

CANDLER SCHOOL OF THEOLOGY

WRESTLING WITH LEVITICUS 18.22 AND 20.13

A PAPER SUBMITTED TO

DR. JACOB L. WRIGHT

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR

TEXTS OF TERROR, OT659

MASTER OF DIVINITY

BY

MARK A. WIRTZ

McAFEE SCHOOL OF THEOLOGY

ATLANTA, GEORGIA

DECEMBER 2012

© 2012, Mark A. Wirtz

Many have used Lev 18.22 and 20.13 violently against homosexual people. Examples abound, but one illustrates this point all too well. Andy Gibson, a Southern Baptist minister and Mississippi Republican State Representative, commented on his Facebook page regarding President Barak Obama's affirmative opinion on gay marriage. Gibson says, "The only opinion that counts is God's: see Romans 1:26-28 and Leviticus 20:13. Anyway [SIC] you slice it, it is sin. Not to mention horrific social policy." In a follow-up post he calls same-gender relationships "unnatural" and blames them for developing and spreading HIV/AIDS. Gibson goes on to say that such relationships are "harmful to children" and confuse the "important differences between men and women."¹ In response to public concerns about his citation of Lev 20.13, which calls for the death penalty, Gibson refused to apologize. "To be clear, I want the world to know that I do not, cannot, and will not apologize for the inspired truth of God's Word. It is one thing that will never 'change'," wrote Gibson.²

Such hateful rhetoric and violent use of scripture against homosexual people has a profound impact, so much so that when homosexuals hear or read the text, they experience their pain and trauma like a type of post-traumatic stress syndrome. These experiences become a part of the text, and even become a text unto itself. Still some of us who call ourselves "people of the book" (Torah or the Tanak for Jews and the First and Second Testaments of the Bible for Christians) seek not to read selectively, but to honestly read Leviticus in its entirety. In order to faithfully be a "people of the book" as gay Jews and Christians, we must wrestle with the text as a way of coping with our pain. By doing so we empower the text and disarm our persecutors;

¹ Nick Wing, "Andy Gipson, Mississippi GOP Lawmaker, Blasts Gays, Cites Bible Passage Calling For Their Death," *The Huffington Post*, May 18, 2012, http://www.huffingtonpost.com/2012/05/18/andy-gipson-mississippi-gays_n_1528716.html (accessed December 6, 2012).

² John Celock, "Andy Gipson, Mississippi Lawmaker, Won't Apologize For Citing Bible Passage Calling For Gays' Death," *The Huffington Post*, May 19, 2012, http://www.huffingtonpost.com/2012/05/19/andy-gipson-gays-mississippi-facebook-apology_n_1529677.html (accessed December 6, 2012).

and we continue to wrestle with the text until we receive a blessing.³ My aim is to wrestle with Lev 18.22 and 20.13 to empower the text and disarm those who have used the text violently against homosexuals and in the process demand a blessing.

Wrestling with biblical texts involves understanding its context. Understanding context takes careful work and involves several layers of study. I will discuss the canonical location of Lev 18.22 and 20.13 within its broader context of the Holiness Code. Following a review of six interpretations of these texts, I will present my own translation and exegesis of Lev 18.22 and 20.13. Based on my literature review and exegetical considerations, I will deliver my analysis of the texts. The scholars in the literature review favor one of six views to interpret Lev 18.22 and 20.13, but they do not adequately examine these texts' relationship to their immediate literary frame. In my analysis of the texts, I argue that reading Lev 18.22 and 20.13 within their immediate literary frame produce an opportunity to see that Lev 18.22 and 20.13 are descriptive of a historical and social location, rather than universally prescriptive for a contemporary understanding of human sexuality.

CANONICAL LOCATION

Leviticus 18.22 and 20.13 are a part of the Holiness Code (H), chapters 17-26. Many scholars believe H stands out separately from the Priestly Source (P) based on its style and vocabulary, as represented by the key exhortation “You shall be holy, for I am holy, YHWH your God”⁴ in Lev 19.2. This is echoed throughout H in Leviticus with similar phrases to “for I, YHWH, am holy” (20.26; 21.18; and similar forms in 11.44, 45; 20.8; 21.15, 23; 20.9, 16, 32).⁵

³ Inspiration for “wrestling” with the text and demanding a blessing comes from Phyllis Trible, “Take Back the Bible,” *Review and Expositor* 97 (Fall 2000), 425–31.

⁴ All scripture citations are the author’s translation unless otherwise noted.

⁵ For a full list of H’s unique vocabulary, see John E. Hartley, *Leviticus*, Word Biblical Commentary, vol. 4, ed. David A. Hubbard and Glenn W. Barker (Dallas: Word Books, 1992), 248-49.

Recent scholarship has challenged the idea that H is dramatically separate from P due to its vocabulary,⁶ but such differences support the general notion that Lev 17-26 represent a unified and distinct set of materials.⁷ Dating H is notoriously difficult and speculative, as it is for the dating of all biblical texts. Martti Nissinen cites the work of Rudolf Smend and Erhard S. Gerstenberger in dating the final form of H to a post-exilic Jewish community.⁸ David M. Carr dates H to the exilic period of the sixth-century BCE.⁹

Leviticus 1-15 covers issues of sacrifice, worship, and ritual cleanliness and chapter 16 the Day of Atonement. Leviticus 17-26 contain apodictic laws dealing with ethical and cultic standards that the people of Israel must follow. Leviticus 18-20 are the core of this corpus, with chapter 19 as the pivot. John E. Hartley proposes¹⁰ that this core forms the following chiasmic structure:

- A Sexual proscriptions (ch. 18)
- B Ethical and cultic laws (ch. 19)
- A' Sexual proscriptions with penalty (ch. 20)

The prohibitions in Lev 18.22 and 20.13 sit among laws proscribing incest (18.6-18; 20.11-14, 17, 19-20), sex during menstruation (18.19; 20.18), adultery (18.20; 20.10), and bestiality (18.23; 20.15-16). In the same list of sexual transgressions is child sacrifice to Molek (Lev 18.21; 20.1-5) and certain types of divination (20.6, 27). A didactic speech (Lev 18.1-5, 24-30; 20.7-8, 22-26) provides a literary frame for these collections. The speech (or sermon)

⁶ Ibid, 249.

⁷ Walter C. Kaiser, "The Book of Leviticus: Introduction, Commentary, and Reflections," in *The New Interpreter's Bible: A Commentary in Twelve Volumes*, vol. I, ed. Leander E. Keck (Nashville: Abingdon Press, 1994), 1115.

⁸ Rudolf Smend, *Die Entstehung des Alten Testaments*, 3rd ed. (Stuttgart: W Kohlhammer, 1984) and Erhard S. Gerstenberger, *Das dritte Buch Mose: Leviticus*, Alte Testament Deutsch Ergänzungsreihe (Göttingen: Vandenhoeck & Ruprecht, 1993) quoted in Martti Nissinen, *Homoeroticism in the Biblical World: A Historical Perspective* (Minneapolis: Fortress Press, 1998), 37.

⁹ David McLain Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (New York: Oxford University Press, 2011), 303.

¹⁰ Hartley, *Leviticus*, 249.

admonishes the people to follow the instructions of YHWH and to separate themselves from the pagan practices of Egypt and Canaan. This is typical of H as its primary concern is the holiness of the whole land of Israel.

LITERATURE REVIEW

What do Lev 18.22 and 20.13 mean and why are these verses located in the Holiness Code? There are six distinct approaches that have played a key role in modern scholarship and interpretation. Some exegetes relate the proscriptions to issues of idolatry. Others link the meaning to gendered class confusion. Another view says the central concern of the sexual laws in Lev 18 and 20 is reproduction and male “seed wasting.” A fourth view sees the central issue as the mixing of defiling emissions in several of these sexual proscriptions. A fifth view sees the proscriptions as divine commandments that support gendered complementarity. This literature review will focus on these five approaches to understanding Lev 18.22 and 20.13. I will save discussion of hermeneutical issues pertaining to the appropriation of Lev 18.22 and 20.13 to contemporary moral/ethical issues of homosexuality for another section.

Idolatry

Norman H. Snaith says the word תועבה (to ‘*ebah*—“abomination”) has to do with idolatrous actions of cult worship to other gods. He links Lev 18.22 with verse 21. Snaith argues that verse Lev 18.21 refers to children dedicated to temple prostitution; thus, verse 22 condemns homosexuality on account of its association with idolatry.¹¹ John Boswell states that תועבה does not mean something intrinsically evil, but something that is ritually unclean. Like

¹¹ Norman H. Snaith, *Leviticus and Numbers*, The Century Bible; New Edition; Based on the Revised Standard Version (London: Thomas Nelson and Sons, 1967), 126.

Snaith, he associates the proscription in Lev 18.22 with idolatry.¹² Boswell links this to what he believes to be the main concern of Lev 18 and 20, which is the concern to distinguish Israel from its neighboring pagans.

Saul M. Olyan takes issue with Snaith and Boswell's idolatry approach. Their argument rests on their interpretation of Lev 18.21, which refers to an alleged god Molek.¹³ According to Olyan, it is unlikely that the noun מֹלֵךְ (*molek*—"Molek") was the name of a god, but rather a technical sacrificial term associated with Northeast Semitic cults involving child sacrifice.¹⁴ Scholars have disagreed over the meaning and form of מֹלֵךְ, which is similar to מֶלֶךְ (*melek*—"king"), however most seem to agree that it is the name of a god who received child sacrifices.¹⁵ J. R. Porter points out that Lev 18.21 was a later addition to H along with the apostasies mentioned in 18.3, 24-30; 19.26-28, 31; 20.22-24; 26.1, though Porter believes these editions came from the perspective of the exile in Babylon.¹⁶

Conforming to Gendered Class

Thomas M. Thurston applies Lev 18.22 to Mary Douglas' paradigm.¹⁷ To Thurston, Douglas' analysis of holiness and purity is consistent with the concerns of H, namely issues of defilement, not idolatry.¹⁸ The Holiness Code is rooted in a worldview based on the condition of

¹² John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* (Chicago: University of Chicago Press, 1980).

¹³ Saul M. Olyan, "'And with a Male You Shall Not Lie the Lying Down of a Woman': On the Meaning and Significance of Leviticus 18:22 and 20:13," *Journal of the History of Sexuality* 5, no. 2 (October 1994): 198.

¹⁴ *Ibid.*, 198 n65.

¹⁵ John E. Hartley and Timothy Dwyer, "An Investigation into the Location of the Laws on Offerings to Molek in the Book of Leviticus," in *Go to the Land I Will Show You: Studies in Honor of Dwight W. Young*, ed. Joseph E. Coleson and Victor H. Matthews (Winona Lake: Eisenbrauns, 1996), 81-94.

¹⁶ J. R. Porter, *Leviticus*, Cambridge Bible Commentary; New English Bible (New York: Cambridge University Press, 1979), 136-37.

¹⁷ See Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (New York: Routledge, 1966).

¹⁸ Thomas M. Thurston, "Leviticus 18:22 and the Prohibition of Homosexual Acts," in *Homophobia and the Judaeo-Christian Tradition*, ed. Michael L. Stemmeler and J. Michael Clark, Gay Men's Issues in Religious Studies Series 1 (Dallas: Monument Press, 1990), 13-14.

ordered relationships and the contravention of that order. The Hebrew word for *קָדוֹשׁ* (*kadosh*—“holy”) is based on the idea of separation. The concept of the holy requires that one conform to one’s own class. The four proscriptions in Lev 18.19-23 are about category confusion. One sees an example of class confusion when a man does not conform to his gendered class, but takes on the female sexually receptive role in male-male anal intercourse.¹⁹

Olyan points out several problems with Thurston’s view. He agrees with Thurston that the law strictly refers to anal intercourse and not homosexual acts in general, but Olyan disagrees with Thurston’s focus on the male receptor. Leviticus 18.22 only addresses the insertive partner. The receptive partner in Lev 20.13 comes in at a later stage of development of these laws. Instead, both Lev 18.22 and 20.13 originally focused on the insertive partner; therefore, it is not likely that H was originally concerned with class confusion as a result of a man taking on the female sexual (receptive) role.²⁰

Wasting Seed

Howard Eilberg-Schwartz and David Biale see a connection between the laws in Lev 18 and 20 and the concern of the Hebrew Bible (HB) for successful procreation. The illicit sexual acts in Lev 18 and 20 are about perceived “proper” sexual behavior and fertility. What unifies the laws against incest, adultery, bestiality, child sacrifice, and homosexuality is that the ancient authors viewed them as affronts to procreation. (Biale and Eilberg-Schwartz assume Lev 18.22 proscribes all male-male sexual acts.) This is because these actions are unproductive in the case

¹⁹ Ibid., 14-16.

²⁰ Olyan, “And with a Male You Shall Not Lie,” 199.

of homosexuality and bestiality, produce illegitimate progeny with adultery and incest, and destroy progeny with child sacrifice.²¹

Olyan calls into question Biale and Eilberg-Schwartz's assertion that Lev 18 is concerned with productive sexual acts. Not all sexual acts between males or between males and females produce offspring, and Lev 18 does not prohibit all nonproductive sexual acts. All the sexual expressions, which Lev 18 forbid, suggest intercourse. Olyan contends that this suggests that productive sexual relations is not the primary concern of the text. If unproductive sexual acts were a primary concern of the laws in Lev 18, there should be other proscriptions against purposeful ejaculatory acts that do not lead to conception²²

Mixing of Defiling Emissions

Like Eilberg-Schwartz, Stephen F. Bigger considers Lev 18.22 within the context of the laws of chapters 18 and 20. Both think Lev 18.22 proscribes all male-male sexual acts. According to Bigger, the theme of Lev 18.19, 20, 22, and 23 is the individual's sexual purity. The resultant pollution of sexual impurity became the primary concern of the H legislation. The proscription of intercourse with a woman during menstruation points to the idea that the mixing of both semen and menstrual blood, each fluid defiling in their own right, become a double threat and bring danger to the entire community. Similarly, the proscription of adultery in Lev 18.20 raises the issue of mixing the offender's semen with that of the woman's husband. Bigger

²¹ David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997), 29, and Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Indianapolis: Indiana University, 1990), 183.

²² Olyan, "And with a Male You Shall Not Lie," 202.

connects Lev 18.22 with the proscription against idolatry in verse 21 instead of tying it to the theme of the mixing of polluting emissions.²³

Bigger hints to gendered class confusion in Lev 18.22,²⁴ but it is important to note that he sees no issue with the mixing of two polluting substances. Olyan points out that Bigger does not adequately make the link between the mixings of defiling emissions he sees in verses 19 and 20 and what he alleges as the “misuse of semen” in verse 22.²⁵ This becomes an important point for Olyan’s argument.

Olyan argues convincingly that Lev 18.22 and 20.13 only address male-male anal intercourse, not all homosexual acts.²⁶ He agrees with Bigger’s idea that Lev 18.19, 20, and 23 prohibit the mixing of defiling fluids, and further develops this idea to argue that it applies to verse 18.22 as well. Olyan assumes from Ezek 4.9-15 that Ezekiel, who probably belonged to the Holiness School, viewed excrement as a defiling substance.²⁷ So this view—that excrement is a defiling substance—may have played a role in the shaping of the proscriptions against male-male anal intercourse. Leviticus 18 and 20 do not prohibit all ejaculatory emissions (ex., masturbatory emissions), rather, mixing otherwise defiling substances is the issue. Menstruation, parturition, and ejaculation were defiling, but not as bad as the *mixing* of two defiling substances. It then follows that the mixing of semen and excrement is the primary issue of Lev 18.22 and 20.13.²⁸

²³ Stephen F. Bigger, “The Family Laws of Leviticus 18 in Their Setting,” *Journal of Biblical Literature* 98, no. 2 (June 1979), 202-203.

²⁴ *Ibid.*, 203. This he coins as a “confusion of species and social roles.” For a helpful discussion on gendered roles within ancient cultures, see Ken Stone, *Sex, Honor and Power in the Deuteronomistic History*, *Journal for the Study of the Old Testament* 234 (Sheffield: Sheffield Academic Press, 1996), 75-78.

²⁵ Olyan, “And with a Male You Shall Not Lie,” 202.

²⁶ *Ibid.*, 183-86.

²⁷ *Ibid.*, 203.

²⁸ *Ibid.*, 204-206.

Olyan demonstrates that unlawful mixings is uniquely a part of H's theological framework. P is less concerned with the mixing of defiling substances. A man and his female sex partner are ritually unclean until evening (Lev 15.16-18) in P because it is important to maintain purity in the sanctuary/desert camp, where YHWH dwells. H, on the other hand, would "cut off" a man and a menstruating woman who have sex (Lev. 20.18) because, for H, the whole land of Israel must be clear of any defilement. According to H, the holiness boundary is around the whole land of Israel.²⁹

Divine Proscription/Gender Complementarity

Some would state that the proscription in Lev 18.22 and 20.13 directly reflect God's divine will to abhor all forms of homosexual activity. In the view of Robert A. J. Gagnon, this is largely contingent upon the attachment of the word תועֵבָה (*to'eba*), which one finds as "abomination" in most Bible translations. For the specific prohibitions listed in Lev 18.26-27, 29-30, only the homosexual act in verse 22 is an abomination, though the summary in 18.24-30 says all the practices listed in the chapter are abominations.³⁰

For Gagnon, the issue is not the comingling of defiling substances or reversal of gender roles (a male acting as the female receptor), but rather, a violation of divinely sanctioned gender boundaries. Homosexual acts involve "gender bending" of the complementarity of males and females. This is a willful denial of God's created order. In Gen 1, P emphasizes that God created each creature according to its kind. All the sex laws of Lev 18.6-23; 20.2-21 legislate against the disruption of the created order.³¹

²⁹ Ibid.

³⁰ Robert A. J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001), 113.

³¹ Ibid., 37, 135-41.

One can set up Gagnon's argument as such: God hates that which is an abomination. Homosexual acts are an abomination; therefore, God hates homosexual acts. The reason Gagnon gives as to why homosexual acts are an abomination is that it violates the divinely created order, of which gender complementarity is a part. His defense of gender complementarity rests upon the notion that H is concerned with the ordered, priestly creation of Gen 1. The *tebel*—"confusion" in Lev 18.23 and 20.12, as well as the mixing of "kinds" of animals, seed, and material/cloth in 19.19, shows that the redactors of H were concerned with maintaining the divinely created order.³²

Gagnon cautions against saying certain Levitical proscriptions are socially constructed—that such a statement implies "antiquated notions of ritual purity." In the same paragraph, he admits that our conception of what is detestable to God changes over time, but in the case of Lev 18 and 20, there is a "high degree of continuity between the values of Israelite culture and post-Enlightenment culture."³³

TRANSLATION AND EXEGESIS

This section selectively discusses my translation choices and provides an exegesis of certain words necessary to understand in order to interpret Lev 18.22 and 20.13. I attempt to maintain the Hebrew syntax and follow a literal translation as close as possible. For the purposes of this study, a word-for-word translation that preserves the word order of the text best shows the awkwardness of the Hebrew in these verses. If, for example, the change from a singular to a plural subject in Lev 20.13 is, as Olyan suggests, a later redaction, it is important for an English-speaking reader to stumble over the awkwardness of these verses in order to induce a grappling with the text and a fight for its meaning.

³² Ibid., 136.

³³ Ibid., 120.

My translation of Lev 18.22 is as follows:

וְאֶת־זָכָר לֹא תִשְׁכַּב מִשְׁכַּבֵּי אִשָּׁה תוֹעֵבָה הוּא:

And with a male you shall not lie a “lying down of a woman;”
it is an abomination.

Here, the Hebrew word הוּא (*he*) is the indefinite referent. Because the idiomatic “lying down of a woman” is an abstract idea, I have chosen to translate הוּא as “it,” instead of “that,” which would refer to a concrete idea. Most Bible translations render the idiomatic phrase מִשְׁכַּבֵּי אִשָּׁה (*isha miskebe*) “as with a woman.” This translation is interpretive, not literal. A similar idiom מִשְׁכַּב זָכָר (*miskab zakar*—“the lying down of a male”) (Num 31.17, 18, 35; Judg 21.11, 12) aids our interpretation of this phrase. In Numbers and Judges those women who do not know the “lying down of a male” are virgins, while those who do experience the “lying down of a male” are non-virgins. Olyan contends that both of these idiomatic phrases are a pair and restricts the meaning of מִשְׁכַּבֵּי אִשָּׁה to male-male anal penetration.³⁴

Translators usually render the Hebrew word תוֹעֵבָה (*to ‘evah*) as “abomination,” and I have retained it in this translation. Because its meanings are complex and nuanced, it is necessary to locate the word’s context as close as possible. Etymologically, תוֹעֵבָה either stems from the verbal root תעב (*t’b*—“to be detestable, loathed”) or תאב (*t’b*—“to detest, abhor”). The word תוֹעֵבָה occurs 117 times in the HB. It refers to table fellowship with Canaanites, which the Egyptians considered to be an “abomination” in early narratives (possibly J) in Gen 43.32; 46.34; and Exod 8.22. In eleven attestations, תוֹעֵבָה describes forbidden acts of Israel’s neighboring nations in Lev 18.26, 29-30; Deut 18.9, 12; 20.18; 32.16; 2 Kgs 16.3; 21.2, Jer 16.18; 44.22.

³⁴ Olyan, “And with a Male You Shall Not Lie,” 184-85.

Thirty-nine of the forty-three attestations in Ezekiel, which scholars often associate with H, deal with foreign cultic practices, as well as those in Ezra 9.1, 11, 14.³⁵

The occurrences of תועבה in H refer to proscribed items that are against YHWH's will (Lev 18.22, 26-27, 29-30; 20.13). It does not occur in P apart from H. According to H. D. Preuss, this observation shows that one should not overstate a parallel notion of תועבה to cult and sacral law.³⁶ This may be because its synonym *sheqes* refers to cultic uncleanness, especially idolatry,³⁷ yet the nuances of תועבה are many and complex. E. Gerstenberger states that textual analysis suggests תועבה originally signified that which caused anxiety and repulsion. Cultic usage may predate legal and ethical usages, simultaneously with things that seemed foreign or strange.³⁸ Its use in Lev 18.22 is textually located with the general admonitions in 18.26-30. The Israelites are to “not do any of these abominations” (Lev 18.26) for those in “the land who have been before you have done all these abominations, and the land has become defiled” (v. 27). The Israelites must not do as the native inhabitants did lest they also defile the land so that it “spews” (Lev 18.28) them out or they become “cut out” (v. 29).³⁹

Leviticus 20.13 poses some challenges because the grammar and syntax is awkward, possibly due to later redaction as Olyan suggests.

וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת-זָכָר מִשְׁכַּבֵי אִשָּׁה תוֹעֵבָה עָשׂוּ שְׁנֵיהֶם מוֹת יוּמָתוּ דְּמֵיהֶם בָּם:

And a man who lies with a male a “lying down of a woman;”
an abomination they have done—the two of them;
they shall be put to death, yes death;

³⁵ H. D. Preuss, “תועבה to ‘eba; תעב t’b,” in *Theological Dictionary of the Old Testament*, vol. XV, ed. G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry, trans. David E. Green (Grand Rapids: William B. Eerdmans, 2006), 591, 593-94.

³⁶ *Ibid.*, 597.

³⁷ Ronald F. Youngblood, “תעב (ta’ab) abhor,” in *Theological Wordbook of the Old Testament*, vol. 2, ed. R. Laird Harris (Chicago: Moody Press, 1980), 977.

³⁸ Erhard S. Gerstenberger, “תעב t’b pi. to abhor,” in *Theological Lexicon of the Old Testament*, vol. 3, ed. Ernst Jenni and Claus Westermann, trans. Mark E. Biddle (Peabody: Hendrickson Publishers, 1997), 1431.

³⁹ Quotations from Lev 18.26, 27, 28, 29 are from the New American Standard Bible.

their bloodshed is upon them.

The infinitive absolute מוֹת (*mot*—“to die”) intensifies the meaning of its verb. The *hophal* imperfect, third-person, masculine, plural verb תּוֹעֲבָה (*to 'ebah*—“they will be caused to die”) does not have the same meaning as the same form of the Hebrew verb יִקְטְלוּ (*vaketelu*—“they will be caused to kill”), which denotes murder. These two words as a phrase, מוֹת יִזְמְתוּ, can mean “they shall surely be put to death,” as the New American Standard Bible (NASB) translates it. Similar to Everett Fox’s translation,⁴⁰ I render this phrase “they shall be put to death, yes, death.” This translation replicates the synonym in this phrase: the infinitive absolute, “to die,” and the verb which means, “they will be caused to die.” The use of “put to death” conveys what is likely the punitive nature of Lev 20.13, which is the death penalty.

The word דְּמֵיהֶם (*demiha*—“their blood”) can be a difficult word to translate for those with an elementary understanding of biblical Hebrew. The Hebrew word for blood, דָּם (*dam*), is a collective noun. The plural form of a singular collective noun can indicate composition, which refers to the breakdown of its collectivity. In its natural state (in the body), blood is a singular form (דָּם). To indicate that blood has been spilt, one uses the plural form דְּמָי (*domae*—“bloods”).⁴¹ The final phrase in Lev 20.13, בַּדָּם דְּמֵיהֶם (*demehem bam*), denotes guilt. Here the law says the two men’s blood is on their own hands, not the hands of their executioners.⁴² Some choose to translate דְּמֵיהֶם as “bloodguiltiness” (NASB) or simply “bloodguilt” as does Fox.⁴³ Olyan’s translation of בַּדָּם דְּמֵיהֶם is more literal—“their blood is upon them”—thus avoiding any

⁴⁰ Fox’s translation reads “they are to be put-to-death, yes death.” See Everett Fox, *The Five Books of Moses: Genesis, Exodus, Leviticus, Numbers, Deuteronomy: A New Translation with Introductions, Commentary, and Notes*, The Schocken Bible, vol. 1 (New York: Schocken Books, 1995), 607.

⁴¹ Bruce K. Waltke and M. O’Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake: Eisenbrauns, 1990).

⁴² Dr. Nancy L. deClaissé-Walford, Associate Professor of Old Testament and Biblical Languages, interview by author, 6 November 2012, notes, McAfee School of Theology, Atlanta.

⁴³ Fox, *The Five Books of Moses*, 607.

interpretive moves in his translation.⁴⁴ My rendering, “their bloodshed is upon them,” involves some interpretation of the idiomatic phrase, but avoids the aforementioned “bloodguilt.” The difference between my rendering and that of the NASB or Fox is minimal, and still communicates the same thing.

The strictest and most literal reading of these texts is as follows: Leviticus 18.22 proscribes male-male anal penetration and emphatically designates it an abomination. Leviticus 20.13 broadens the culpability from just the male penetrator (as in 18.22) to the male receptor as well. Such activity receives the penalty of death, which is punishment the offenders bring upon themselves by their own guilt. The strictest reading of Lev 18.22 and 20.13 therefore seems to condemn male-male anal sex. A strict and literal reading of these texts is not particularly helpful for properly understanding these texts.

ANALYSIS

The Literary Frame

Both Thurston’s conforming to gendered class view and Olyan’s mixing of defiling emissions view are good explanations for the presence of the prohibitions of male-male anal sexual activity in Leviticus. These explanations help further interpret Lev 18.22 and 20.13 beyond a strict, literal reading of the text. The literature I review in this paper tends to favor one of the five explanations that include Olyan and Thurston’s as well as idolatry, wasting seed, and divinely established gender boundaries. But none of these studies adequately examine Lev 18.22 and 20.13 within the literary context of the didactic speeches in 18.1-5, 24-30 and 20.7-8, 22-26. If read within their literary context, one begins to see that Lev 18.22 and 20.13 are descriptive of

⁴⁴ Olyan, “And with a Male You Shall Not Lie,” 180. The New Revised Standard Bible translates כִּי יִשְׁכַּב אִישׁ אֶת אִישׁוֹ this way also.

a historical and social location, rather than universally prescriptive for a contemporary understanding of human sexuality.

The didactic speeches that frame Lev 18.22 and 20.13 command the Israelites to follow the instructions of YHWH and to separate themselves from neighboring nations and their practices. The first didactic sermon has YHWH telling Moses, “You shall not do what is done in the land of Egypt where you lived, nor are you to do what is done in the land of Canaan where I am bringing you; you shall not walk in their statutes” (Lev 18.3).⁴⁵ This sets these sexual proscriptions within a broader literary context of Moses receiving the Torah at Mount Sinai, thus linking them with the future risks in seizing the land of Canaan.⁴⁶

The second sermon is a summary of the list of sexual proscriptions found in Lev 18. Though only the law prohibiting male-male anal intercourse receives the designation of abomination in Lev 18.22, verses 24-30 summarize the whole list of sexual activities as “these abominations” (v. 26). YHWH, still speaking, punished the land so that it “spewed out” (Lev 18.25) its original inhabitants because they were defiled. Israel shall not do any of those things listed in Lev 18.6-23 “so that the land will not spew you out, should you defile it, as it has spewed out the nation which has been before you” (v. 28).

The first and second didactic speeches in Lev 20 are similar to those in chapter 18. In Lev 20.8, Israel is to keep YHWH’s statutes, and in verse 23, Israel “shall not follow the customs of the nation which I will drive out before you, for they did all these things, and therefore I have abhorred them.” H thus frames the prohibitions in Lev 18.22 and 20.13 as an example of the abhorrent practices of the so-called Canaanites, which Israel is to avoid.

⁴⁵ This and the following scripture citations are from the New American Standard Bible unless otherwise noted.

⁴⁶ Nissinen, *Homoeroticism in the Biblical World*, 38.

The Literary Frame and its Historical Context

Why should we care about this the literary frame of Lev 18.22 and 20.13? We should care because these proscriptions against male-male anal intercourse did not develop within a religious or cultural vacuum. In these didactic sermons, we see Israel's interest in developing its identity apart from its neighbors, and this process serves two functions. First, the sex laws and the didactic sermons that frame them in Lev 18 and 20 serve a rhetorical function within the broader narrative to which they belong. This literary context situates the sexual laws, as well as the whole of H, as a part of the Torah that Moses receives on Mount Sinai. This happens before Israel enters Canaan to conquer and inhabit it. Second, from a social-historical perspective, the didactic sermons, in their present form, illustrates Israel's post-exilic concern to avoid a similar destruction to that of the Canaanites.

When we read the sexual proscriptions in light of their didactic sermons, we see their connection to the Mosaic law. Lev 18.20 and 20.13, then, are reactions against the perceived customs and practices of their neighbors, and a forewarning to avoid the same type of destruction that will befall the Canaanites, lest the land "vomits" Israel out as well. The rhetoric of these laws and their didactic sermons functions to separate Israel from Canaan, yet archeological data suggests that the Israelites were not too different from the Canaanites. Past attempts to distinguish between the ancient Israelites and Canaanites through the archeological record have failed. In an effort to make a clear distinction between the two groups, some archeologists used the presence or absence of pig bones in archeological sites to determine if Israelites or Canaanites inhabited those areas. More recent analysis of this data has proven elusive due to

conflicting positions. Contemporary scholarship seems to show that the more scholars try to find stark distinctions between these two groups, the more blurred those distinctions become.⁴⁷

Archeological data supports this claim. Volkmar Fritz's analysis shows that no single event or people would have caused Canaan's gradual decline during the Late Bronze Age; from around 1200 and 1150 BCE. A "seminomadic" people on the periphery of Canaanite settlements gradually occupied the abandoned cities during this period of decline. The material culture of the early Iron Age shows a high degree of continuity with the culture of the Late Bronze Age. The archeological data shows the people of the newer settlements had close contact with their predecessors for several generations,⁴⁸ and in some cases they were indistinguishable.⁴⁹ Such analysis of archeological data challenges any notion of a pure distinction between the people of Israel and the so-called Canaanites. Nissinen aptly points out that Israel differentiated itself, paradoxically, from the very culture that likely formed a part of Israel's own heritage.⁵⁰

Contextualizing Lev 18.22 and 20.13 within their literary frame enables us to locate these proscriptions within their historical context. The rhetoric of these didactic speeches and the laws they frame differentiates the Israelites from their neighbors and describes, even justifies, the removal of the so-called Canaanites from the land God has promised to the Israelites. Ken Stone demonstrates how this rhetoric—that God told the Israelites that they would be "vomited" out like their Canaanite predecessors—functions in a post-exilic context:

A post-exilic Judahite audience for these texts could therefore conceivably identify with various positions simultaneously—for example, that the ancient Canaanite who was supposed to have been destroyed but still, paradoxically, continued to exist in the land

⁴⁷ Ken Stone, *Practicing Safer Texts: Food, Sex and Bible in Queer Perspective* (New York: T & T Clark International, 2005), 61.

⁴⁸ Volkmar Fritz, "Conquest or Settlement?: The Early Iron Age in Palestine," *Biblical Archeologist* 50 (June 1987): 97-99.

⁴⁹ See William G. Dever, "How to Tell a Canaanite from an Israelite," in *The Rise of Ancient Israel*, ed. Herschel Shanks (Washington, D.C.: Biblical Archaeological Society, 1992), 26-85.

⁵⁰ Nissinen, *Homoeroticism in the Biblical World*, 39.

with the Israelites (cf. Judg. 1); that of the pre-exilic Israelite who is supposed to have known the law but was vomited out of the land anyway for transgressing it; and the post-exilic Judahite who wishes to avoid the fate of previous inhabitants of the land. The existence of these multiple subject positions undoubtedly contributed to the formation of a certain sort of anxiety on the part of the Judahites.⁵¹

Stone's reconstruction thus identifies the anxieties that a post-exilic Judahite community likely had in its compilation, redaction, and reading of H.

These literary and social-historical observations inspire some ideological-theological issues. What takes place in Lev 18 and 20, contextualized by the didactic sermons, is a tendency to define what Stone calls an "inside" and an "outside" of identity. This defines the Other on the basis of the Other's alleged negative actions.⁵² Stone cites Iris Marion Young's idea of "border anxiety" to describe the negative consequences of defining oneself by way of contrast.⁵³ Border anxiety arises out of the insecurity one feels when one is not too dissimilar from the Other. This boundary fluidity causes anxiety, and to avoid it, one defines oneself in opposition to the Other.⁵⁴

Stone says biblical scholars—one could easily add clerics and laypeople—often replicate, elaborate, or exaggerate the rhetoric produced by ancient Judahite border anxiety. This is because they often affiliate with Judaism or Christianity; therefore, their own religious commitments identify with the Judahites rather than the Canaanites.⁵⁵ For example, James Dobson, a conservative, Evangelical psychologist and political activist, commented on the Sandy Hook Elementary School shooting in Newtown, CT. He connects the horrific slaughter of twenty innocent children to God's punishment for America's moral decline, citing the increased

⁵¹ Stone, *Practicing Safer Texts*, 62.

⁵² *Ibid.*, 61.

⁵³ Iris Marion Young, *Justice and the Politics of Difference* (Minneapolis: Fortress Press, 1990) quoted in Stone, *Practicing Safer Texts*, 61.

⁵⁴ Stone, *Practicing Safer Texts*, 62.

⁵⁵ *Ibid.*, 63.

acceptance of gay marriage as an example of such moral decline.⁵⁶ One can easily see here the dangerous ramifications of border anxiety.

Reading Lev 18.22 and 20.13 within the literary frame of the didactic speeches enables one to locate the prohibition against male-male anal intercourse within a historical setting. Within the narrative construct itself we see that Israel wished to separate itself from its cultural rivals, the so-called Canaanites, with whom they likely shared a great deal in common. From an exilic or post-exilic point of view, one can see that the sexual laws of Lev 18 and 20 are a way to account for Israel's destruction, and a means for avoiding any future demise. All of this serves to place Lev 18.22 and 20.13 within a literary and historical context that shows how "border anxiety" defines the insider from the outsider. This is another way of saying that the proscriptions in Lev 18.22 and 20.13 are a descriptive product of social and historical location, not prescriptive for contemporary life. Read within this context, GLBTQ people can place Lev 18.22 and 20.13 within its historical and cultural milieu in such a way that draws attention to the destructive and often violent use of biblical texts to single out and exclude the Other.

⁵⁶ To listen to Dobson's podcast, see James Dobson, "A Nation Shaken by the Sandy Hook Tragedy," *Dr. James Dobson's Family Talk*, December 17, 2012, <http://drjamesdobson.org/Broadcasts/Broadcast?i=32d0ea7c-eeb2-41fb-9c05-f6e0c733d58a> (accessed December 18, 2012). Dobson is the founder and chair emeritus of the conservative non-profit organization, Focus on the Family.

BIBLIOGRAPHY

- Biale, David. *Eros and the Jews: From Biblical Israel to Contemporary America*. Berkeley: University of California Press, 1997.
- Bigger, Stephen F. "The Family Laws of Leviticus 18 in Their Setting." *Journal of Biblical Literature* 98, no. 2 (June 1979): 187–203.
- Boswell, John. *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century*. Chicago: University of Chicago Press, 1980.
- Carr, David McLain. *The Formation of the Hebrew Bible: A New Reconstruction*. New York: Oxford University Press, 2011.
- Celock, John. "Andy Gipson, Mississippi Lawmaker, Won't Apologize For Citing Bible Passage Calling For Gays' Death." *The Huffington Post*, May 19, 2012. http://www.huffingtonpost.com/2012/05/19/andy-gipson-gays-mississippi-facebook-apology_n_1529677.html.
- Dever, William G. "How to Tell a Canaanite from an Israelite." In *The Rise of Ancient Israel*, edited by Herschel Shanks, 26–85. Washington, D.C.: Biblical Archaeological Society, 1992.
- Dobson, James. "A Nation Shaken by the Sandy Hook Tragedy." *Dr. James Dobson's Family Talk*, December 17, 2012. <http://drjamesdobson.org/Broadcasts/Broadcast?i=32d0ea7c-eeb2-41fb-9c05-f6e0c733d58a>.
- Douglas, Mary. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. New York: Routledge, 1966.
- Eilberg-Schwartz, Howard. *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism*. Indianapolis: Indiana University, 1990.
- Fox, Everett. *The Five Books of Moses: Genesis, Exodus, Leviticus, Numbers, Deuteronomy: A New Translation with Introductions, Commentary, and Notes*. The Schocken Bible, vol. 1. New York: Schocken Books, 1995.
- Fritz, Volkmar. "Conquest or Settlement?: The Early Iron Age in Palestine." *Biblical Archeologist* 50 (June 1987): 84–100.
- Gagnon, Robert A. J. *The Bible and Homosexual Practice: Texts and Hermeneutics*. Nashville: Abingdon Press, 2001.

- Gerstenberger, Erhard S. *Das Dritte Buch Mose: Leviticus*. Alte Testament Deutsch Ergänzungsreihe. Göttingen: Vandenhoeck & Ruprecht, 1993. Quoted in Nissinen, Martti. *Homoeroticism in the Biblical World: A Historical Perspective*. Minneapolis: Fortress Press, 1998.
- _____. “תעב *t’b* pi. to abhor.” In *Theological Lexicon of the Old Testament*, vol. 3, edited by Ernst Jenni and Claus Westermann, translated by Mark E. Biddle, 1428–31. Peabody: Hendrickson Publishers, 1997.
- Hartley, John E. *Leviticus*. Word Biblical Commentary, vol. 4. Dallas: Word Books, 1992.
- Hartley, John E., and Timothy Dwyer. “An Investigation into the Location of the Laws on Offerings to Molek in the Book of Leviticus.” In *Go to the Land I Will Show You: Studies in Honor of Dwight W. Young*, edited by Joseph E. Coleson and Victor H. Matthews, 81–94. Winona Lake: Eisenbrauns, 1996.
- Kaiser, Walter C. “The Book of Leviticus: Introduction, Commentary, and Reflections.” In *The New Interpreter’s Bible: A Commentary in Twelve Volumes*, vol. I, edited by Leander E. Keck, 984–1136. Nashville: Abingdon Press, 1994.
- Nissinen, Martti. *Homoeroticism in the Biblical World: A Historical Perspective*. Minneapolis: Fortress Press, 1998.
- Olyan, Saul M. “‘And with a Male You Shall Not Lie the Lying Down of a Woman’: On the Meaning and Significance of Leviticus 18:22 and 20:13.” *Journal of the History of Sexuality* 5, no. 2 (October 1994): 179–206.
- Porter, J. R. *Leviticus*. The Cambridge Bible Commentary; New English Bible. New York: Cambridge University Press, 1979.
- Preuss, H. D. “תועבה *to ‘eba*; תעב *t’b*.” In *Theological Dictionary of the Old Testament*, vol. XV, edited by G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry, translated by David E. Green, 591–604. Grand Rapids: William B. Eerdmans, 2006.
- Smend, Rudolf. *Die Entstehung Des Alten Testaments*. 3d ed. Stuttgart: W Kohlhammer, 1984. Quoted in Nissinen, Martti. *Homoeroticism in the Biblical World: A Historical Perspective*. Minneapolis: Fortress Press, 1998.
- Snaith, Norman H. *Leviticus and Numbers*. The Century Bible; New Edition; Based on the Revised Standard Version. London: Thomas Nelson and Sons, 1967.
- Stone, Ken. *Practicing Safer Texts: Food, Sex and Bible in Queer Perspective*. New York: T & T Clark International, 2005.

- _____. *Sex, Honor and Power in the Deuteronomistic History*. Journal for the Study of the Old Testament 234. Sheffield: Sheffield Academic Press, 1996.
- Thurston, Thomas M. "Leviticus 18:22 and the Prohibition of Homosexual Acts." In *Homophobia and the Judaeo-Christian Tradition*, edited by Michael L. Stemmeler and J. Michael Clark, 7–23. Gay Men's Issues in Religious Studies Series 1. Dallas: Monument Press, 1990.
- Trible, Phyllis. "Take Back the Bible." *Review and Expositor* 97 (Fall 2000): 425–31.
- Waltke, Bruce K., and M. O'Connor. *An Introduction to Biblical Hebrew Syntax*. Winona Lake: Eisenbrauns, 1990.
- Wing, Nick. "Andy Gipson, Mississippi GOP Lawmaker, Blasts Gays, Cites Bible Passage Calling For Their Death." *The Huffington Post*, May 18, 2012.
http://www.huffingtonpost.com/2012/05/18/andy-gipson-mississippi-gays_n_1528716.html.
- Young, Iris Marion. *Justice and the Politics of Difference*. Minneapolis: Fortress Press, 1990.
 Cited in Stone, Ken. *Practicing Safer Texts: Food, Sex and Bible in Queer Perspective*. New York: T & T Clark International, 2005.
- Youngblood, Ronald F. "תַּעֲבֹב (*ta'ab*) abhor." In *Theological Wordbook of the Old Testament*, vol. 2, edited by R. Laird Harris, 976–77. Chicago: Moody Press, 1980.