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Old Testament Principles Relevant to Consensual Homoerotic Activity - Part 2

Roy Gane

Andrews University, gane@andrews.edu

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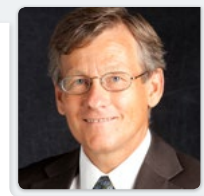
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Roy E. Gane, PhD, is professor of Hebrew Bible and ancient Near Eastern languages, Seventh-day Adventist Theological Seminary, Andrews University, Berrien Springs, Michigan, United States.



Old Testament principles *relevant to* consensual homoerotic activity

—Part 2 of 3

This, the second part of a three-part study, seeks to identify principles in the Old Testament relevant to the relationship between God’s community of faith and individuals who engage in sexual activity outside (heterosexual) marriage. My primary focus is on *mutually consensual homoerotic activity* as practiced within the LGBTQ (lesbian, gay, bisexual, transgender, queer) community.

Legal prohibitions of homosexual practice (Leviticus 18 and 20)

Leviticus contains the following laws concerning homoerotic activity:

“You shall not lie with a male as with a woman; it is an abomination” (18:22, ESV).

“If a man lies with a male as with a woman, both of them have committed an abomination; they shall surely be put to death; their blood is upon them” (20:13, ESV).

Leviticus 18:22 serves as a categorical and apodictic prohibition addressed to the Israelite male regarding an action that he (the subject) should not do to another male (as direct object). Following this prohibition is

an expression of the Lord’s assessment of the act: “it is an abomination.”¹ Leviticus 20:13 expresses the same idea in a casuistic formulation, specifying that both men who (voluntarily) engage in this, i.e., the giving and receiving partners, have committed an abomination, and adding the penalty of capital punishment under Israelite theocratic jurisprudence.²

As with legislation regarding other serious sexual offenses, Leviticus 18 and 20 offer no qualifications, limiting cultural factors, or mitigating circumstances, such as a loving, exclusive, committed relationship. We are simply forbidden to engage in a male homosexual act, regardless of one’s intentions. Obviously, the death penalty that applied under the Israelite theocracy, which no longer exists, cannot be enforced on the authority of Leviticus in a secular state. However, this penalty indicated God’s attitude toward the act, which was to be entirely excluded from the community of His people. Furthermore, those who deliberately violate any of the laws in Leviticus 18 are additionally condemned to the divinely inflicted punishment of “cutting off” (v. 29), which God Himself can carry out anytime and anywhere. One

who is “cut off” loses his afterlife, which can occur through extirpation of his line of descendants.³

In Leviticus 18:22 and 20:13, the defining element of the homoerotic act is described as (literally): “lay (verb from root škb)⁴ a male the lyings down (pl. of *miškab*) of a woman.” The verb for “lie” (from the root škb) describes the sexual activity as a whole process, like our modern English expressions, “go to bed with,” “make love,” or “have sex.” So Leviticus excludes the process or any part of it. The fact that the sexual process covered by the Hebrew verb would normally include penetration and male ejaculation does not limit its meaning to these elements and, therefore, justify anything short of penetration.⁵ To specify the idea of penetration by itself, the Hebrew language uses a different expression: verb *ntn* + noun *š^ekobet* + preposition *b*, which literally means, “put (one’s) penis in” (Lev. 18:20, 23; 20:15; Num. 5:20).⁶

In Numbers 31:17, 18, 35 and Judges 21:11, 12, “the lying down of a male” is what a female experiences when she has sexual relations with a man.⁷ In this light, “the *lyings* down of a woman,” in Leviticus 18:22 and 20:13, would describe what a man experiences

when he has sex with a female. So the point is that a man should not have the kind of sexual experience with another male that he would, otherwise, have with a woman.

The expression in Leviticus 18 and 20 is further clarified by Genesis 49:4, where Jacob addresses Reuben, his eldest son, regarding his incest with Bilhah, Jacob's concubine, (literally): ". . . for you went up (onto) the beds (plural of *miškab*) of your father." The real problem was not the location of this act on a bed, i.e., a place of lying down belonging to Jacob, but the fact

Leviticus 18:3, the Israelites are not to behave like the Egyptians or inhabitants of Canaan, indicating that God does not approve of the ways in which these peoples violate His principles of morality. Divine disapproval of Gentile practices becomes explicit in verses 24, 25, 27, and 28, where the Lord says that He is driving the inhabitants of Canaan from the land (cf. 20:22, 23) because they have defiled it by doing the abominations prohibited earlier in the chapter, which include homosexual activity (18:22). So, God holds both Israelites and Gentiles accountable, as

3. Its purpose is to avoid defilement of the holy sphere centered at the sanctuary (Lev. 7:20, 21; 15:31; Num. 5:1–4).
4. It has a ritual remedy, such as ablutions and sacrifice (e.g., Lev. 14; 15).

The defilements in Leviticus 18 belong to another category: moral impurity that results from seriously sinful action. This cannot contaminate another person by physical contact; instead it defiles both the sinner and the land, and cannot be remedied by ritual means.¹² Such moral defilements are generated by sexual offenses (ch. 18), idolatry (18:21; cf. v. 24), and murder (Num. 35:31–34), which violate divine moral principles (cf. Exod. 20:3–6, 13, 14) and are forbidden both to Israelites and foreigners dwelling among them (Lev. 18:2, 26; Num. 35:15).

The contexts of the laws against homosexual practice in Leviticus 18 and 20 reinforce the idea that their application is permanent. Laws in Leviticus 18 concern incest (vv. 6–17), incestuous bigamy (v. 18), sexual relations during menstruation (v. 19), adultery (v. 20), giving children to the god Molech (v. 21), *male homosexual activity* (v. 22), and male and female bestiality (v. 23). Leviticus 20 deals with Molech worship (vv. 1–5), occult (v. 6), cursing one's father or mother (v. 9), adultery (v. 10), incest (vv. 11, 12), *male homosexual activity* (v. 13), incest (v. 14), male and female bestiality (vv. 15, 16), incest (v. 17), sexual relations during menstruation (v. 18), incest (vv. 19–21), "pure" (fit to eat) and "impure" (unfit to eat) meats (v. 25), and occult (v. 27).

Principles of the Decalogue

Principles of several of the Ten Commandments appear in Leviticus 18 and 20: Molech worship and occult practice violate the first (and probably also the second) commandments (Exod. 20:3–6), cursing parents disregards the fifth commandment (v. 12), and adultery breaks the seventh commandment (v. 14). So, at least some

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that Reuben usurped a prerogative regarding Bilhah, i.e., bedding down with her, who exclusively belonged to Jacob. This prerogative, expressed by the (probably abstract) plural of *miškab*, the meaning of which closely corresponds to that of the same word in Leviticus 18:22 and 20:13, where "the lyings down [also plural of *miškab*] of a woman" are legitimate for a man to experience with the right woman, but never with another man.⁸

A universal prohibition?

The meaning of the biblical laws regarding homoerotic activity is clear, but to what group(s) of people do they apply? The legislation in Leviticus 18 and 20 is primarily addressed to the Israelites but also applies to the foreigners living among them (18:2, 26; 20:2). According to the narrative framework of Leviticus, the Lord gave these laws before they entered the Promised Land, and he did not restrict their applicability to that land.⁹ In

they should understand basic principles of sexual morality from natural law (cf. Rom. 1:18–32; 1 Cor. 5:1).¹⁰

Ceremonial or moral, temporary or permanent?

The fact that Leviticus 18 refers to illicit sexual activities defiling (root *tm'*) those who engage in them and also their land (vv. 20, 23–25, 27, 28, 30) does not mean that the prohibitions are ceremonial laws that regulate physical ritual impurity.¹¹ A ritual/ceremonial impurity is recognizable by the facts that:

1. It is generated by a physical substance or condition, which explains why it can be transferred by physical contact in many cases.
2. Incurring it does not constitute a sin, i.e., a violation of a divine command (e.g., 12:6–8—no forgiveness needed; contrast chapter 4), unless contracting it is prohibited (e.g., 11:43, 44; Num. 6:6, 7).

of the laws in these chapters express or apply permanent principles.¹³

However, this alone does not prove that all other laws in these chapters are permanent. Compare Leviticus 19, which reiterates some of the Ten Commandments (e.g., vv. 3, 4, 11, 12, 30) but also contains some ritual laws that cannot remain applicable because they depend on the function of the sanctuary/temple on earth (e.g., vv. 5–8, 20–22), which has been gone since A.D. 70. Nevertheless, Leviticus 18 and 20 do not contain any ceremonial laws that require the sanctuary/temple.¹⁴

The laws concerning sexuality in Leviticus 18 delineate boundaries that safeguard people's moral purity (vv. 4, 5, 24–30) in ways that go beyond the exemplary prohibition of adultery in the seventh commandment (Exod. 20:14). They are also based on the principle of sexuality expressed in Genesis 2:24: "Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh" (ESV). Leviticus 20 adds the overall motivation of gaining holiness from the Lord that emulates His holy character (vv. 7, 8, 26). The laws in this chapter are all about personal holiness in relation to God. Therefore, their principles are moral and permanent, although Leviticus 20 adds some civil penalties for enforcement under the theocracy (vv. 2, 9–16, 27).¹⁵

Clearly, biblical laws against incest, bigamy, and bestiality in Leviticus are moral in nature. However, Christians generally do not understand that the laws against deliberate sexual relations during menstruation (18:19; 20:18) are also moral,¹⁶ which explains why not sexually approaching a woman during her period appears in Ezekiel 18:6 among a list of moral virtues.¹⁷ The fact that the prohibitions against sex during menstruation constitute a moral requirement removes the force of the argument that Christians do not observe it because it is ceremonial, and therefore, the laws against homosexual activity a few verses away are no longer in force, either. The fact is, Christians should avoid sex during menstruation.

Their violation of this requirement through ignorant and inconsistent oversight does not justify breaking the prohibition of homosexual activity.¹⁸

New Testament echoes

We have found that the laws against homosexual activity in Leviticus 18:22 and 20:13 appear in contexts that exclusively consist of moral laws that guide God's people in morally pure and holy living, which indicates that these laws are permanent. The New Testament affirms this ongoing applicability of the holiness laws of Leviticus. The Jerusalem council, recorded in Acts 15, established lifestyle requirements for Gentile Christians as follows: "that you abstain from what has been sacrificed to idols, and from blood, and from what has been strangled, and from sexual immorality" (v. 29 ESV; cf. v. 20). The list in this verse summarizes the groups of prohibitions in Leviticus 17 and 18,¹⁹ which were applicable to Gentiles living among the Israelites (17:8, 10, 12, 13, 15; 18:26). In Acts 15:20, 29, the Greek word *porneia*, for "sexual immorality" in general, fits the range of sexual offenses prohibited in Leviticus 18.²⁰ Therefore, the prohibition of homosexual activity continues throughout the Christian era to the present time.

(Part 3 will appear in the January 2016 issue.) ❖

word in the plural (*to'ebot*) characterizes all of the offenses prohibited earlier in the chapter (vv. 26, 27, 29, 30), the only individual case labeled as an abomination (*to'ebah*) is male homosexual activity (v. 22). Also, only this kind of activity is called an abomination in Leviticus 20 (v. 13).

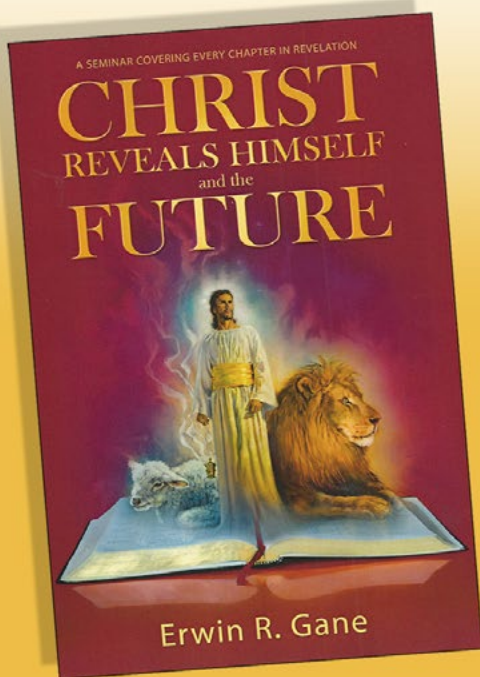
- 2 Those who execute them are blameless because the sexual partners bear their own bloodguilt, i.e., responsibility for their own deaths.
- 3 Cf. Donald Wold, "The Meaning of the Biblical Penalty *Kareth*" (PhD dissertation, University of California at Berkeley, 1978), 251–55; Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, Anchor Bible, vol. 3 (New York: Doubleday, 1991), 457–60; Baruch Schwartz, "The Bearing of Sin in the Priestly Literature," in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, ed. David P. Wright, David N. Freedman, and Avi Hurvitz (Winona Lake, IN: Eisenbrauns, 1995), 13.
- 4 Here Hebrew *et* is apparently the direct object marker, but alternatively, it could be understood as the preposition "with," in which case the translation would be "lie with a male."
- 5 Cf. Richard M. Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody, MA: Hendrickson, 2007), 149–50.
- 6 On the rendering "penis" for *šəkobēt*, see Harry Orlinsky, "The Hebrew Root ŠKB," *Journal of Biblical Literature* 63 (1944): 40. The published English versions do not actually translate this word.
- 7 "Lying down" renders the singular of *miškab*, literally, "bed" or place of lying down.
- 8 Against the interpretation of Jacob Milgrom, who interprets the plural of *miškab* as an idiom for only illicit heterosexual unions and therefore limits the prohibitions in Leviticus 18:22; 20:13 to incestuous homosexual activity (*Leviticus 17–22: A New Translation with Introduction and Commentary*, Anchor Bible, vol. 3A [New York: Doubleday, 2000], 1569, 1786; citing David Stewart), see Roy Gane, *Leviticus, Numbers*, NIV Application Commentary (Grand Rapids, MI: Zondervan, 2004), 326–28. In Leviticus 18, verse 22 is separated from the incest laws (vv. 6–18). If verse 22 were implicitly limited to incest, one would have to argue the same regarding the intervening laws concerning sex during menstruation (v. 19), adultery (v. 20), and Molech worship (v. 21). This would not make sense because incestuous sex during menstruation and incestuous adultery are already ruled out by the earlier incest laws, and all adultery and Molech worship are already categorically forbidden by the Ten Commandments (Exod. 20:3–6, 14). Recently Bruce Wells has argued that "the lyings down of a woman" in Leviticus 18:22; 20:13 literally means "on the beds of a wife" and refers to homosexual activity by a married man that violates the rights of his wife ("The Grammar and Meaning of the Leviticus Texts on Same-Sex Relations Reconsidered," paper presented on November 24, 2014, at the annual meeting of the Society of Biblical Literature, San Diego, CA, USA). However, if *ishah*, "woman," were restricted to the wife of the man addressed in 18:22 and referred to in 20:13, we would expect some indication that she belongs to him, such as in 18:20. The word *ishah* by itself simply means any "woman," as in 18:19. Therefore, the prohibition addresses all men, not only married men.

1 The Hebrew word *to'ebah*, translated as "abomination" in these passages, can refer to a wide variety of evils that are abhorrent to the Lord. On this Hebrew term and its semantic range, see H. D. Preuss, "*tō'ebā; t'b*," in *Theological Dictionary of the Old Testament* (ed. G. Johannes Botterweck, Helmer Ringgren, and Heinz-Josef Fabry; transl. David E. Green [Grand Rapids, MI: Eerdmans, 2006], 15:591–604). Preuss summarizes: "Within the OT, then, *tō'ebā* refers to something in the human realm that is ethically abhorrent, either as an idea or as an action; above all it is irreconcilable with Yahweh, contrary to his character and His will as an expression of that character, an ethical and cultic taboo. To call something *tō'ebā* is to characterize it as chaotic and alien, and therefore dangerous, within the cosmic and social order. . . . Because the noun (as well as the verb) enjoys such a wide range of usage in the OT, it is difficult to arrive at a single root significance of everything characterized as *tō'ebā*. Sapiential and legal material stand side by side with cultic material in the great majority of instances" (602). In Leviticus 18, where the same

- 9 Contrast 14:34; 19:23; 23:10; 25:2, regarding laws that begin to function when the Israelites are installed in Canaan.
- 10 Cf. James R. White and Jeffrey D. Niell, *The Same Sex Controversy: Defending and Clarifying the Bible's Message About Homosexuality* (Minneapolis, MN: Bethany House, 2002), 66.
- 11 Roy E. Gane, "Same-sex Love in the 'Body of Christ?'" in *Christianity and Homosexuality* (ed. David Ferguson, Fritz Guy, and David Larson; [Roseville, CA: Adventist Forum, 2008]), part 4, 66, 67 in response to John R. Jones, "In Christ There Is Neither . . . : Toward the Unity of the Body of Christ," in *Christianity and Homosexuality*, part 4s, 5.
- 12 Milgrom, *Leviticus 17–22*, 1326; Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 21–31; Jay Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions* (Sheffield: Sheffield Phoenix Press, 2005), 139–53. It is true that an emission of semen generated a minor physical ritual impurity (Lev. 15:16–18), but this was separate from the moral question of whether it was permitted to incur the impurity in a given situation.
- 13 God originally gave the Ten Commandments to the Israelites (Exod. 19; 20; cf. Deut. 5). However, according to the New Testament, they have ongoing application for Christians, whether they are Jewish or Gentile and live inside or outside the land of Israel (Rom. 7:7, 12; 13:9; James 2:11; cf. Matt. 19:18, 19).
- 14 Even the basic distinctions between "pure" (fit to eat) and "impure" (unfit to eat) meats, of which Leviticus 20 provides a reminder (v. 25; cf. 11:1–23, 29, 30, 40–45), are not ceremonial because an impure animal cannot be made pure by ritual remedies, and there is no ritual remedy for a person who violates a categorical injunction against eating an impure animal (contrast vv. 24–28, 31–40, which provide for ritual purification from contact with various kinds of animal carcasses by touch or carrying or by eating a pure animal that has died of itself). The purpose of these distinctions is to maintain the purity of the people, independent from the sanctuary, in harmony with their personal holiness in relation to God (11:43–45; cf. Dan. 1:8—far from the destroyed temple; Gane, *Leviticus, Numbers*, 206–9, 215).
- 15 On moral law outside the Ten Commandments and permanent moral/ethical principles in civil laws, see Gane, *Leviticus, Numbers*, 307–8. Notice that when Jesus was asked to identify the greatest commandment in the torah, He did not refer to one of the Ten Commandments but cited Deuteronomy 6:5 and Leviticus 19:18, permanent moral laws given through Moses that sum up the overarching moral responsibilities of love for God and other human beings (Matt. 22:36–40).
- 16 Just as they generally do not understand that it is a moral requirement (based on respect for life, the principle behind Exodus 20:13—"You shall not murder," ESV), even for Gentile Christians as a test of fellowship, to abstain from eating the meat of an animal from which the blood was not drained out at the time of slaughter (Acts 15:20, 29; cf. Gen. 9:4; Lev. 17:10–12).
- 17 It is true that in Leviticus 15:24 there is a ritual remedy for a man who has sex with a woman during her period, but either this refers to an accidental/inadvertent case or the concern here is only with the nature of the physical ritual impurity, irrespective of any penalty for incurring it (Milgrom, *Leviticus 1–16*, 940–41).
- 18 Gane, *Leviticus, Numbers*, 324–26, responding to William J. Webb, *Slaves, Women & Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove, IL: InterVarsity, 2001), 168–70.
- 19 Leviticus 17:3–9—well-being offerings, of which the offerer eats, sacrificed to goat-demons; 17:10–14—eating blood in improperly slaughtered meat; chapter 18—sexual immorality in general.
- 20 For example, in the New Testament, *porneia* includes incest (1 Cor. 5:1). The New Testament agrees with Leviticus 18 and 20 in explicitly condemning incest (1 Cor. 5:1) and male homosexual activity (Rom. 1:27; 1 Cor. 6:9; 1 Tim. 1:10).

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About the Author

Erwin Gane, M.A., M.Div., M.Th., Ph.D., retired editor of the *Adult Bible Study Guide*, has authored eight books, taught at colleges in Australia and the United States, and lectured and conducted seminars worldwide.

