is the law male?” she shows that these law codes do, indeed, support male dominance in several ways. First, the law “favors men and systematically oppresses women” by giving legal status to the idea that men should control the sexuality of the women of their household. What’s more, the law fails to provide means for women’s economic well-being, which places them in a position of radical dependence on men.

Second, she shows that even laws which appear to be neutral can have “a disproportionately negative impact on females” (81). Women’s circumstances meant that they were more likely than men to need to resort to sorcery or apostasy (for example to limit births or to attain fertility), and thus the laws which punished those transgressions, while theoretically enforceable against men and women alike, in fact were more onerous to women, reinforcing the power differential. Although on the surface it applied equally to men and to women, the sweeping deuteronomic reform, with its insistence on centralization of worship in Jerusalem and its elimination of celebrations in the home and local

shrines, restricted women's participation in the cult, due to the realities of women's lives which made pilgrimage travel difficult due to pregnancy and childcare responsibilities.

Finally, she notes that the law becomes male "if it embodies only the male experience" (86). Neither BC nor DL distinguish between forcible rape and consensual seduction in their punishment of the participants in a sexual encounter between a man and a betrothed woman. From the woman's point of view, her consent is central to her experience of the encounter, but from the law's point of view, only the impact on her male controller is considered relevant in the meting out of consequences. This suppression of female subjectivity, this silencing of female voices, is, in Anderson's view a form of violence, without even taking into account the violence which the differential in power between the genders appears to invite. This violence takes further shape from the inability of women, under this system, to claim their own identity; rather those with privilege (males) are empowered to "impose a single constructed identity on all females that ignores similarities between males and females and differences between one female and another" (93). This violation of personhood Anderson identifies as violence.

In her final chapter, Anderson suggests that "inherent violence" of the asymmetrical gender paradigm enshrined in these two biblical law codes "makes actual violence against women more likely" (101). She traces the consequences of this and the varied expressions of it up to and including its expression in contemporary Christian communities, from Aristotle and Augustine to modern evangelical Christianity. She is able to demonstrate that violence against women is rendered most likely in exactly those sectors which cling most ardently to the model of male domination/female subordination and shows that a precipitating factor in male violence against women is a feeling, on the part of the perpetrator, that he lacks the requisite power to measure up to the construction of masculinity carried by these biblical legal codes. This analysis does not, in the end, offer a solution, but it does invite a thoughtful approach to texts that carry a paradigm of gender which invites abuse. These texts are canonical for both Christians and Jews; as such they will not be edited or eliminated. But since the texts themselves systematically exclude female voices, female experience, and female viewpoints, the reading of these texts must be done in ways which include among their readers, interpreters, and expositors those female voices, experiences, and viewpoints.