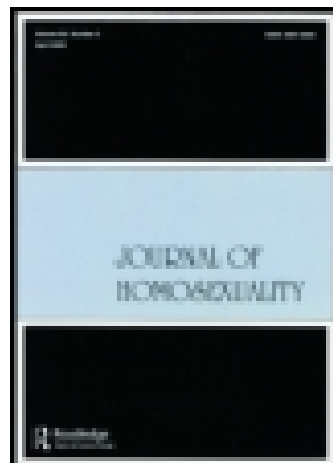


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Publisher: Routledge

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Journal of Homosexuality

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/wjhm20>

The Biblical Prohibition of Homosexual Intercourse

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Published online: 18 Oct 2010.

To cite this article: Martin Samuel Cohen PhD (1990) The Biblical Prohibition of Homosexual Intercourse, Journal of Homosexuality, 19:4, 3-20, DOI: [10.1300/J082v19n04_02](https://doi.org/10.1300/J082v19n04_02)

To link to this article: http://dx.doi.org/10.1300/J082v19n04_02

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The Biblical Prohibition of Homosexual Intercourse

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The decision by the United Church of Canada last summer to ordain homosexual candidates for the ministry has caused a great deal of furor across the country. Under normal circumstances, I would not feel obliged to comment on a debate which has no bearing on the Jewish community, but since a great deal of fuel is almost daily being thrown on the fire in the form of references, learned and less so, to the alleged Biblical prohibition of homosexuality, and since almost all of those references are based on what seems to me to be a flawed understanding of the context in which the Biblical verses in question appear, I would like to suggest what seems to me to be the correct interpretation of the prohibition that stands at the centre of the controversy.

Twice in the Torah, we find prohibitions of homosexual behaviour.¹ At Leviticus 18:22, we read, "You shall not have sexual intercourse with another man, for such is abominable behaviour." Again, at Leviticus 20:13, we read a similar remark: "Two men who have sexual intercourse with each other have committed an abomination; they shall be put to death and the fault is theirs alone."² The Torah is silent as regards the reasons for this prohibition, beyond stating that such activity is abominable, just as it is silent regarding the motivation behind all the other sexual prohibi-

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Journal of Homosexuality, Vol. 19(4) 1990

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tions.³ Before beginning to explain what seems to me to be the meaning of these verses, however, there are several givens that I think it necessary to state. First of all, abominable does not mean unnatural. On the contrary, if a need is felt to derive some sort of Scriptural opinion on the “naturalness” of homosexuality, it would seem reasonable to suppose that the Torah is tacitly admitting that homosexual intercourse is something which some people would, under normal circumstances, find attractive; the Torah elsewhere seems only to prohibit types of sexual activity in which people would otherwise engage.⁴ It can be, therefore, assumed that the point of these prohibitions is not to outlaw something contrary to nature, human or otherwise. It isn’t unnatural to eat pork, only forbidden, and the same thing can be said of homosexual intercourse. Furthermore, the assumption on the part of many that this prohibition reflects some sort of primitive understanding of human sexuality developed in hoary antiquity when mankind lived under the fantasy that sexual orientation was a matter of choice (and hence something that could be dictated to any individual by a higher authority) must, in the absence of proof to the contrary, be considered itself a fantasy. In other words, since no modern I know perceives him or herself consciously to have chosen his or her sexual orientation, the burden of proof must lie on anyone who would claim that the ancients *did* perceive sexual orientation to be a matter of free choice. It can be presumed, therefore, that the point of the prohibition is not to convince homosexuals to turn to heterosexuality. Finally, it must be stated that there is no justification at all for assuming that the prohibitions of homosexual intercourse is to be read in light of the story of the destruction of Sodom. Although it is true that the mob of male hooligans who surround Lot’s home after he has taken the angelic visitors in as his guests do scream that they wish to abuse his guests sexually, there is nothing at all in the text of Genesis 19 to suggest that this story is meant to be taken as an etiological explanation of the (later) prohibition of homosexual intercourse. Although the Sodomite hordes are condemned as miscreants who must suffer a ghastly fate for their sins, the Bible does not suggest, even tacitly, that it is because of their misdeeds that homosexual intercourse must forever more be forbidden, any more than it suggests that the rape of Dinah would be a good reason to prohibit

heterosexual intercourse. On the contrary, there is nothing in the context of Leviticus 19 or 20 to suggest that it is violent homosexual rape that is being prohibited, as opposed to mature, tender homosexual love. To assume that the text of Leviticus means to prohibit homosexual rape only is to ignore completely the context in which the verses appear.

Having said all that, the task at hand is to determine what the context is in which the Torah prohibits male homosexual intercourse. Our first observation, and this is most relevant to many of the speakers in the United Church debate, is that there is no cogent reason to separate the Biblical prohibitions regarding homosexual behaviour from their contexts. Neither the Massoretes nor any later Biblical commentators find any justification for removing the verses in question from their larger frameworks and it is, therefore, the first job of the exegete to identify those larger frames and to understand first and foremost how these verses fit into the larger picture. A careful analysis of context yields other conclusions vital for a proper appreciation of the text. For example, the assumption which one hears stated over and over that it is the impossibility of procreative result that renders homosexual intercourse abominable is firmly belied by the context in which the prohibition is stated. Almost all of the other prohibitions of Leviticus 18 and 20 could easily lead to offspring, yet they are firmly forbidden. On the other hand, Scripture nowhere suggests that intercourse with post-menopausal or infertile women is to be discouraged.⁵ The only conclusion justified by context is that procreative potential is no factor in the decision regarding the abominability of homosexual intercourse. Another relevant observation based on the context in which the verses in question appear is that the Torah shows no apparent interest in the question of sexual orientation. Nowhere does the Torah suggest that one ought not have homosexual inclinations or desires, only that one may not engage in homosexual intercourse. On other occasions, the Torah does deal with the question of the desire that motivates sin. Not only, for example, is theft prohibited, but the coveting of one's neighbour's possessions, which presumably is the prelude to theft, is also formally prohibited by the tenth of the Ten Commandments. Not only is adultery formally forbidden, but lusting after one's neighbour's wife is specifically mentioned as a

passion forbidden the pious Israelite.⁶ Here, there is no suggestion of the sort that might suggest that one must not conceive homosexual desires. That the Biblical text supposes that people have homosexual desires is obvious from the very fact that the fulfillment of such desires is prohibited. But that same Biblical text that tacitly owns up to the existence of those desires does not suggest one should somehow try not to have them in the same way that one is supposed to try to avoid the kind of desire that might lead to theft or adultery. The logical conclusion is that desire for homosexual intercourse is largely irrelevant, I suppose, in the same way that the law is unconcerned whether a given Israelite does or does not find a particular forbidden food to be something under other circumstances he might have desired. A further observation based on the language of the passages themselves is that it is specifically the homosexual equivalent of *mishkeve 'ishah*, presumably meaning homosexual anal intercourse, that is prohibited. Other forms of sexual activity between men are not discussed and it seems wrong to conclude from the silence of the text that other types of sexual activity are obviously forbidden as well. On the contrary, the text seems quite concerned that the reader understand exactly what kind of sexual activity is under discussion and I do not see any reason to assume that the text does not mean what it says. Finally, it seems to me highly relevant that the text can only be understood to be discussing male homosexuality. The context in which the verses appear, as I have already pointed out, requires that the verses be taken as referring to men, and this is hardly only because the language is couched in words of masculine gender.⁷ Grammar aside, the fact that the Hebrew literally reads "You shall not have intercourse with a man of the type one generally has with women . . ." guarantees that the prohibition is being directed towards men. To assume that the Biblical author was sufficiently naive so as to have been unaware of the phenomenon of female homosexuality seems too facile a solution to a thorny problem.

It seems to me that to understand the significance of the prohibition, we must first devote some time discussing what semen meant to the ancients, as it seems clear to me that it is the special quality of semen itself that generates the reason for the prohibition. First of all, that would explain the lack of interest in lesbianism. Secondly,

it would explain the absence of procreative angle in the discussion: semen has many appropriate uses, only one of which is directly procreative, but apparently anal intercourse between men is not one of them. Thirdly, it would explain why the Torah does not prohibit the desire, but only the act: it is not homosexuality itself that is of interest here in the first place, only the fact that certain types of homosexual activity yield a misuse of semen which must, therefore, be curbed. Finally, it would explain why the Torah is only interested in intercourse itself: because there is something about homosexual intercourse between men that is itself objectionable. The prohibition is therefore precisely as stated and the act forbidden was not meant in the first place to serve as a mask or a catch-all phrase for all other types of sexual activity between members of the same sex.

One of the most complicated, yet most potentially rewarding tasks that the Torah sets for mankind is the division of the world into its sacred and profane components, presumably as an exercise in coming closer to the Creator by recognizing the sacred in the creation. This idea is expressed in a wide range of metaphoric, symbolic, and mythological contexts, yet all have in common the simple idea that the world is made up of God-like and un-God-like elements and that the ultimate act of piety is the drawing of a clear distinction between the two domains. Sometimes this is expressed in terms of holy and profane, sometimes in terms of pure and impure. It is expressed in terms of good and bad, of light and dark, of bloody and bloodless, of clean and dirty, of leavened and unleavened, of Sabbath and weekday, and in terms of sacerdotal and lay. All of these are variations on a common theme, but whether the Israelite is being careful to defecate only outside the boundaries of the camp, whether he is bidden to bury the blood before he may eat the slaughter, or whether he is bidden to keep separate milk, the physical embodiment of motherhood, from meat, the raw flesh that suggests war and slaughter, he is still being told simply to divide the world down into two realms, one like God (i.e., the clean, the pure, the unleavened, the sabbatical) and one antithetical to God.⁸ Sometimes, the exercise is even simpler, for example when the Israelite is bidden simply to divide things which do not belong together, even though neither of the two is obviously more godlike than the

other. Thus, we may posit that when the Israelite is bidden to avoid mixing diverse grains in a common field or to avoid yoking diverse species under a common yoke, or to avoid tampering with a neighbor's landmark so as to obfuscate the correct boundary between neighboring pieces of property, he is merely being commanded to practice this type of universal separation in instances where the consequences of failure might not be so dire.⁹ This notion of separation pervades almost all aspects of Pentateuchal legislation and can certainly be considered a cornerstone of ancient Israelite piety. To paraphrase the Saturday evening liturgy, just as God Himself set the standard by separating light from darkness, Israel from the nations and the Sabbath from the rest of the week, so must Israel learn to emulate God even in this and to spend its pious efforts analyzing all corners of existence and erecting metaphysical barriers between the sacred and profane realms.

Perhaps the most obvious of all these metaphoric realms of distinction is the division that all cultures and religions know between life and death. God is called the source of all life, the fountain of life, He Who liveth forever, the author of life, the life of the universe, and the living God at countless places in Scripture and liturgy. The connection between God and the idea of life is so deeply ingrained in the Jewish consciousness, that the Hebrew word for "alive," *chai*, has become an unwitting circumlocution for the name of God among countless Jews who have chosen, especially in our day, to express their Jewish identity by wearing necklaces bearing this otherwise inexplicable legend.¹⁰ The opposite of life, of course, is death, and it is in this context we must understand the horror of corpse and carrion that pervades Biblical law. The corpse is the most potent source of impurity; the corpse alone can render people impure who are merely to be found under the same roof.¹¹ The laws connected with the disposal of the dead are matters of grave import as well, and it is no doubt significant that the Bible chooses to conclude its selection of stories about Abraham with the elaborate retelling of the special care with which he went about purchasing precisely the correct sepulchre for Sarah. Finally, the extraordinary purification ritual for one who had come into contact with a corpse set forth in such great detail in the nineteenth chapter of the Book of Numbers points with undeniable force towards the

gravity with which Scripture views the status of any individual contaminated through contact with a corpse. Given the force of these Scriptural phenomena, then, it is no wonder that one of the primary metaphoric ranges in which these dividing the world rituals are developed has to do with the division of the physical universe into the realm of life and the realm of death.

The world divides down rather easily, then, into three great spheres: the living, the dead and the inanimate. Most things in the world fall easily into one or the other category, although rabbinic exegesis of the relevant Scriptural passages provided endless gradations and refinements of the basic law. But, nonetheless, there are still certain existents that seem to rest precariously on the cusp between life and death, and to these items the Law must turn special attention. Of these, the twin fluids of life deserve special mention. The ancients seem to have believed that human reproduction was somehow effected by the intermingling of semen and menstrual blood, a conclusion obviously reached through observation rather than through exegesis and one not all that incorrect in a pre-microscopic sort of way. This theory is supported by the use of the Hebrew *zera'* in various passages. Literally, the word means "seed," but it is used of women as well as of men, which suggests that the ancients imagined the respective seeds of men and women to be suspended in their respective vital fluids.¹² It was only to be expected, therefore, that these two fluids, neither exactly alive, yet both somehow the stuff of life, would be accorded special attention in the Israelite drive to effect consequential ritual separation of life from death. I have already mentioned the special Israelite interest in blood. Not only must the blood be poured out on the ground "like water" before the meat may be eaten, but later rabbinic law developed an entire procedure for soaking and salting meat in order to draw out any excess blood, a ritual which goes beyond the letter of Pentateuchal law but which stays quite close to its spirit. Furthermore, the blood was closely connected with the spirit of life.¹³ In fact, the explanatory phrase *ki haddam hu' hannefesh* "for the blood is the soul" became the standard Biblical aside.¹⁴ Given this overweening interest in blood of all kinds, it stands to reason that menstrual blood would be given even more careful scrutiny and, in fact, its special qualities are clearly noted in Scripture. Best known,

probably, is the fact that it contaminates the woman in her menses and renders her unclean for a week.¹⁵ After nine months of gestation, the uterine bleeding that accompanies childbirth is deemed especially potent: it renders the new mother impure for months.¹⁶ In later rabbinic literature, a wide variety of superstitious beliefs grew up around the menstruant, not the least strongly stated of which suggests that if a menstruating woman even passes between two men towards the beginning of her monthly period, one of them must die.¹⁷

It would follow from this type of thinking that semen too ought to occupy a special place in the ritual nexus that separates the pure from the impure and the living from the dead, and this is, in fact, the case. According to Biblical law, seminal ejaculation in and of itself is enough to render a man impure.¹⁸ Furthermore, the ejaculate itself is a source of impurity and can render a garment of cloth or leather impure.¹⁹ Even more to the point, the ejaculate even renders the woman who receives it impure; both partners require subsequent ritual purification.²⁰ Semen is not a living substance, yet as the stuff of life, it must be treated with the greatest care. It has enormous procreative power, yet most of the time it does not function procreatively at all. Yet, presumably, this is in accordance with the will of God, who created the human reproductive system in such a way that requires that vast quantities of semen be spent in vain. It comes as no surprise, therefore, that the establishment of the precise contexts in which semen may be ejaculated is a matter of prime concern to the Biblical legislator. This, I believe, is the context of the Levitical lists of forbidden and illicit sexual liaisons, set as they are in two chapters following the longest Biblical exposition of the various laws relating to ritual purity and impurity.

The books of the Torah all follow a certain rhythm, beginning with introductory material, reaching an apogee of interest in their central chapters and finishing with closing material meant to tie up loose ends and introduce the following book. Thus perceived, for example, it is no less clear that it is the narrative detailing the birth of Jacob and his wresting of the birthrite from Esau that constitutes the central point of the Book of Genesis than it is that it is the story of the theophany at Sinai that is the obvious high point of the Book of Exodus.

The Book of Leviticus, which contains almost no narrative at all, maintains nonetheless this rhythm in the way it presents its material. Clearly, it is the section of laws relating to purity and impurity that are the “point” of the book. The section begins in chapter 11 with the dietary laws, here cast almost exclusively in terms of purity, impurity and abomination. The text goes on, in chapter 12, to discuss the purity laws relating to childbirth and, in chapters 13 and 14, the elaborate text relating to the leper and his purification. Chapter 15 begins to turn to sexual matters, touching upon the case of a man who suffers from an ongoing discharge, then continuing on with the case (which we have discussed just above) of a man who has a normal (i.e., voluntary) seminal emission and with the cases of women who have normal and abnormal menstrual discharges. Chapters 16 and 17 discuss the ritual for the Day of Atonement, describing the day as a day of purification and expiation and making special, unexpected reference to the special care that the Israelite must take in handling blood. In chapter 18, the text turns back to sexual matters, offering a long list of prohibited sexual relationships, including, in verse 22, the prohibition of male homosexual intercourse. Once the text turns to the purity situation surrounding the twin stuffs of life, the progression of ideas seems clear and cogent: the text moves from abnormal seminal discharge to normal ejaculation, then turns to abnormal and normal menstrual flow. Having dealt with semen and blood in normal and abnormal but naturally occurring contexts, the text now turns to voluntary activity.²¹ In chapter 17, we have a series of unexpected, and to a certain extent, unique passages. The Israelite is warned against the slaughter of animals in any but the correct sacrificial context. “Bloodguilt shall be imputed to that man, for he has shed (illicit) blood and that man shall be cut off from his people so that the Children of Israel (may be encouraged thereby) to bring any sacrifices which they might make in the open to God, that is, to the door of the Tent of Meeting, to the priest . . .” Later, the Deuteronomist specifically has to allow the slaughter of meat in a non-sacrificial context, but this was apparently not the view of the priestly legislator whose opinions are codified in this section of Leviticus — our passage considers all slaughter to have ritual implications.²² The point, then, of this passage is to specify that sacrifice offered outside the Temple is

acceptable as long as the carcass is brought to the priest so that he might sprinkle the blood against the altar of the Lord.²³ Then, beginning with verse 10, the text turns its attention to blood eaters of all types, declaring that "the life of the flesh is in the blood" and ordaining that one who does "partake of the blood of any flesh shall be cut off."²⁴ The text might logically be expected, at this point, to turn to questions of voluntary (i.e., non-conjugal, waking) acts of seminal ejaculation, and that is exactly what we do find.

The eighteenth chapter of Leviticus presents a long list of sexual prohibitions. I think that the context in which they appear precludes our conclusion that the various varieties of sexual deviancy are included (or that other varieties are excluded) because they are the practice of relatively small groups within larger society, because they do not or ought not lead to pregnancy or because they are morally wrong.²⁵ The list of sexual prohibitions presented includes those forms of sexual behaviour which require unacceptable uses of semen and which are, therefore, the counterpart of the list of the various illicit uses to which blood may be put that appears in the previous chapter. As a substance that is clearly the essence of life, yet which is equally clearly not alive, semen (like blood) falls into an odd category in the ritual division of the world and its existents into God-like and un-God-like domains. To put it another way, all substances that are neither alive nor inanimate confuse the basic premise of the system of purity that underlies Biblical law and require special treatment, and semen is *so* potent a substance so as to require an actual delineation of licit and illicit uses. There are three categories to consider: licit situations which do not render impure, licit situations which do render the parties who come into contact with the semen impure, and illicit situations which, since they are forbidden, transcend the laws of purity. Having dealt with the first two in the preceding chapters, the Biblical text now turns to the final category. It is in this category that the Bible forbids homosexual intercourse between men.

The eighteenth chapter of Leviticus begins with an introductory passage pointing out that the prohibitions about to be introduced are, in fact, the regular practices both of the Egyptians, whose land Israel has left, and the Canaanites, to whose land Israel has yet to come. The Israelites, on the other hand, are bidden to follow the

law of God, to walk in His ways and “to keep (God’s) statutes and ordinances that a man might do and thereby live.”²⁶ The statement has the ring of Biblical cliché, but the meaning is actually rather subtle—the Israelite who would live must cling to the ways of the Life of the Universe. The stage is therefore set for the introduction of a long list of separation rituals (or anti-rituals, as the list contains solely prohibitions) which present the regular Israelite effort to divide the world down into the domains of life and death. It is instructive to consider not only what is listed, but also what forms of sexual activity are not mentioned. The list begins with various types of forbidden incest, mostly with female family members of various types (mother, step-mother, sister, half-sister, granddaughter and so forth) but also with one’s father.²⁷

When the text concludes that line of thought, it continues with other, more special cases, forbidding first of all intercourse with a menstruant woman and with another’s wife. The text then presents a verse which, according to the traditional interpretation is completely out of place, but which, I think may hold the key to understanding the entire passage. This verse forbids men from offering their *zera’* to Molech, a pagan deity of some sort.²⁸ Traditionally, this is presumed to refer to some sort of child sacrifice, the word *zera’* here having the secondary meaning of “offspring.”²⁹ The problem in interpreting the verse in the traditional way is that it has no connection with its context and can only be presumed to have been included in this passage by virtue of the use of the word *zera’*, which the text uses in the preceding verse as well, albeit in a different sense. The only way to make this particular prohibition germane to its context would be to assume that *zera’* here does not refer to offspring at all and that the prohibition here has nothing to do with child sacrifice at all, despite the universal assumption in rabbinic sources that it does.³⁰ If we take *zera’* literally to mean “semen,” just as it did in the preceding verse, then perhaps we have reference here to some obscure pagan ritual in which semen itself was offered to the god. This would fit the context and have the added advantage of no longer requiring us to imagine that the word *zera’* has two different meanings in two adjacent verses.³¹ The passage then concludes by forbidding homosexual intercourse between men, intercourse between men and animals and, finally, between women and

animals, which is in fact the first and only sexual prohibition directed towards women on this list. Finally, the text offers a stern warning to anyone who would violate any of the prohibitions.

The passage, then, prohibits three kinds of sexual act: incest of various varieties, male homosexual intercourse and male and female bestiality. All have in common the single factor that they result in an improper use of semen and this can be demonstrated in several ways. First of all, it explains why the only prohibition directed towards women has to do with dumb animals. Generally speaking, men are in control of their seminal flow. They are therefore the ones being addressed, even when the prohibited kind of intercourse is heterosexual in nature. If men are considered the perpetrators if semen is improperly spilt during sexual contact with women, then how much the more so are they responsible for impropriety when committed with animals. The only time a woman can be held responsible, in fact, is when her partner is itself an animal; in this unique case, a woman must bear the responsibility for the improperly spilt semen of her animal partner. Second of all, it explains why the prohibition of bringing one's seed to Molech is included: even though it does not involve intercourse, it still involves an abuse of seminal emission of some sort. Thirdly, it explains why, instead of being taken as an anomalous insertion into an otherwise well-organized pericope and therefore omitted when the various sexual prohibitions are rehearsed two chapters later, the Molech prohibition was actually brought to the fore in the repetition of these commandments in chapter 20, where it not only introduces all the rest, but actually sets the tone by declaring that God Himself will deal with any man (and his family as well) who commits this particular offense.³² Fourthly, it explains why other forms of sexual abuse are absent from this passage. The text, for example, ignores instances of sexual crime where no improper use of semen is made, as in the case of rape or seduction, both of which are treated in some detail elsewhere in the Pentateuchal text.³³ Also absent are illicit relations between priests and divorcees or converts, and the prohibition of sacral (or lay) prostitutes, which for all their illegality, presumably do not result in semen being used improperly.³⁴ It therefore follows that the misuse of semen is a category of offense unto itself, sometimes matching other areas of sexual misconduct, sometimes

not. Finally, it explains the use of the term *to'evah* to characterize the nature of these sins. The term *to'evah*, derived from a verbal root meaning "to abhor," is used at Leviticus 18:22 and 20:13 to qualify the sin of homosexuality and again in Leviticus 18: 27 as a more general qualifier for all the sexual prohibitions listed in the pericope. The term is widely used in Scripture, often metaphorically, to denote wickedness and unchastity, but when divested of its larger connotations, it seems to refer specifically to sins against the kind of pious dividing up of the world into pure and impure realms. Thus the term is used of forbidden foods at Deuteronomy 14:3 ("Eat no *to'evah*!") because the forbidden foods have the special ability to introduce impure stuff into the human body and it is used of witchcraft and sorcery at Deuteronomy 18:9, which introduce impurity into the midst of the people. When the prophet Malachi used the term to refer to intermarriage with the daughters (not the sons!) of idolatrous nations (if such be the proper interpretation of Malachi 2:11), he probably meant that intermarriage is forbidden first and foremost because it blurs the division between the holy people and the heathen nations.³⁵

It follows from all of this that the prohibition of homosexual intercourse between men appears in Scripture as an example of an act that treats the stuff of life carelessly and in a way that, for whatever reason, Scripture considers inimical to the careful delineation of the boundary between the sacred and the profane. Any attempt to describe the Scriptural prohibition of male homosexual intercourse as an instance of Biblical outrage against men of homosexual orientation or as a divine condemnation of love between men is based, I think, on a faulty understanding of the nature of Biblical context, nuance and style. By extrapolation, one would have to assume the Bible meant to forbid men to love their pets as well.

NOTES AND REFERENCES

1. Regarding the specific prohibition of homosexual intercourse with one's father, see below, note 27. In this essay, the abbreviation BT stands for Babylonian Talmud and M stands for Mishnah. Both sigla are followed directly by the name of the tractate to which reference is being made. Torah is the Hebrew name for the first five books of the Bible, considered by the synagogue as the oldest and most authoritative section of Scripture.

2. This is more of an accurate paraphrase than a direct translation. The Hebrew for sexual intercourse is *mishkeve 'ishah*, literally, "the laying-down of a woman." Since the verb is a masculine form and since the entire context suggests that these prohibitions are being directed towards men rather than towards women, it seems correct to translate *mishkeve 'ishah* simply as sexual intercourse and to use the phrase "another man" to suggest that the Torah is speaking of two men who are engaging in the type of sexual activity in which generally men and women engage. Presumably, the Torah is referring to anal intercourse between men.

3. The statements at Leviticus 18:2 and 18:24 (repeated at 20:22-23) to the effect that these various sexual acts are prohibited because they were the impure acts both of the Egyptians and of the Canaanite nations whom God proposes to drive out from before the conquering Israelites is hardly the reason the acts are impure and abominable in the first place. Those nations also engaged in many other rituals, sacrifice and prayer among them, which Torah does not find abominable at all once they are divested of their pagan overtones and recast as acts of Jewish worship. The text goes on in both chapters to adjure the people to obey these laws lest the land spew them forth just as it is about to spew forth the indigenous nations. The point can hardly be that Israel is prohibited these various forms of sexual activity *because* they were the habits of the nations God is about to clear out of the land. If it was because of their sexual misconduct that those nations are being evicted from their native soil, there must be something inherently wrong with them. The question we are going to address is just what that wrong thing is.

4. The obvious parallel is to the dietary prohibitions. Only edible foods that, were they not to have been forbidden, would be eaten freely are prohibited. The assumption is that normal, natural people would eat all the forbidden foods had the Torah not come forward to forbid them.

5. In fact, the rabbinic interpretation of Exodus 21:10, in which the Torah sets down that sexual satisfaction is one of the three obligations husbands bear towards their wives, makes special point of emphasizing that this duty devolves upon husbands even when their wives cannot possibly become pregnant, for instance when they are already pregnant or beyond their childbearing years. The major rabbinic sources are discussed in detail in David Feldman's book *Marital Relations, Birth Control and Abortion in Jewish Law* (New York, 1968), pp. 60-80.

6. Exodus 20:17.

7. The Torah almost always speaks in the masculine singular, but that is usually considered a convention of Biblical speech rather than a sign that only men are included in a given prohibition or commandment. "Thou shalt not kill" is stated with a masculine singular imperative, but no commentator has ever concluded that women *are* permitted to murder other people.

8. Defecation outside the camp: Deuteronomy 23:13-14; burying the blood before eating the slaughter: Leviticus 17:13-16; eating milk with meat: Exodus

23:19 and 34:26 and Deuteronomy 14:21 according to the universal rabbinic interpretation.

9. Mixing diverse grains: Deuteronomy 22:9; yoking diverse species under the same yoke: Deuteronomy 22:10; tampering with a landmark: Deuteronomy 19:14.

10. The *chai* (as it is called) has almost overtaken the so-called Star of David as the Jewish symbol *par excellence*. The marker set up by the municipality of Rohrbach, a small village near Heidelberg where I lived for two years, to memorialize the site of the synagogue burnt down on Krystallnacht has cut into it at its centre an enormous Hebrew *chai*. When I asked a member of the town council what those two Hebrew letters signified, he told me it was the name of God. His utter ignorance of Hebrew notwithstanding, I think he had somehow hit upon a truth. When set into the context of the study of so-called practical Kabbalah, I cannot think of any other way to explain the use of *chai* as an amulet except to suppose it is a version of God's name.

11. Numbers 19:14. Other sources of impurity require physical contact to transfer their impurity further.

12. As, for example, at Leviticus 12:1, where the text posits that a given woman might "cast forth her seed and give birth to a male." The rabbis took it for granted that the text meant to suggest that the sex of the offspring was determined by the order in which the parents cast forth their seed during intercourse, as set forth in BT Niddah 31a, a source widely quoted in relevant literature. This also explains, of course, why women no longer menstruate after they conceive.

13. Cf., for example, Genesis 9:5: "But you may not eat of the flesh with its life-blood (literally, with its blood-soul) in it."

14. This remark appears, for example, at Deuteronomy 12:23.

15. Leviticus 15:19-24, 18:19 and 20:18. It is not without interest (as we shall see presently) that these last two passages occur in the same contexts in which homosexual intercourse is forbidden. The verse in Leviticus 20 is especially revealing in this context: "A man who has intercourse with a menstruating woman (Hebrew: *'ishah davah*) and who uncovers her nakedness has disturbed her source (i.e., the uterine source of her blood) and (as a result) she has exposed the source of her blood. The two of them are to be cut off from the bosom of the people."

16. For thirty-three days for a boy and for sixty-six days for a girl; see Leviticus 12:1-8.

17. BT Pesachim 111a. If she passes between them towards the end of her menses, she only induces strife between them. The text says, more literally, that she kills one of them, not merely that he will die.

18. Leviticus 15:16-18. Ibn Ezra's assumption that this refers to involuntary ejaculation seems unwarranted by the language of the passage. The evolution of rabbinic efforts to depart from the obvious legal implications of this passage is quite interesting. In a passage in BT Bava Qamma 82b, for example, it is stated that one of the ten *taqqanot* (enactments) of Ezra was the requirement that men bathe in the ritual bath after any seminal ejaculation. The Talmud observes that this is, in fact, a Scriptural requirement, as clearly stated in our passage. To this,

the text explains that the passage in Leviticus only requires immersion in a ritual bath for men who have experienced seminal ejaculation if they wish to partake of *terumah* (the produce tax reserved for priestly consumption which had to be eaten in a state of purity) or *qodashim* (the portions of sacrificial meat which were permitted for consumption). Ezra's enactment specifically extended this requirement to any who would study Torah as well. Thus, even with the added provision, the rabbinic interpretation of the passage still ends up far less stringent than the simple meaning of the Pentateuchal text would seem to suggest. The reality of the situation is that the rabbis did not require ritual immersion after seminal ejaculation. Limiting the meaning of the Biblical text to two extinct categories merely allowed them formally to abrogate any further application of the law, now perceived as rabbinic (even Ezra counts as a rabbi) extrapolation, rather than Scriptural edict. In a long discussion at BT Berakhot 22a-b, the Talmud takes another approach to the tradition regarding Ezra's enactment, declaring that, in fact, he only meant to require washing in nine *kabin* of water, rather than total immersion in a ritual bath. Even that requirement is scaled down, at least according to certain theories presented in the text, to apply only to involuntary seminal ejaculation and then only when the man in question is in good health.

19. Ibid.

20. Leviticus 15:18. Rashi's remark that this is a "royal decree" (i.e., a divine law that could not otherwise have been derived from Scriptural law) and that her impurity is specifically *not* occasioned by her contact with the semen seems forced.

21. It is not without interest that, since the Torah itself orders husbands to engage their wives sexually, conjugal sexual intercourse is discussed here in the context of natural, involuntary seminal emission. Conjugal intercourse is involuntary in the sense that it is divinely legislated.

22. See Deuteronomy 12:20-28.

23. Cf. Deuteronomy 12:13-16. Leviticus 17:7 suggests that this legislation was enacted to stem sacrifices to goat-gods, a remark Rashi and Ibn Ezra take at face value despite its great obscurity.

24. It is interesting that the legislation at verses 11-14 seems to suppose that eating the meat of hunted animals is licit as long as the blood is poured out on the ground and covered up with earth. This is apparently meant to be understood in distinction to the laws in verses 2-10, which suppose that all slaughter must be taken to the priest so that he may pour the blood out on the altar. There is no contradiction if we presume that verses 11-14 are discussing animals killed on the hunt, while verses 2-10 are discussing slaughtered domesticated animals, or if we imagine that verses 2-10 only apply to oxen, sheep and goats, while verses 11-14 lay down the general rule for (other) animals and birds.

25. In any event, the Scriptural point of view is that things are morally wrong because they are forbidden by God, not the other way around.

26. Leviticus 18:5.

27. The Talmud (BT Sanhedrin 54a) presumes that homosexual intercourse with one's father is what is being forbidden and that the text mentions this, even

though it would be forbidden anyway (because of the prohibition of homosexual intercourse between any two men), to make the sinner guilty of two separate violations. Rabbi Judah's opinion, also cited in the Talmud, that when the text here refers to one's father it means to be making reference to one's father's wife, is cited approvingly by Rashi, who relies on the parallel passage in Leviticus 20. The text is rather moot and could be read reasonably both ways.

28. Molech is identified in 1 Kings 11:7 as a god of the Ammonites, but the name there should probably be read as Milkom, as in verses 5 and 33 of that chapter, a fact already reflected in the Septuagint. The often repeated suggestion that the name Molech is merely the Hebrew word for king (correctly vocalized *melech*) with the vowel pointing for the Hebrew term of opprobrium *boshet* ("shame") seems cogent, especially given the propensity of the Biblical text to give the name with a definite article (a detail we have omitted from our translation) and, especially, the evidence of Isaiah 30:33, where the same deity is apparently referred to as Melech (or rather, using the definite article, as The Melech, i.e., The King.) The final word on Molech worship, at least for the time being, is George C. Heider's *The Cult of Molek: A Reassessment*, published in 1985 as the forty-third supplement to the *Journal for the Study of the Old Testament*.

29. Cf. Rashi, ad loc. In some Biblical passages, for example 2 Kings 23:10 or Jeremiah 32:35, it cannot be disputed that Molech worship is described as child sacrifice, yet in those very passages where the meaning is clear the word *zera'* is not used and the text refers specifically to "sons and daughters." Possibly the presence of the passage in Leviticus 18 and 20 reflects a later misunderstanding of the meaning of *zera'* in an earlier source, a misunderstanding which supposes it to be taken literally and which may well reflect a different sort of abominable practice with which the priestly legislator was aware. Be all that as it may, the fact remains that the passage in Leviticus is really rather unambiguous if context is taken into account and the need for contemporary historical substantiation of such a practice is set aside.

30. See the sources collected at BT Sanhedrin 62b.

31. Ritual offerings of semen were not unknown in antiquity. Epiphanius, for example, cites the example of the Alexandrian Phibionites as follows: "After they have intercourse in the passion of fornication, they raise their own blasphemy toward heaven. The woman and the man take the fluid of the emission of the man into their hands. They stand, turn towards heaven, their hands besmeared with the uncleanness and pray . . . bringing to the Father of the Nature of All that which they have on their hands and they say, 'We offer to thee this gift, the body of Christ.' And then they eat it, their own ignominy and say, 'This is the body of Christ and this is the Passover for the sake of which our bodies suffer and are forced to confess the suffering of Christ.' Similarly also with the woman: when she happens to be in the flowing of the blood, they gather the blood of menstruation of her uncleanness and eat it together and say, 'This is the blood of Christ.'" This is Mircea Eliade's modification of Stephan Benko's translation of Epiphanius' *Panarion* 26.27.1ff. Benko's original translation appeared in the *Vigilae Christianae* 2(1967), pp. 109-110 and Eliade's modification, in his article,

"Spirit, Light and Seed," first published in *History of Religions* 11:1 (August 1971), pp. 1-30 and subsequently reprinted in *Occultism, Witchcraft and Cultural Fashions: Essays in Comparative Religions* (Chicago and London, 1976), pp. 93-119.

32. The order in chapter 20, except for the Molech passage, is not that different from chapter 18. First, we have the Molech law, which is expanded from one to eight verses. Then we have the prohibition (absent from chapter 18) of cursing one's parents, of adultery, of incest with step-mother and daughter-in-law, of homosexual intercourse between men, of marriage of mother and daughter as co-wives, of sexual relations between a man and an animal and of relations between a woman and an animal. The text continues then with various incestuous possibilities, outlawing them all.

33. Seduction is forbidden (or rather, its consequences are made explicit) at Exodus 22:15-17 and rape at Deuteronomy 22:23-29. Neither is mentioned in our passage, because for all their nefariousness, neither crime involves the misuse of semen *per se*.

34. The marriage of priest and divorcee is forbidden at Leviticus 21:7. The union of a priest and a convert, although not explicitly mentioned in the passage, was inferred by the rabbis. Prostitution, at least in its sacral variety, is outlawed at Deuteronomy 23:18. Again here, the point is that these types of sexual activity are forbidden, but if they do occur, no misuse of semen is considered to have taken place.

35. Cf. the explanation Bar Kappara offered to Judah the Patriarch (as recorded at BT Nedarim 51a) of the word *to'evah*. He explained that it was a sort of acronym which stood for the words *to'eh 'atah bah*, which I would translate "you err in this." I think he means to say that Scripture uses the term specifically with reference to homosexuality because it is often misperceived by men, who cannot fathom why anal intercourse with a woman should not be considered a misuse of semen, but similar relations with another man should. Because the two seem so similar, it is likely that one might err, hence the special effort of Scripture to avert such an error by specifically labelling homosexual intercourse a *to'evah*.