

○ REVIEW OF CHERYL B ANDERSON'S *WOMEN, IDEOLOGY, AND VIOLENCE*

Judith E McKinlay, University of Otago

Judith E. McKinlay reviews Cheryl B. Anderson's *Women, Ideology, and Violence: Critical Theory and the Construction of Gender in the Book of the Covenant and the Deuteronomical Law*. (Journal for the Study of the Old Testament Supplement Series, 394. London: T&T Clark International; 2004. ISBN 0 8264 6767 9.)

This book is to be commended, and, indeed, recommended. The sub-title promises a grounding in critical theory and on this the book delivers. Describing her analytical approach as 'eclectic' the author draws widely on a range of theorists, and I was grateful for the clear and comprehensive statement of her methodological approaches in chapter one, where she states very clearly what she is setting out to do. Her basic presumption is that as laws in general have the 'ability to shape various identities' (p. 3) so a major function of the biblical laws is to construct identity. In demonstrating how this is so she takes advantage of the insights provided by various theoretical tools, such as speech act theory, for example, with its focus on laws as speech acts. A further significant theoretical contribution comes from the insights of contemporary legal theory with its recognition that 'laws can be thought of as [ideological] discourses' (p. 3). As the title indicates, the major interest of the work is on the ways in which the laws recorded in the Book of the Covenant and the book of Deuteronomy shape the construction of gender, and, taking this a step further, the ways in which they may be seen as exercising institutional violence. Cheryl Anderson owns that '[a]s a Christian (Protestant) and feminist/womanist African-American female who lives in a culture of violence against women' (pp. 19-20) she has a personal interest in the study. The recognition that gender is a social construction, which is 'legitimated by mechanisms that label its requirements as given, natural and inevitable' (p. 19), results in a study that seeks 'to unmask [these biblical laws'] inherent biases and so undermine their claims to absolute and transhistorical truth' (p. 20). The unmasking of these apparent 'transhistorical' claims is, then, not only an important but a timely task.

In focusing on the laws' role in constructing identity, the author makes a sharp distinction between understanding the biblical laws as providing a mirror on reality and so part of Israel's historical legal code, and reading them as reflecting the interests of 'the elite groups who produced and conserved the biblical text' (p. 16). The major emphasis then lies in the power of this legal material as an influential literary discourse. This poses a problem: how does one incorporate the findings of earlier studies, which throw light on their interpretation but which do presume that these were laws as they would have been practised in ancient Israel? At times there is a tension, when the discussion is seen, almost inevitably, to fall back into the historical assumptions that this work seeks to leave behind. While the author is aware of the 'multi-faceted and ambiguous' nature of biblical texts (p. 18) her discussion of many of these laws does, in fact, tend to argue for an unambiguous discriminatory nature, in that they reveal a significant lack of concern for the women who might be implicated.

The consideration of the 'Construction of Identity in the BC (Book of the Covenant) and DL (Deuteronomical Law)' in chapter three brings the gender factor to the forefront, arguing that gender is the 'master-status' identity, as these laws 'assume the perspective of the free, privileged,

Israelite males' (pp. 74-75). Whereas some scholars have previously argued for a gender-role symmetry in the legal traditions, and others for a gender-role asymmetry, Anderson sees contemporary gender theory offering another insight which highlights further complexities, in that the expectations of roles may also depend on other factors such as whether the woman is slave or free, foreign or Hebrew, married or single.

Chapter four moves to a discussion of those laws that have been shown to be gender exclusive and therefore clearly contributing to the construction of the identity of gender by setting a clear distinction between male and female requirements and penalties: the law against female sorcerers (Exod. 22.17), for example, raises questions about male perceptions of certain female roles, especially if Athalya Brenner is right in seeing a connection here with fertility control etc. Following the criteria of feminist legal theory to indicate whether a law is male focused ('it privileges males, it disproportionately impacts females, and it embodies only the male experience' (p. 91), Anderson not only concludes that the laws in Deut. 22.23-29 are male focused but agrees with Harold Washington's conclusion that these are laws that 'function to legitimate male access to female sexuality' (Washington 1997 p. 353). There is, however, a more subtle violence committed by these texts in that as documents of a privileged male elite they 'not only subordinate females, they also impose a single constructed identity on all females that ignores similarities between males and females and differences between one female and another' (p. 93). This imposition of a single constructed identity, Anderson argues, drawing on the theoretical work of Theodor Adorno, *Negative Dialectics*, and Julia Kristeva, 'About Chinese Women' and *Powers of Horror*, constitutes a form of violence by rendering the female as the Other and thereby repressing the feminine. As she points out, making such a sharp division between the feminine and the masculine also has negative effects upon the male who must struggle to repress those qualities which do not fit the prescribed construction. Her conclusion is that because these two bodies of law inscribe 'a patriarchal ideology that constructs masculinity as male dominance and, correspondingly, female subordination' they are themselves 'inherently a form of violence' (p. 98). Here she is in contradiction with those scholars who see a move towards a more humanitarian attitude in the deuteronomic laws. Her argument here can be illustrated by her discussion of the laws in Deut. 22.25-29: the woman's injury is, as she points out, following Judith Hauptman 'identical in both cases'; what is not identical is the injury 'inflicted on the betrothed male' which turns out to be the 'determinative factor' (p. 99). Again, rather than seeing Deut. 22.28-29 as a positive ruling for women by providing protection from an arbitrary divorce, Anderson highlights the way in which such laws reinforce 'the male predominance' by granting the man full control over the woman.

The final chapter, headed 'Implications', addresses Anderson's concern with the topic; here, after a brief historical overview of the rationale for female subordination, she moves to the present situation, with statistics from the United States on domestic abuse and rape, and the failure, for the most part, of the churches to challenge the dominant/subordinate paradigm which underlies such violence. In this section she draws heavily on contemporary studies of domestic violence, with the recognition that the context in which we read biblical texts is an important factor in their interpretation. She asks whether 'new questions of the biblical text emerge as the dominant/subordinate gender paradigm's role ... is taken into account' (p. 112). This raises another question which she does not take further: would the violence which she has demonstrated as being an integral feature of these texts not be a matter of concern if the readers' context was not one of such prevalent family violence and abuse? She, however, having argued that her present

context is unquestionably one of violence moves immediately to the ethical issue of the use of the bible in maintaining the ideology that permits this. For this is the key issue: what do we do with such texts today, when they seemingly offer a warrant for unequal gender relationships? In this she follows Cheryl Exum (1995), and ends the chapter and thus the study as a whole with Exum's third strategy for dealing with rhetorical violence: 'looking for places where attempts to silence or suppress the women's rival discourse ... are not completely successful.' She finds an example of this both in the telling of the David story, as indicated in the study by David Clines (1995), and the Song of Songs. This would have provided a positive note on which to end had I not been aware of David's misuse of his women and the violence of the sentinels in the 5.7 of the Song.

Cheryl Anderson is writing out of the context of the United States, but this is not the only culture where family abuse is rife. As a feminist reader located in another context where violence against women is an ever-present reality of life I followed the presentation of this thesis with considerable interest and empathy and was grateful for the careful grounding of its insights. My hope is that it will be widely read.

REFERENCES

- Clines, David J.A. *Interested Parties: The Ideology of Writers and Readers of the Hebrew Bible*. JSOTSup; 205. Sheffield: Sheffield Academic Press; 1995.
- Exum, J. Cheryl, 'The ethics of biblical violence against women'. In: Rogerson, John W.; Davies, Margaret; Carroll, R.; Daniel, M., editors. *The Bible in Ethics: The Second Sheffield Colloquium*. Journal for the Study of the Old Testament Supplement Series; 207. Sheffield: Sheffield Academic Press; 1995, pp. 248-271.
- Washington, Harold C. 'Violence and the construction of gender in the Hebrew Bible: A new historical approach'. *Biblical Interpretation* 1997; 5: 324-363.