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Reconstructing Meaning in Deuteronomy 22:5: Gender, Society, and Transvestitism in Israel and the Ancient Near East

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Deuteronomy 22:5, the Hebrew Bible's anti-transvestitism clause, has long presented translators and scholars with difficulty.[1] The verse reads as follows:

לא־יהיה כלי־גבר על־אשה ולא־ילבש גבר שמלת אשה כי תועבת יהוה
אלהיך כל־עשה אלה

Although scholars are in general agreement on the translation (if not the exact meaning) of תועבת יהוה, the struggle to understand כלי־גבר is evident in the vagueness of our translations,[2] a sampling of which follow (the renderings of כלי־גבר appear in italics):

> A woman must not put on *man's apparel*, nor shall a man wear woman's clothing; for whoever does these things is abhorrent to the Lord your God. (NJPS)
>
> No woman shall wear an *article of man's clothing*, nor shall a man put on woman's dress; for those who do these things are abominable to the Lord your God. (NEB)
>
> The woman shall not wear *that which pertaineth unto a man*, neither shall a man put on a woman's garment: for all that do so are abomination to the LORD thy God. (KJV)
>
> A woman shall not wear *anything that pertains to a man*, nor shall a man put on a woman's garment; for whoever does these things is an abomination to the Lord your God. (RSV)

[1] Samuel R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; New York: Charles Scribner's Sons, 1895), 250–51.

[2] Ibid., 251.

> A woman must not wear a *man's apparel*, nor may a man put on a woman's garment; for whoever does these things is repugnant to Yahweh your God.[3]

The broader context of the verse is of little help. While it is common in ancient Near Eastern law codes for the laws to be arranged topically, sometimes providing insight into the meaning of a particular provision, Deut 22:5 lacks such a clear context.[4] It occurs between a set of commands to assist one's neighbor in matters of animal husbandry and other property (22:1–4) and rules governing the treatment of birds and the use of their eggs for food (22:6–7), followed by a law requiring the construction of a parapet on a house to prevent an accidental fall and the blood-guilt that this might bring (22:8). Only in Deut 22:9–10 are there prohibitions against mixing (of agricultural seed, the types of animals used in plowing, and mixed-fiber garments) that might be considered similar to 22:5.

Another approach is clearly required. In this study I argue that the meaning of Deut 22:5 can be better determined by first understanding the social nature of transvestitism itself (both in the ancient Near East and in other areas and periods), and then by examining the specific meanings of the words chosen by the biblical author for this verse, particularly the terms תועבת יהוה and כלי־גבר. The evidence indicates that Deut 22:5 prohibits a particular type of cultic activity found in other cultures of the ancient Near East, and that the use of גבר rather than איש for "man" illustrates an important nuance in the Israelite conception of masculinity.[5] A reading of the verse in relation to transvestitism in cultures outside of ancient Israel or the ancient Near East is not supported.

I. The Structure of Deuteronomy 22:5

Deuteronomy 22:5 can be broken down into three parts. Two of these are primary, divided by the Masoretes with an *atnakh*, which are designated in the following table with the numbers 1 and 2. The first section can then be further divided into two parallel sections, divided by a conjunctive ו, designated 1a and 1b:

[3] Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 262.

[4] For a discussion of the organizing principles of biblical and Mesopotamian law codes, see Raymond Westbrook, *Studies in Biblical and Cuneiform Law* (CahRB 26; Paris: Gabalda, 1988), 1–8.

[5] The cultic comparison has been made by several scholars; see the discussions in Harry A. Hoffner, "Symbols for Masculinity and Femininity: Their Use in Ancient Near Eastern Sympathetic Magic Rituals," *JBL* 85 (1966): 326–34; W. H. P. Römer, "Randbemerkungen zur Travestie von Deut. 22, 5," in *Travels in the World of the Old Testament: Studies Presented to Professor M. A. Beek* (ed. M. S. H. G. Heerma van Voss et al.; SSN 16; Assen: Van Gorcum, 1974), 217–22; William W. Hallo, "Biblical Abominations and Sumerian Taboos," *JQR* n.s. 76 (1985): 21–40; and idem, *The Book of the People* (BJS 225; Atlanta: Scholars Press, 1991), 98.

1a	לא־יהיה כלי־גבר על־אשה	There shall not be a *kĕlî-geber* upon an *ʾiššâ*
1b	ולא־ילבש גבר שמלת אשה	and a *geber* shall not wear a garment for an *ʾiššâ*
2	כי תועבת יהוה אלהיך כל־עשה אלה	for whoever does this is an abomination to Yahweh your God.

The basic meaning of the text is as follows: two categories of person are given, each prohibited from contact with an item associated with the other (part 1). Violating this separation is regarded as offensive in some way to Yahweh (part 2).

The text of section 1b is anchored by two well-understood words: the verb ילבש ("he will wear") and the noun שמלה ("cloak, wrapper, mantle, garment"). A שמלה is literally a "cover," and it is noteworthy that the word can refer not just to clothing but also a cloth that covers a sleeping person (Gen 9:23) or an inanimate object (Exod 12:34).[6] A translation of "garment" in Deut 22:5 is justified, however, because of the verb; the root /LBŠ/ is common in Semitic languages, with the meaning "to put on, wear, be clothed."[7] The fact that the words אשה and גבר unquestionably refer to some type of person of each gender (which I will consider in more detail below) further supports a conclusion that section 1b prohibits some form of transvestitism.

Section 1a clearly parallels section 1b, but can we conclude that, like 1b, it bans the wearing of clothing of the opposite gender, as has generally been supposed? Traditionally, the two categories described in 1a and 1b have been defined simply as "man" (גבר) and "woman" (אשה), but if simple garment-related cross-dressing was all that the text intended to address, why use the word כלי instead of שמלה in association with גבר? Why use two different verbs to describe what is not to be done (1a: לא־יהיה; 1b: לא־ילבש) if the actions being banned are identical for both the גבר and the אשה? Obviously something more is going on.

Section 2 explains why the activities in sections 1a and 1b are prohibited. This part of the text presents no real difficulties in basic word meanings but rather problems of interpretation, notably the term תועבת יהוה.

II. Transvestitism as a Social Phenomenon

Transvestitism is often simply defined as the practice of one gender wearing clothing specifically designated as exclusive to the other. Gender-specific objects or

[6] *HALOT,* 1337–38; BDB, 971.

[7] *HALOT,* 519–20; BDB, 527. Cognates for the root /LBŠ/ appear in Akkadian, Arabic, Aramaic, Ethiopic and Ugaritic.

garments are part of the larger concept of gender roles, which form a basic feature of one's place in society. While it is not difficult to imagine someone wearing the garments of a different gender for purely practical reasons (a man wearing a woman's coat to survive in a blizzard, for example), such circumstances are not likely to be viewed as transvestitism. The etymology of the term "transvestite" itself implies some sort of crossing between categories, and, in most cases, the decision to wear an article of clothing or use an object specific to another gender is done with the intention of mimicking that gender in some way.[8] In his study of the sociology of transvestites and transsexuals, Dave King remarks that many scholars and physicians view transgender behaviors as psychological conditions existing apart from cultural and historical contexts, and that in their view "science has simply discovered what is given in nature." He adds, however, that this approach is problematic:

> But it is also possible to view the categories of transvestite and transsexual and their respective "isms" as historically and culturally specific *constructions*. Thus the meanings which cross-dressing and sex-changing have in our culture are rendered problematic and contingent rather than being taken for granted as representing "reality." Apparently similar phenomena in other cultures and at other times cannot simply be subsumed under our own categories but must be viewed within their own cultural contexts; contexts which do not simply provide different settings for the same phenomenon but which actually form part of the phenomenon itself. In this view science is not simply discovering the phenomenon but is involved in its creation.[9]

In other words, like gender roles in general, transvestitism is a cultural construct built atop a biological reality. The physical existence of male and female is assigned meaning by society, and this meaning will manifest itself in both objects and activities. These can vary widely and have a direct and important impact on both the decision to cross-dress and how it is done.

King provides three examples of transvestite behavior from three different cultures to illustrate his point: the homosexual "Mollies Clubs" from London in the seventeenth century, the "Nadle" of the Native American Navajo of New Mexico, and the modern Western transvestite.[10] In each case the transvestites act according to a social script that varies widely between examples. The cross-dressers

[8] The origin of the related word "travesty" also lies in cross-dressing. See the discussion in Römer, "Randbemerkungen zur Travestie," 219–22; and Hallo, *Book of the People*, 98.

[9] Dave King, *The Transvestite and the Transsexual: Public Categories and Private Identities* (Aldershot: Avebury, 1993), 3 (emphasis in original).

[10] Ibid., 7–9. For the "Mollies Clubs," see E. Ward, *The Secret History of the London Clubs* (London: J. Dutton, 1709; repr., 1896), 5; and Alan Bray, *Homosexuality in Renaissance England* (2nd ed.; London: Gay Men's Press, 1995), 86–88. For the Nadle, see W. W. Hill, "The Status of the Hermaphrodite and Transvestite in Navaho Culture," *American Anthropologist* n.s. 37 (1935): 273–79. For the modern Western transvestite, see Richard F. Docter, *Transvestites and Transsexuals: Toward a Theory of Cross-Gender Behavior* (New York: Plenum, 1988).

of the Mollies Clubs mimicked what they believed to be typical female behavior, with a focus on such things as gossip about (in this case imaginary) husbands and children, trying to bring English customs of the day into their subculture.[11] The Navajo Nadle actually refers to two types of people: hermaphrodites (which probably refers to people born with ambiguous genitalia), who are regarded as the "true" Nadle, and transvestites of both genders, who are said to be pretending to be a Nadle. Indeterminate gender is respected in Navajo culture, and the Nadle are regarded as bringers of good fortune who in the mythic past supported the supremacy of men. This high status is sought by the transvestite Nadle.[12]

The modern Western transvestite presents an interesting distribution of data. Males dressing as females have been widely studied in psychological literature, but females dressing as males much less so.[13] Western men who cross-dress include homosexual drag queens and female impersonators, both primary and secondary transsexuals, and fetishistic heterosexual transvestites.[14] Except for primary transsexuals (whose interest is not in dressing as the opposite sex but in physically *being* the opposite sex), a strong cultural element is central to the behavior. Richard F. Docter traces the development of male heterosexual transvestitism from an early childhood fetish to partial cross-dressing reinforced by sexual pleasure in adolescence, which then, in adulthood, often moves into complete cross-dressing and the assumption of a female "cross-gender identity" that either stabilizes as subordinate to the transvestite's male identity or in rare cases progresses to secondary transsexualism.[15] Docter hypothesizes the causes of this behavior as follows:

> First, is learning about one's gender, including the rules and behaviors demanded within a given society and social group. Second, is learning to be envious of the opposite gender. This is the view that women have a life easier and better than men. While gender envy cannot explain all cross dressing behavior, it has been extensively cited as a factor in the development of cross-gender behavior. Third, is learning that women's clothing, especially intimate apparel, is "forbidden fruit" for males in our culture. Our socialization may somehow contribute to making such clothing especially erotic in the eyes of young boys.[16]

Culture, in other words, is a primary factor in the psychological development of the fetishistic male transvestite, but what is equally important for our purposes is that the "cross-gender identity" that emerges with this phenomenon is manifested through Western cultural ideas about gender roles.

Social factors also explain why women cross-dress as men. Female transvestitism is usually focused on the desire to gain male opportunity and status in

[11] Bray, *Renaissance England*, 88.

[12] Hill, "Navaho Culture," 273–76.

[13] Docter, *Transvestites and Transsexuals*, 12–13.

[14] See ibid., 9–38, for a more detailed discussion of these categories.

[15] Ibid., 201–15.

[16] Ibid., 222–23.

cultures where roles for women are restricted (I term this phenomenon "opportunistic female transvestitism"). For this reason female transvestitism is often seen as an effort by women to "improve" themselves by becoming more like men, and it lacks the social stigma attached to male cross-dressing, which is considered a deliberate and irrational willingness to reduce one's social status.[17] During the Middle Ages women who disguised themselves as men were generally tolerated and even encouraged, particularly when they sought to cross-dress for religious reasons and provided they did not impose themselves too much on male roles (as Joan of Arc did, which resulted in her execution).[18] In other periods the same pattern remains, with examples of women passing as men in such traditionally masculine roles as soldier and sailor.[19] As modern women are more and more able to assume these roles without having to disguise their female gender, along with an increased tolerance of women wearing types of clothing previously reserved for men, the prevalence of female transvestitism in the West has declined, leaving primary transsexuals and certain homosexuals as the most common groups of female cross-dressers. Indeed, in modern Western culture it is only with effort that a woman can be viewed as a cross-dresser at all. Like opportunistic female transvestites, neither transsexual women nor homosexual women generally find male clothing particularly erotic, and this lack of a sexual motive for female transvestitism is an added reason for the greater tolerance of it in Western society, which has a difficult and often hostile attitude toward sexual matters in general.[20]

III. Transvestitism in the Ancient Near East

To understand Deut 22:5, we must therefore understand the social meanings of transvestitism and gender roles in ancient Israel and the ancient Near East. Since our section 1b does prohibit cross-dressing of some kind, and since our section 2 describes it as a תועבת יהוה, establishing the precise meaning of this latter term provides a good starting point for such an understanding.

In general, both the word תועבה and the term תועבת יהוה can refer to either an ethical offense or a cultic offense, so it is important to determine which sort is

[17] Vern L. Bullough, "Transvestites in the Middle Ages," *American Journal of Sociology* 79 (1974): 1381–94; Charlotte Suthrell, *Unzipping Gender: Sex, Cross-dressing and Culture* (Oxford: Berg, 2004), 26.

[18] Bullough, "Middle Ages," 1390.

[19] See the cases in C. J. S. Thompson, *The Mysteries of Sex: Women Who Posed as Men and Men Who Impersonated Women* (New York: Causeway Books, 1974).

[20] For the rare examples of fetishistic cross-dressing in women, see Robert J. Stoller, "Transvestism in Women," *Archives of Sexual Behavior* 11 (1982): 99–115, esp. 111–12, on the question of the erotic value of male clothing among female homosexuals. On the hostility of Western society toward sexuality, see Suthrell, *Unzipping Gender*, 124.

being described here.[21] As a rule we may describe an ethical violation as one in which the action of the perpetrator harms another person, while a cultic violation breaks a rule of purity or ritual specific to the practice of the cult. In the ancient Near East both were considered offensive to the gods.[22]

There is little evidence of transvestitism elsewhere in the Hebrew Bible or in other material from ancient Israel,[23] but evidence of both transgender behavior and/or mythology does exist in the neighboring cultures of Canaan, Mesopotamia, and Egypt. From Egypt the most famous example is the Pharaoh Hatshepsut (ca. 1478/72–1458 B.C.E.), who, after seizing power, had herself depicted with such male (and pharaonic) features as a beard, male kilt, and crown. Representations of her body show that of a man, lacking female breasts.[24] Although there was no specific reason why a woman could not be pharaoh—and Hatshepsut was not the first woman to take the throne (the last ruler of the Twelfth Dynasty, Sobeknofru, was a woman), Hatshepsut's assumption of masculine traits and iconography was exceptional.[25] In addition to Hatshepsut, there is evidence that transgender behavior occurred at the court of Akhenaten (1353–1336 B.C.E.), where the king is often depicted with feminine hips and his wife Nefertiti with the crown normally reserved for the pharaoh; the meaning of this iconography is still unclear.[26]

We have more references to the actual practice of cross-dressing from Canaan and Mesopotamia, virtually all of it in cultic settings, and there are numerous terms for individuals whose gender does not appear to have been specifically male or female, including *assinnu*, *kulu'u*, and *kurgarrû* in Akkadian and sag-ur-sag, gala, and pi-li-pi-li in Sumerian.[27] Much of the activity of these individuals revolved around the worship of Ashtarte and Inanna/Ištar, and one of the better-known epithets for Ištar was "the one who can change woman into man and man into

[21] *HALOT*, 1702–4; BDB, 1072–73. The term תועבת יהוה first appears in Deuteronomy (*HALOT*, 1703), and most of the references to this expression are clearly cultic, e.g., Deut 12:31; 17:1; 23:19; 27:25. A few are ethical, however, e.g., 25:15–16. Further appearances of this term are discussed in Otto Bächli, *Israel und die Völker: Eine Studie zum Deuteronomium* (ATANT 41; Zurich: Zwingli, 1962), 53–55.

[22] See the discussion of this distinction in Hallo, "Biblical Abominations," 21–40; and idem, *Book of the People*, 97–99.

[23] Suthrell, *Unzipping Gender*, 126.

[24] Joyce Tyldesley, *Egypt's Golden Empire: The Age of the New Kingdom* (London: Headline, 2001), 59.

[25] Ibid., 63.

[26] Lise Manniche, *Sexual Life in Ancient Egypt* (London: Kegan Paul, 2002), 25–27.

[27] Transgender behavior often appears in ritual contexts in the ancient world; see Will Roscoe, "Priests of the Goddess: Gender Transgression in Ancient Religion," *HR* 35 (1996): 195–230. For a discussion of the numerous titles for individuals with unusual sexual roles in the Mesopotamian cult, see Richard A. Henshaw, *Female and Male: The Cultic Personnel: The Bible and the Rest of the Ancient Near East* (Princeton Theological Monograph Series 31; Allison Park, PA: Pickwick, 1994), 284–311.

woman."[28] This gender ambiguity appears in numerous ritual texts of Inanna/Ištar: a hymn to Inanna from the reign of Iddin-Dagan of Isin (1974–1954 B.C.E.), for example, describes a procession that includes the sag-ur-sag, whom Daniel Reisman describes as male prostitutes.[29] Gwendolyn Leick, however, contends that these are individuals with ambiguous genitalia who were accepted into Mesopotamian society by assigning them an unusual gender role.[30] The sag-ur-sag carry symbols of both genders and dress as both as well (lines 60–63a):

a_2-zi-da-bi-a tug_2-$nita_2$ bi_2-in-mu_4
ku_3-^{d}Inanna-ra igi-ni-$še_3$ i_3-dib-be_2
nin-gal-an-na ^{d}Inanna-ra silim-ma ga-na-ab-be_2-en
a_2-gub_3-bu-bi-a tug_2-nam-mi_2 mu-ni-si-ig
ku_3-^{d}Inanna-ra igi-ni-$še_3$ i_3-dib-be_2

They adorn their right side with the clothing of women.
They walk before pure Inanna.
I would cry "Hail!" to Inanna, the great lady.
They place the clothing of men on their left side.
They walk before pure Inanna.[31]

It is difficult to call the sag-ur-sag transvestites, since their original sex is nowhere clearly stated in this text. Rather than the transition from one gender to the other, perhaps they embody the duality of gender that Inanna/Ištar represents. However, the sag-ur-sag are followed by what to the Mesopotamians would probably have been true transvestites: young men carrying hoops (a female symbol), and young women who seem to be carrying weapons (a male symbol).[32] Apart from their challenge to traditional Mesopotamian gender roles, the precise meaning of this and similar activities remains unclear. Richard A. Henshaw concludes that these rituals are acting out in dramatic form the power of Inanna to change a

[28] For the activities of transgendered individuals, see Römer, "Randbemerkungen zur Travestie," 217–22. Ištar's power to change a person's gender is discussed in Gwendolyn Leick, *Sex and Eroticism in Mesopotamian Literature* (London: Routledge, 1994), 159.

[29] For a detailed discussion of ritual texts relating to Ištar, see Brigitte R. M. Groneberg, *Lob der Ištar: Gebet und Ritual an die altbabylonische Venusgöttin:* Tanatti Ištar (Cuneiform Monographs 8; Groningen: Styx, 1997). The ritual that includes the sag-ur-sag is discussed in Daniel Reisman, "Iddin-Dagan's Sacred Marriage Hymn," *JCS* 25 (1973): 185–202; the full text was published by W. H. P. Römer, *Sumerische 'Königshymnen' der Isin-Zeit* (Documenta et monumenta Orientis antiqui 13; Leiden: Brill, 1965).

[30] Leick, *Sex and Eroticism*, 158–59.

[31] Text from Römer, *Sumerische 'Königshymnen,'* 130; and Daniel Reisman, "Two Neo-Sumerian Royal Hymns" (Ph.D. diss., University of Pennsylvania, 1969), 151–52.

[32] Lines 68–73 (Leick, *Sex and Eroticism*, 159). The significance of symbols in relation to gender in the ancient Near East has been described by Hoffner ("Symbols," 326–34). I will consider his conclusions below.

person's gender, while S. M. Maul has argued that those with uncertain gender were thought to be able to enter trancelike states and serve as a conduit between the living and the dead; he pays particular attention to this role in the composition *The Descent of Ištar*.[33]

For our purposes, what is most noteworthy is the fact that the cross-dressing described in these texts occurs specifically in the context of the cult, although the titles of these individuals also appear in economic texts in association with names, which means that they must have also had a noncultic social meaning much like any profession.[34] We have no evidence, however, that any of these individuals cross-dressed or otherwise exhibited transgender behavior in noncultic contexts. It is clear that in the normal gender ideology of ancient Near Eastern cultures, male and female roles were sharply defined and fixed.[35]

The idea that Mesopotamian transvestitism was institutionalized for only a limited number of cultic functionaries and contexts, and not in the broader society, is supported by the anthropology of transvestitism itself. Anthropologists originally hypothesized that societies with rigid gender distinctions would be more likely to create transvestite gender roles as a way for males in particular to escape the sometimes difficult and demanding criteria of their gender role (as seems to have been the case with the Berdache of the highly militarized Native American tribes of North America), but Robert L. Munroe et al. have shown that more often the opposite is true, that societies with rigid gender roles are less likely to have institutionalized transvestitism than those where the cultural difference between male and female is less distinct.[36] So while transvestites exist in societies with a strict division of gender, their behavior is generally taboo.

We must therefore consider the question of whether transvestitism in the ancient Near East was acceptable in some circumstances but not in others, just as male transvestitism is tolerated at Halloween but not at other times in our own culture. The small amount of evidence that does exist for nonritual types of cross-dressing in Mesopotamia may bear this out: the Babylonian adage about the man and his wife switching roles, for example, seems to have no cultic meaning and may

[33] Henshaw, *Female and Male*, 294. S. M. Maul, "*kurgarrû* und *assinnu* und ihr Stand in der babylonischen Gesellschaft," in *Außenseiter und Randgruppen* (ed. V. Haas; Konstanzer Althistorische Vorträge und Forschungen 32; Konstanz: Universitätsverlag, 1992), 159–71.

[34] Henshaw, *Female and Male*, 306.

[35] See Marten Stol, "Private Life in Mesopotamia," in *CANE* 1: 485–501, esp. 490–91.

[36] For the Berdache, see E. A. Hoebel, *Man in the Primitive World* (New York: McGraw-Hill, 1949), 459; and Donald G. Forgey, "The Institution of Berdache Among the North American Plains Indians," *Journal of Sex Research* 11 (1975): 1–15, esp. 9–14. The appearance of transvestitism relative to the rigidity of gender roles has been studied by Robert L. Munroe, John W. M. Whiting, and David J. Hally, "Institutionalized Male Transvestism and Sex Distinctions," *American Anthropologist* n.s. 71 (1969): 87–91.

instead be presenting marital sex play.[37] The first four lines have been restored as follows:

> [*a*]-*ḫur-ru-u*$_2$
> [*a-n*]*a* DAM-*šu i-qab-bi*
> [*at*]-*ti lu eṭ-lu*
> [*a-na-k*]*u lu ar-da-tu*
>
> The [coarse] man said to his wife: "May [you] be the young man! May [I] be the young woman!"[38]

The first line of the text has been treated as either [*a*]-*ḫur-ru-u*$_2$ ("a coarse, boorish man") or [*a*]-*mur-ru-u*$_2$ ("Amorite").[39] Given that the text has a Middle Assyrian date, a reference to an Amorite seems less likely, since that ethnic group appears mostly in texts from the Ur III and Old Babylonian periods.[40] If, on the other hand, the text is describing a coarse person, this may indicate that purely sexual transvestitism was regarded as unsavory in Mesopotamia.

This is crucial: if only cultic transvestitism was socially acceptable in the broader culture of the ancient Near East, it would indicate that the תועבת יהוה from Deut 22:5 describes a cultic abomination rather than an ethical one. William W. Hallo has noted that Deuteronomy condemns more practices as abhorrent to Yahweh than any other book in the Hebrew Bible, and that many of the abominations listed in Deuteronomy are "precisely those cultic practices most sacred to foreign deities."[41] Deuteronomy is consciously *trying*, in other words, to make Israel different from its neighbors, particularly in regard to the official religion, which was a central feature of national culture throughout the Near East during the first millennium B.C.E. In the seventh century B.C.E., when Deuteronomy was written, political and cultural pressure on Israel from Mesopotamia was intense, and many of the laws found in Deuteronomy reflect resistance to this pressure.[42] In the ideology of the authors of Deuteronomy, if transvestitism was a part of the religion of Israel's neighbors, it had to be excluded from the cult of Yahweh. Noncultic transvestitism would probably not have been of interest to the Deuteronomic authors, since in all

[37] Benno Landsberger, cited in Wilfred G. Lambert, *Babylonian Wisdom Literature* (Oxford: Clarendon, 1960), 225.

[38] Text from Lambert, *Babylonian Wisdom Literature*, 226.

[39] Ibid., 226; Römer prefers "Amorite" ("Randbemerkungen zur Travestie," 222).

[40] For the dating of this text, see Lambert, *Babylonian Wisdom Literature*, 225. The situation of the Amorites has been discussed by Paul-Alain Beaulieu, "The God Amurru as Emblem of Ethnic and Cultural Identity," in *Ethnicity in Ancient Mesopotamia: Papers Read at the 48th Rencontre Assyriologique Internationale, Leiden, 1–4 July 2002* (ed. W. H. van Soldt; Leiden: Nederlands Instituut Voor Het Nabije Oosten, 2005), 31–46, esp. 41–42.

[41] Hallo, *Book of the People*, 98; idem, "Biblical Abominations," 37.

[42] Ronald E. Clements, "Deuteronomy, The Book of," in *The Oxford Companion to the Bible* (ed. Bruce M. Metzger and Michael D. Coogan; Oxford: Oxford University Press, 1993), 164–68.

likelihood they already shared a negative opinion of it with their non-Israelite neighbors and so could not use it as a basis for contrasting their beliefs.

IV. The Meanings of כלי and גבר

Looking at our translations again, we see that each attempts to distinguish between the two nouns for the prohibited items in sections 1a and 1b, as well as the two verbs, even though the verbs are translated in much the same way, if we regard "to wear" and "to put on" as being effectively synonymous. Note how the NJPS translation uses "to put on" for the first verb and "to wear" for the second, while the other examples use these same English verbs in the opposite order. This presents a problem in that translating these two different verbs with the same English meaning masks what might be an important distinction between the difficult כלי of section 1a and the unambiguous שמלה of section 1b. The use of the verb היה in section 1a is interesting; perhaps one cannot "put on" or "wear" a כלי.

The general meaning of כלי is "article, utensil, vessel," based on the root /KLH/, meaning "to stop, come to an end, be complete."[43] A related root, /KL'/, has the meaning "to shut up, restrain, withhold," and the root /KLL/ has the meaning "to complete, perfect." The sense of most other Hebrew words assigned to the biconsonantal root /KL-/ is generally one of completion and enclosure: כלא, "confinement, enclosure"; מכלה, "enclosure, fold"; כלה, "completion"; מכלה and תכלה, "completeness, perfection"; תכליה, "end, completeness"; כל, "all"; כליל, "entire, whole."[44] In other Semitic languages, we find *kl'* listed as a personal name in Ugaritic, along with *klat*, "both" (note *klat ydh*, "both his hands," in ʿnt:I:11), which is cognate to the Hebrew כלאים, "twofold."[45] In Akkadian, we have the common verb *kalû*, meaning "to withhold, retain, hold back," with a number of words based on the same root: *kallu*, "bowl"; *kālû*, "dam"; *kīlâtu*, "barrage"; *kīlu*, "enclosure"; *maklûtu*, "anchorage, berth." The additional Akkadian meaning of "completeness" can be found in the words *kališ*, "everywhere, anywhere," and *kalu*, "whole, entirety, all."[46]

[43] *HALOT*, 478–79; BDB, 479.

[44] See the entries in *HALOT*, 476–80, and BDB, 476–83. Gesenius noted these three roots in relation to כלי (Wilhelm Gesenius, *Thesaurus philologicus criticus linguae hebraeae et chaldaeae, Veteris Testamenti* [3 vols.; Leipzig: F. C. G. Vogelii, 1829–42], 685), and the initial /KL-/ common to them demonstrates a well-established phenomenon in the Semitic root system: a basic meaning found in a biconsonantal base which is then modified by a third consonant (Sabatino Moscati, et al., *An Introduction to the Comparative Grammar of the Semitic Languages: Phonology and Morphology* [Wiesbaden: Harrassowitz, 1969], 72–75).

[45] *UT*, 419.

[46] See the entries in *CAD*: vol. 8, *K*, 73–74, 83, 87–91, 95–105, 359–61; vol. 10, *M/1*, 137.

On this basis, a translation of כלי as "container" makes sense based on the roots /KLH/, /KL'/, and /KLL/, and we find this meaning in texts such as 1 Sam 17:40. We could extrapolate a meaning of "garment" based on the idea that clothes go over and around the body (much as we did with שמלה), but as noted above, the use of the verb היה instead of לבש in Deut 22:5 would seem to discount this reading, and there is no unambiguous reading of כלי for "garment" elsewhere in the Hebrew Bible. Further, there are no cognates with this meaning attested in other Semitic languages. The translation of "apparel" or "garment" for כלי is usually based on its appearance in the plural as "garment" in Rabbinic Hebrew.[47] This raises the question, however: Was the rabbinic translation actually based on an accurate understanding of the word, or was it based only on the context of the word in Deut 22:5, in which case we have a problem of circular reasoning?

A second approach to understanding כלי־גבר appears in Harry A. Hoffner's study of the symbols of gender in the ancient Near East. Hoffner argues that the idea of masculinity in ancient Near Eastern culture was based ultimately on a man's strength in battle and his success in fathering children. This was reflected in a variety of symbols, as was the corresponding female ideal, which was based on sexual allure and motherhood. Just as the roles of male and female were distinct and complementary, so too were their symbols, which in ancient Israel included the bow and arrow for masculinity (2 Sam 1:22; 22:35; 2 Kgs 13:15–19; Hos 1:5; and Ps 127:4–5). For femininity, the symbols included the spindle (Prov 31:19; 2 Sam 3:29) and, based on Deut 22:5, female garments.[48]

Hoffner's comparative evidence for these symbols includes the Ugaritic stories of the hero Aqhat, who reproaches the goddess Anat for wanting to use a bow (2 Aqhat VI 39–40); the appearance of the bow as a precursor to sex in the Baal and Anat cycle (*UT,* 76:II and 132), and the West Semitic story of Asherah and Elkunirša, in which the power of the feminine symbol of the spindle is used as a threat. Hoffner also provides several Hittite texts to demonstrate that the same symbols operated in that culture, often in the context of magic, and he even finds these symbols in Homer's *Odyssey*, where Odysseus alone is able to string his bow and Penelope works her loom while she waits for her husband's return.[49] In addition to Hoffner's examples, there is a story from Egypt in which the goddess Anat is chastised for dressing as a man and acting as a warrior when she is attacked by the god Seth.[50] The equating of the penis with a weapon (a *mašgašu*, or battle mace) also appears in the $ŠA_3$.ZI.GA potency ritual *KAR* 236, lines 10–12:[51]

[47] Jeffrey H. Tigay, *Deuteronomy = [Devarim]: The Traditional Hebrew Text with the New JPS Translation* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1996), 200.

[48] Hoffner, "Symbols," 328–29.

[49] Ibid., 329–32. The story of Asherah and Elkunirša is known from a Hittite translation (Harry A. Hoffner, "The Elkunirsa Myth Reconsidered," *RHA* 23 [1965]: 5–16).

[50] *P. Chester Beatty* VII, verso I, 5–II,3, cited in Manniche, *Sexual Life,* 22 and 54.

[51] The *CAD* defines *mašgašu* as either a "tool" or a "part of a chariot" (*CAD M/1,* 364). Its

GIM u_2-*ru* SAL.UR *iṣ-ba-tu*$_2$ u_2-*šar* UR.GIR$_{15}$
GIŠ$_3$-*ka li-ri-ka ma-la maš-ga-šu*$_2$
aš$_2$-*ba-ka ina bu-un-zer-ri ša*$_2$ *ṣi-ḫa-a-te*

As the pudenda of a bitch seized the penis of a dog,
may your penis be as long as a battle mace!
I am seated in a web of pleasures![52]

Reaching an understanding of the male gender being symbolically associated with weapons in the ancient Near East, Hoffner concludes that כלי־גבר refers not to clothing but to a weapon, most likely a bow, arguing for a semantic relationship between כלי and the Akkadian word *unūtu,* "tools, equipment, utensils." He concludes that Deut 22:5 was meant to prevent women from usurping masculine symbols and the power that went with them, but since clothing was not specifically identified with masculinity the way it was with femininity, the prevention of women taking on a male role was achieved not through a clothing ban but rather through a tool or weapon ban. Similarly, he argues that the ban on men wearing female clothing was designed not to prevent men from usurping female power, but to prevent that power from weakening them.[53] It is worth noting that virtually all uses of the word כלי as "weapon" in the Hebrew Bible refer to military weapons (the sole exception is Gen 27:3),[54] which means that a ban on women handling such weapons would include by implication a ban on women serving as soldiers. But is there any further evidence that כלי is a weapon, as Hoffner suggests?

An answer to this question can be found by considering the choice of words for the two opposing categories in sections 1a and 1b of Deut 22:5: אשה for woman and גבר for man. אשה is a general word in Hebrew that refers to women; its masculine equivalent, איש, is likewise a general word that refers to men, and איש would have been the logical choice if the author of this text had wanted to prohibit simple cross-dressing. The word used, however, was גבר, and since Deut 22:5 is the only place in the book of Deuteronomy where this word occurs, we must conclude that the choice of the word was intentional. The distinction between איש and גבר is not made clear in our translations, which treat גבר as synonymous with איש, translating both as "man."

But the root /GBR/ has a very specific meaning: save for its appearance as "to do, make" in Ethiopic, it is associated with strength and power in every Semitic

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association with a weapon is based on the underlying verbal root /ŠGŠ/, which means "to slay in battle" or "murder" (*CAD Š/1,* 66–69). See Robert D. Biggs, *ŠÀ.ZI.GA: Ancient Mesopotamian Potency Incantations* (TCS 2; Locust Valley, NY: J. J. Augustin, 1967), 35 n. 11.

[52] Text from Biggs, *Potency Incantations,* 33.

[53] Hoffner, "Symbols," 331–34. Hoffner argues that David's curse on the house of Joab in 2 Sam 3:28–29, which includes a reference to Joab's descendants forever holding "the spindle," represents just such a symbolic attack on their masculinity.

[54] K.-M. Beyse, "*kelî,*" *TDOT* 7:169–75.

language in which it is attested (Hebrew, Aramaic, Arabic, and as *gapāru* in Akkadian).[55] The word גבר itself occurs sixty-five times in the Hebrew Bible, and in his study of the word, Hans Kosmala defines it as follows: "a male person who distinguishes himself from others by his strength, or courage, or uprightness, or some other quality." Kosmala divides the biblical appearance of גבר into three broad categories: reflecting physical strength and virility, reflecting an obedient relationship to Yahweh, and the way the word is used in the book of Job. Physical strength is reflected in both military prowess and access to females; 1 Chr 23:3 refers to the Levites over thirty years of age serving under David; and Jer 41:16 refers to the גבר as men of war. In addition, in Jer 31:22, גבר is associated with נקבה, for which Kosmala argues a purely sexual and procreative meaning, also referring to the statement from the Song of Deborah promising "one or two wombs (רחם רחמתים) for every גבר" (Judg 5:30).[56]

The גבר, as a man in close relationship with Yahweh, reflects a common ideological perspective from the ancient Near East, where success was based in no small part on divine favor. A גבר, therefore, must by definition be supported by Yahweh, and must act according to his command. This meaning of the word is especially common in the book of Psalms, which at one point berates a גבר who trusts only in his material wealth (Ps 52:8–9). Proverbs 30 describes a גבר who admits his ignorance of the divine and the humility this knowledge brings.[57]

The most interesting use of גבר is in the book of Job, for here the word is basic to the very theme of the book: Yahweh's test of a righteous man. Job argues that he was born a גבר (Job 3:3), which marks the only time in the Hebrew Bible that the word גבר is used to refer to anyone other than an adult male.[58] One finds in Mesopotamia the idea that one's fate (*šīmtu*) was determined at birth,[59] which Job initially seems to share, adding to the emotional stress his misfortunes cause him. As the narrative develops, it is clear that the meaning of the word גבר is being discussed throughout it; can one be born a גבר, as Job claims, or is the status earned? And must the גבר be continually upright if he is to retain his superior status? The vanity of the גבר, as symbolized by Job, will be brought low by Yahweh (Job 33).

In the end, Job, and thereby the גבר, discovers humility before the divine, and in this way the text has a strong parallel with the Babylonian composition *Ludlul Bel Nemeqi*, in which a superior man is brought low and then restored by Marduk.[60] The message in Job also serves to refute any idea of predestination, for it is

[55] Hans Kosmala, "*gābhar, gebhûrāh, gebhîr, gibbôr, gebher*," *TDOT* 2:367–82.

[56] Hans Kosmala, "The Term *Geber* in the Old Testament and in the Scrolls," in *Congress Volume: Rome 1968* (VTSup 17; Leiden: Brill, 1969), 159–69.

[57] Ibid., 162.

[58] Ibid., 164.

[59] A. Leo Oppenheim, *Ancient Mesopotamia: Portrait of a Dead Civilization* (rev. ed. completed by Erica Reiner; Chicago: University of Chicago Press, 1977), 202.

[60] Kosmala, "Term *Geber*," 166. For the texts and translation of *Ludlul Bel Nemeqi*, see

only when Job discovers humility that he truly earns his status as a גבר, beginning with Yahweh's statement in 40:7:

אזר־נא כגבר חלציך אשאלך והודיעני

Now gird your loins like a *geber;* I will question you, and you explain to me.

This is followed by Yahweh's justification of his authority, and then Job's repentance.[61] It is with this definition of גבר in mind that we must evaluate the meaning of Deut 22:5.

V. Conclusions

Women and men cross-dress for very different reasons, to the point that in many cases what a particular society considers transvestitism will be different for each gender. This explains the variation of both the nouns and the verbs in sections 1a and 1b of Deut 22:5. The verse is much more than a simple prohibition of particular wardrobes, and indeed in no way addresses the issue of women wearing masculine garments, since in the culture of ancient Israel the clothing of men was less associated with gender than was the clothing of women. Rather, the verse reflects the most basic ideology of gender in Israelite society, and to this end it distinguishes not simply between male and female but also between different qualities of men. The ideals of manhood and masculinity were not considered either simple or innate; one had to achieve them through action, behavior, and a good relationship with Yahweh. Contrary to Job's initial claim, one could be born a male, an איש, but not a גבר.[62] Further, to maintain one's status as a גבר required effort, and there was the constant danger that such a man might slip from this superior state by displaying weakness, doubt in Yahweh, or even by inappropriate contact with the wrong items. Being exalted, a גבר had farther to fall than a mere איש. Building on Hoffner's conclusion that in the ancient Near East it was believed that feminine symbols had the power to weaken masculinity, we can therefore see the provisions of Deut 22:5, at least in part, as an effort to protect the גבר.[63] In section 1a, by prohibiting all women from accessing a weapon or any other symbol of power not of men in general but of the most masculine and religiously upright of men, the verse sets the גבר clearly apart from women and the danger they represent. In section 1b,

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Lambert, *Babylonian Wisdom Literature*, 21–62; a more recent translation is in Benjamin R. Foster, *Before the Muses: An Anthology of Akkadian Literature* (3rd ed.; Bethesda, MD: CDL, 2005), 392–409.

[61] The process of Job discovering what it is to be a גבר is discussed in detail by Kosmala ("Term *Geber*," 164–67).

[62] Ibid., 165.

[63] See n. 53 above. Hoffner's analysis makes no distinction between the איש and the גבר.

the prohibition of active contact with a potent symbol of all women (wearing a שמלת אשה), sets up the warning in part 2 for the גבר not to fall from his exalted place by engaging in practices similar to the religious rituals of Israel's polytheistic neighbors and thereby offending Yahweh.

It is equally important to remember, however, that not every man could be a גבר, and the existence of both the words איש and גבר in Biblical Hebrew shows a degree of social flexibility in the Israelite conception of manhood that in other male-dominated societies, such as the Native American tribes of the Great Plains, was handled by the creation of a transvestite class (the Berdache).[64] By distinguishing between the איש and the גבר, Israelite society allowed men who did not meet the difficult expectations of the masculine ideal to remain culturally male (since transvestitism was frowned upon and therefore could not serve as an outlet), while at the same time providing them with a goal of superior manhood to which they might aspire. Seen in this light, the text of Jer 30:6, in which Yahweh chastises Israel and Judah for doubting that he will restore them, includes a second, more veiled condemnation of transgender behavior by a גבר:

מדוע ראיתי כל־גבר ידיו על־חלציו כיולדה

Why do I see every *geber* (with) his hands on his loins like a woman in labor?

Even the best of men, Jeremiah argues, have become like a woman in her most vulnerable and feminine condition, which for the Israelite concept of masculinity is a clear insult, since the image of labor pain and the cries associated with it is a common motif for women in anguish in the ancient Near East. Note the cries of the goddess Bēlet-ilī as she laments the flood in the Gilgamesh Epic (tablet 11:117–18):

i-šas-si ^{d}*iš-tar* [*k*]*i-ma a-lit-ti*
u$_2$*-nam-bi Bēlet-ilī* (DINGIR.MAḪ) *ṭa-bat rig-ma*

The goddess, screaming like a woman in childbirth,
Bēlet-ilī, the sweet-voiced, wailed aloud.[65]

By implication through Deut 22:5, a גבר who behaves like a woman has not merely shown himself to be weak but has also committed an abomination.

For the אשה, Deut 22:5 maintains her gender role as both a sexual ornament and a mother, and it is noteworthy that when women do participate in war in the Hebrew Bible, they do not employ traditional weapons or tactics (Jael killing Sisera with guile and a tent peg in Judg 4:17–21, for example).[66] In turn, the use of the fem-

[64] See n. 36 above.

[65] Text from Andrew R. George, *The Babylonian Gilgamesh Epic: Introduction, Critical Edition and Cuneiform Texts* (Oxford: Oxford University Press, 2003), 710–11.

[66] The apocryphal book of Judith presents an exception to this, since Judith kills the Assyrian general Holofernes with his own sword (13:6–10). It is noteworthy that Judith's relative free-

inine equivalents of גבר, גבירה and גברת, is rare in the Hebrew Bible.[67] Like גבר, these terms can reflect either power or other authority: גבירה is used for "queen" (1 Kgs 11:19), or "queen-mother" (1 Kgs 15:13; 2 Chr 15:16), and גברת for "mistress" (Gen 16:8; Prov 30:23), or a vain female who has fallen (Isa 47:5 and 7), paralleling the similar use of גבר in Job. It is noteworthy that neither גבירה nor גברת is used in Proverbs 31, which describes the ideal wife as an אשה (31:10 and 31:30). While this is limited evidence, it does seem to indicate that the feminine forms of the root /GBR/ reflected political power alone and rarely displayed the additional sexual, military, or religious nuances found in the masculine. In ancient Israel, such subtle distinctions within a gender were less marked for women, probably reflecting their lower status in the patriarchal society common to the entire ancient Near East.

Rabbinic commentary on Deut 22:5 shows that the problems presented by this verse were already being debated in late antiquity. In *Sifre on Deuteronomy* 226, the discussion focuses first on the intermingling of the sexes, as follows:

> זהו כללו של דבר שלא תלבש אשה כדרך שהאיש לובש ותלך לבין האנשים והאיש לא יתקשט בתכשיטי נשים וילך לבין הנשים

> This is the basic meaning of the matter: that a woman shall not dress in the way that a man dresses, and go among the men, and the man will not ornament himself in the ornaments of women, and go out among the women.[68]

Note that in this passage, the terms איש and אשה are used, indicating an understanding of גבר as synonymous with the more general word for "man." The text continues with the following:

> רבי אליעזר בן יעקב אומר מנין שלא תלבש אשה כלי זיין ותצא למלחמה

> Rabbi Eliezer ben Jacob says, "How do we know that a woman must not put on the weapon of a man and go out to war?"[69]

Here we see the use of the root /LBŠ/ in association with כלי, which, as noted above, could be defined as a garment by the rabbinic period, and which therefore

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dom and assumption of what in the ancient Near East were traditional male behaviors may well have been a major reason for the exclusion of the book of Judith from the canonical Hebrew Bible (Toni Craven, *Artistry and Faith in the Book of Judith* [SBLDS 70; Chico, CA: Scholars Press, 1983], 117–18).

[67] *HALOT*, 173, 176; BDB, 150.

[68] Text from Louis Finkelstein, *Sifre on Deuteronomy* (New York: Jewish Theological Seminary of America, 1969), 258. For translations of this passage, see also Reuven Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* (New Haven: Yale University Press, 1986); and Jacob Neusner, *Sifre to Deuteronomy* (BJS 124; Atlanta: Scholars Press, 1987).

[69] Text from Finkelstein, *Sifre on Deuteronomy*, 258.

could be worn. More interesting for our purposes, however, is the reference to war, because Eliezer ben Jacob's speculation makes no reference to cultic activities at all. This view was taken up by Maimonides, who translated כלי as "armor," and Jeffrey Tigay argues that this verifies the interpretation of כלי as "weapon."[70] It appears that Eliezer ben Jacob saw the use of גבר rather than איש for "man" and regarded the distinction between the two as important. War was an activity properly restricted to males, but, more than this, it represented an important expression of masculine activity; not all men were warriors, but the גבר usually was. This represents a logical expansion of the statement that precedes it, that men and women not mix in their activities, but also shows a more nuanced understanding of the different words for "man."

It is worth noting that by the period of the tannaitic sages, the particular cultic activities of the neighbors of Israel that had been in practice when Deuteronomy was written had long since vanished with those neighbors, and so a complete understanding of them would probably have been alien to the authors of *Sifre on Deuteronomy*. Our own difficulty in understanding the meaning of Deut 22:5 is likewise partly cultural, since we lack the understanding of the symbols of gender in the ancient Near East that a native would have had. The Israelite conception of transvestitism was not the same as transvestitism in modern Western culture; it was based on a cultic tradition absent today, and there is no evidence that the terms שמלה, שמלת אשה, or for that matter any other Biblical Hebrew words related to clothing, had the erotic connotations of the modern English word "lingerie" (modern Hebrew uses לבנים). That no form of women's clothing was specifically eroticized in ancient Israel rendered a basic cause of male fetishistic transvestitism inoperative in that culture. The Israelites did restrict opportunistic female transvestitism, at least in matters of war, much like the societies of the pre-modern west.

Our difficulty with interpretation and translation is also partly linguistic: the Hebrew source language has different words for different qualities of men, while English tends to group them together under the general term "man," using adjectives to be more specific. An understanding of the cultural nature of transvestitism, as well as the use of comparative material from other cultures of the ancient Near East, has helped determine the meaning of כלי in Deut 22:5, and a willingness to add an adjective in the English where none exists in the Hebrew can help with the question of איש versus גבר, allowing us more clearly to distinguish between the precise type of "man" being referred to and the general category of "woman" that is being contrasted with it. Our translation, therefore, should read something like this:

> A woman shall not be associated with the instrument of a superior man, and a superior man shall not wear the garment of a woman, for whoever does these things is a cultic abomination to Yahweh your God.

[70] Moses Maimonides, *The Guide of the Perplexed* (trans. Shlomo Pines; Chicago: University of Chicago Press, 1963), 544. Tigay, *Deuteronomy*, 200.

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