Centralisation and forbidden sex[1]

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The article concerns two issues: the debate about the democratisation of holiness in the Holiness Legislation (H) and the interpretation of Leviticus 18:22 and 20:13.

Until recently, a substantial number of scholars working on Leviticus 17-26 have presented the call to holiness (Lev. 19: 2; 20: 7 and 26) in the parenetic frame of H in a very positive light. Scholars such as Kugler (1997 n.50), Bibb (2009: 2), Artus (2013: 172), Hieke (2014b: 613) and Kamionskowki (2018: iv) refer to the "democratisation" of holiness. They all understand the call to holiness in a very positive light, as a process of empowerment. The ordinary addressee could strive for something that previously only priests were able to attain.

A recent PhD dissertation by Rhyder (2018, published in FAT in 2019) questioned these positive portrayals of holiness. She interprets the call to holiness as hegemonic by reading it through the lens of cult centralisation. This article draws on Chapter 5 of her dissertation, entitled "Holiness as hegemony", in which a number of essential arguments are made, which can be summarised as follows. First, some scholars (e.g. Wenham 1979: 265, Hieke 2014b: 703) argue that the way that addressees can strive for holiness is by embracing specific ethical prescriptions in everyday life, including the Ten Commandments, caring for vulnerable people and respecting certain sexual taboos. Rhyder understands this concern for regulating daily life as a form of "conventionalism", a concept she takes from Adorno and which is for her "a trait of authoritarianism" (Rhyder 2018: 302). Rhyder does not believe that such aspirations to become holy mean that ordinary people could become equal to priests. A text such as Leviticus 22: 8-9 clearly shows that a higher standard is expected of priests, who may not eat animals that have died of natural causes, something ordinary Israelites were permitted to do.

1 This summary is the English abstract of an Afrikaans article published in *Litnet Akademies (Godsdienswetenskappe)* 18(1). The title of the original Afrikaans article is: 'Sentralisering en verbode seks'. The article and bibliography can be found here: https://www.litnet.co.za/sentralisering-en-verbode-seks/

Secondly, Rhyder engages with H's parenetic frame and identifies two rhetorical strategies: *othering* and *standardisation*. Othering is especially clear in texts such as Leviticus 18:24-30, where the previous inhabitants of the land are portrayed as sexual perverts who transgressed all the sexual taboos listed in Leviticus 18. For this reason, the land spat them out. These others are not to be allowed to influence Israel. Furthermore, regarding the rules for right eating in verse 25, Rhyder identifies the strategy of *standardisation*, in terms of which the Israelites' diet is standardised "in accordance with a shared central authority" (Rhyder 2018: 316).

A third rhetorical strategy identified by Rhyder (2018: 317-320) is what she calls "collective loyalty". She identifies this strategy in Leviticus 19, which is about "their ability to show loyalty to one another" (Rhyder 2018: 320). The identified strategies all focus attention on the central sanctuary, because it "consolidates the authority of the central authority of law and sanctuary, along with the interests of those whose place is at the apex of hierarchy" (Rhyder 2018: 324). Addressees are solicited or co-opted to centralise power in the cult through their ethical conduct.

Another question to ask is: who was likely to profit from such a centralisation project? The most obvious answer is the priests, but who else was likely to benefit from the centralisation strategy when the text is read in the context of the Persian Empire? If the temple was completed in Darius's time, the critical question is then what role it played in Yehud in service of the Empire. Scholars such as Schaper (1995: 536-537) and Balentine (1999: 54-57) understand the temple as a place where taxes were collected on behalf of the Empire. Any rhetorical strategy for centralisation might then be understood as a strategy in support of the Empire. Rhyder (2018: 350) follows scholars such as Bedford (2015: 341) and Altmann (2016: 182) who reject this idea and argue that Ramat Rahel was actually the seat of the Persian governor, which would have been the site for tax collection, and not the temple.

One might also ask whether the strategies identified by Rhyder could be understood as resisting the Empire or functioning in its service? Could the strategy of othering, in terms of which Egypt is portrayed in an unfavourable light, be understood as currying favour with the Persians by mocking their enemies, as Yee (2010: 218), for instance, interprets references to Egypt in Exodus 2-12? Is the prohibition of male-on-male sex a critique of the Greeks, another enemy of the Persian Empire (Römer 2018a: 217)? However, Hieke (2014b: 679-687) sees the

banning of giving one's children **לְמֹלֶךְ**[2] (to Molech) in Leviticus 18 and 20 as a warning that parents should not allow their children to work for the Persian king, and thus as a form of pushback against the empire. The question is thus: what was the purpose of H? Was the text about resisting the Empire or being loyal to it?

This article therefore focuses on Leviticus 18:22 and 20:13. A number of Old Testament scholars have engaged with these texts, Joosten (2020) and Leuenberger (2020) being the most recent. Most of these scholars (i.e. Römer 2018a: 213; 2018b: 48-49; Leuenberger 2020: 207) agree that we should not apply the modern-day concept of "homosexuality" – since the term was only coined in 1869 – to these texts. The ancient authors had no concept of sexual orientation. Scholars agree that the texts prohibit sex between two men, although there is a broader debate about whether the text is aimed at the active or the passive partner (see Hollenbeck 2017, or Olyan 1994, and Walsh 2001). Many scholars agree that one clear issue in the text is a man playing the role of a woman (e.g. Leuenberger 2020: 227-228). Some scholars (Joosten 2020: 4; Römer 2018b: 53) point out that references to male-male sexual intercourse are fairly scarce in the Ancient Near East, with the exception of Assyrian, Egyptian and Persian texts. The article also engages with and rejects Joosten's (2020) recent attempt to translate Leviticus 18: 22 differently, to mean that a man is forbidden from sleeping with a married man.

The argument then moves on to the possible impact of Persian texts on the Holiness Legislation. In the Avesta in Vendidad 8: 32, sex between two men is forbidden. The problem with reading H as if it was a response to the Avesta is that the Avesta is dated to a much later period than the Achaemenid period, but some scholars argue that the ideas go back to the first millennium (Kazen 2015; Kiel 2017; Dershowitz 2017). The text of the Avesta also encourages incest, the principal prohibition in Leviticus 18 and 20. If the authors of H thus knew of such Persian ideas, they followed the Persians by prohibiting anal sex, yet simultaneously showing resistance to Persian ideas by outlawing incest. Scholars such as Kazen (2015) and Jonker (2019 and 2016) have used insights drawn from postcolonial criticism to explain the possible interaction between H and specific Persian texts. Kazen shows how H and later texts took corpse pollution very seriously, first applying it only to the priests, but subsequently applying such

2 The word occurs inter alia in Lev 18:21 and can be translated "to Molech" (also spelled "to Moloch"). It is the name of a god to whom children were sacrificed.

pollution to ordinary Israelites (Num. 19). At the same time they rejected Persian ideas about demons. Jonker (2019) compares H with Darius's grave inscriptions (DNa and DNb) and interprets H as a response. Both use terms such as hybridity and mimicry to explain the complex picture of colonised people responding to their conquerors' texts and ideas. The trickiest aspect of Leviticus 18: 22 and 20: 13 is how to interpret them within the context of the Persian Empire.

The article concludes by stressing certain complex aspects of interpreting these two verses. First, Rhyder reminds us that texts are not innocent. If she is correct, then the agenda of Leviticus 17-26 was to support the larger project of centralisation, which would have profited the priests. Second, Rhyder's identification of the rhetorical strategy of othering that is so pervasive in these texts should remind any church that would like to apply these texts to contemporary debates that they are permeated by an obsession with boundaries and a certain "us-versus-them" view of the world. However, the article offers some critique of Rhyder because, despite showing the prevalence of "community solidarity" in Leviticus 19, she ignores a text such as 19: 33-36, where the addressees are asked to love strangers, who are usually understood to be outside the community. Thus, at times the text undermines the intention of othering. The article concludes by saying that although we might wish to interpret texts from H, including 18: 22 and 20: 13, as part of a larger strategy to maintain Israelite identity in the Persian Period by resisting Persian ideas, it is difficult to support such an argument convincingly.