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# The Meaning and Continuing Relevance of Leviticus 18:22 and 20:13

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**To the Reader:** Due to the contemporary focus on homosexuality in our culture, and particularly how this is affecting the church, I desire that this paper be widely read and distributed for the edification of the body of Christ. I only ask that if you do so to kindly be sure to give due credit to this author, and include this statement with any transmission of the document.

I welcome any dialogue over what I have written herein. Please direct all comments, criticisms, etc. to: [whoneycutt@liberty.edu](mailto:whoneycutt@liberty.edu)

### **The Meaning and Continuing Relevance of Leviticus 18:22 and 20:13**

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#### **Introduction:**

Christianity has reached a place of crisis with regard to the issue of homosexuality, making it incumbent upon the body of Christ at the commencement of this new century to explain with clarity the meaning and relevance of the biblical material referring to homosexual behavior. Essentially there are two sides to this issue that will be designated as traditionalist and revisionist for the purpose of the following discussion.

Revisionists reject the traditional interpretation on the grounds that the Bible has been misunderstood, much like it was with regard to slavery and suppression of women,<sup>1</sup> and that a careful exegesis will show that it does not condemn homosexual behavior, *per se*. Those who proffer this hermeneutic are claiming that continually interpreting these texts in the traditional sense, i.e. as condemning homosexuality, is misguided, and worse, continues to provide a theological basis for the discrimination and even violence toward God's gay, lesbian, bisexual and transgender/transsexual (GLBT) children.<sup>2</sup> Instead,

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<sup>1</sup> Mel White, *What the Bible Says – and Doesn't Say – about Homosexuality*, (Lynchburg, VA: Soul Force, n.d.), p. 3. White explains, "The Bible has been misused to defend bloody crusades and tragic inquisitions; to support slavery, apartheid, and segregation; to ok the physical and emotional abuse of women and children; to persecute Jews and other non-Christian people of faith; to support Hitler's third Reich and the holocaust; to oppose medical science; to condemn inter-racial marriage; to execute women as witches, to support the Klu Klux Klan, to mobilize militias, white supremacy and neo-nazi movements." In the same sense, Peter J. Gomes writes, "The legitimization of violence against homosexuals and Jews and women and blacks, as we have seen, comes from the view that the Bible stigmatizes these people. If the Bible expresses such a prejudice, then it certainly cannot be wrong to act on that prejudice. This, of course, is the argument every anti-Semite and racist has used with demonstrably devastating consequences, as our social history all too vividly shows" Peter J. Gomes, *The Good Book*, (New York, NY: Avon Books, 1996), 146.

<sup>2</sup>Gomes opines, "Although most contemporary Christians who have moral reservations about homosexuality, and who find affirmation for those reservations in the Bible, do not resort to physical violence and intimidation, they nevertheless contribute to the maintenance of a cultural environment in which less scrupulous opponents of homosexuality are given

they claim, one's sexual orientation must be acknowledged as a gift from God requiring neither shame nor repentance, and those who have been created by God with these diverse orientations must be embraced as such, not made targets for discrimination or reparation.<sup>3</sup>

Revisionists seek to demonstrate that same-gender sex is neither intrinsically nor biblically wrong, actually claiming that the Bible does not condemn homosexuality because biblical writers did not understand homosexuality, as we know it today, as a psychosexual orientation which is as natural to a person as his or her eye or hair color.<sup>4</sup> Thus the church should open its doors and arms to God's GLBT children, not as sinners to be saved, but rather to recognize them as God's children whom He accepts just as they are, to bless their marriages in the church, give them places of leadership and even to ordain them to ministry.

Traditionalists, however, hold to the position that homosexuality is something which God abhors and must be treated as sin. As such, those who practice it must be viewed as sinners who choose to behave in ways contrary to God's moral will. Consequently, they need to repent, and turn from this wickedness in order to be blessed by God and serve in the church. If homosexuality is a sin, as traditionalists assert, then practicing homosexuals must not be considered anything but rebels against God, their membership in the church must be contingent on this recognition with subsequent repentance, their marriages cannot be blessed like heterosexual marriages, and they cannot serve in leadership over other believers just as sure as a practicing adulterer or drunkard cannot, charisma or competence notwithstanding.

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the sanction of the Bible to feed their prejudices and, in certain cases, 'permission' to act with violence upon those prejudices." (*The Good Book*, 146)

<sup>3</sup>John McNeill, *Both Feet Firmly Planted in Midair, My Spiritual Journey*, (Louisville, KY: Westminster John Knox Press, 1998), pp. 89-90. McNeill's comments are representative of this view. "God created human beings with a great variety of both gender identities and sexual-object choices. Consequently, the attempt to force humans into narrow heterosexist categories of masculinity and femininity can destroy the great richness and variety of God's creation. In all cultures and in every period of history, a certain percentage of men and women develop as gays and lesbians. These individuals should be considered as part of God's creative plan. 'Their sexual orientation has no necessary connection with sin, sickness, or failure; rather it is a gift from God to be accepted and lived out in gratitude. God does not despise anything that God has created. Human beings do not choose their sexual orientation; they discover it as something give. To pray for a change in one's sexual orientation is about as meaningful as to pray for a change in the color of one's eyes. Further, there is no healthy way to reverse or change sexual orientation once it is established."

<sup>4</sup>Although the psychological and etiological questions are a very important element in this debate, the following will focus only on the biblical arguments with regard to same-sex *behavior*.

These issues of membership, marriage and leadership represent the focal and practical point of this crisis facing the church. Traditionalists cannot endorse behaviors that are, as they see it, unequivocally proscribed by the word of God.<sup>5</sup> Any Christian openly engaged in any sinful practices must not be blessed by the church, but admonished and disciplined.<sup>6</sup> This highlights the painful reality that this debate cannot be resolved in terms of the “disputable matters” discussed by Paul over the issues of meat eating and Sabbath observance.<sup>7</sup> This is not an issue on which both sides can simply agree to disagree and go on with doing church. This has given rise to the current polemics, which will, in part, be addressed in this essay. The either/or character of this debate is the source of this major crisis that demands a response. The outcome of this debate could have profound and far-reaching effects on the character, image and message of Christianity; traditionalists dread such a change, revisionists welcome and strive for it.

The resolution of the debate in the church largely hinges on one thing; Scripture. At the heart of this debate is biblical hermeneutics. Consequently both sides are turning to the biblical material to argue their position. Yet in so doing they are coming to diametrically opposed conclusions from the same data. This crisis, therefore, demands that the texts in question be carefully considered.

This essay proposes to do this by inquiring into the meaning and continuing relevance of the Levitical proscriptions of homosexuality found in Leviticus 18:22 and 20:13.<sup>8</sup> Its goal is to provide reasons for upholding the traditionalist interpretation that homosexual practice is sinful without qualification.

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<sup>5</sup>This does not merely apply to different sexual orientations, but also to issues of theft, drunkenness, adultery, etc.

<sup>6</sup>See 1 Corinthians 5

<sup>7</sup>See 1 Corinthians 8, 10 and Romans 14

<sup>8</sup> While there are other verses in Scripture that deal with homosexuality, these two in Leviticus are especially significant in view of their uniquely prescriptive nature. If God has clearly proscribed homosexuality without qualification, then it is obvious that this activity must still be considered a sin. Yet if, as revisionists argue, these texts were never intended as a universal and unqualified condemnation of homosexuality and/or are no longer binding upon the church due to their being part of an ancient, and now obsolete, Holiness or purity code, the Bible has no explicit proscriptions against homosexuality. All the other texts in the Bible dealing with this issue are descriptive in nature, and although they clearly denounce some form of same sex intercourse as sin, the passages in Leviticus make explicit negative commands regarding it. It would seem that these specific precepts should take a hermeneutical priority to the other texts in order to properly understand them. As such, the following will be limited in its scope to the treatment of the Levitical material.

To argue this point, this discussion is divided into two parts. Part one will analyze the Levitical material with a focus on determining what these proscriptions meant to their original audience. Part two will focus on their continuing relevance particularly as they apply to Christian ethics and the Church.

### **Part One: The Meaning of Leviticus 18:22 and 20:13**

#### *Unique Proscriptions for the People of God*

##### **Leviticus 18:22**

“You shall not lie with a male as with a woman. It is an abomination”

##### **Leviticus 20:13**

“If a man lies with a male as he lies with a woman, both of them have committed an abomination. They shall surely be put to death. Their blood shall be upon them.”

These short verses are part of a lengthy portion in Leviticus, chapters 17-26, which scholars have long designated as the “Holiness Code.” They are the classic texts that clearly address same-sex intercourse, and appear, *prima facie*, to unconditionally condemn such behavior. It is beyond dispute that these proscriptions are against some kind of sexual relations between males. The disagreement between revisionists and traditionalists is about whether these are universal prohibitions against same-sex intercourse between males, or whether the prohibitions are based on conditions that no longer apply and thus make their moral authority irrelevant in the present. Although brief, this legislation prohibits very specific sexual acts between males.

Walsh considers Olyan to have made a significant philological contribution by demonstrating how the meaning of these texts hinges upon the words *mishkav zakur* or “lie with a male.”<sup>9</sup> This phrase is also found in Numbers 31:17-18 and Judges 21:11-12 where it is used to distinguish women who are virgins from those who are not. The distinguishing factor is that virgins have not *mishkav zakur*, that is, they have not experienced a man as a male, or one who pierces or penetrates.<sup>10</sup> Walsh agrees with Olyan that *mishkav*

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<sup>9</sup>Jerome T. Walsh, “Leviticus 18:22 and 20:13: Who Is Doing What to Whom?,” *Journal of Biblical Literature* 120/2 (2001): 201-202.

<sup>10</sup>Ronald B. Allen, *The Majesty of Man*, Allen observes that the terms *zakar* (male) and *nakavah* (female) as found in Genesis 1:27 are “explicitly sexual in denotation, referring to the respective reproductive organs, ‘the piercer’ and ‘the pierced.’” (*The Majesty of Man*, 94). Walsh makes reference to Daniel Boyarin in which Boyarin “points out

*zakur* in the Levitical laws cannot be interpreted in any other way than “penetration by a male,” and thus representing a specific reference to anal intercourse. This phrase in the Levitical material “has in view sexual (anal) penetration of one man by another on the analogy of sexual (vaginal) penetration of a woman by a man.”<sup>11</sup> What Leviticus 18:22 and 20:13 prohibit, then, is the penetration of a male by another male.

Of course this raises the question as to which male exactly this passage is addressing, the active (penetrating) or passive (penetrated) male. It seems that it could go either way.<sup>12</sup> It could be interpreted as “a male must not penetrate another male as he would a woman,” thus focusing on the active, penetrating male in a homosexual act, or it could be interpreted, “a male must not know the penetration of a male, like a woman does” which would focus on the passive/receptive male who is playing the role of the pierced or penetrated (the female) in the sexual act.

The latter interpretation would be based on comparing the passages in Numbers and Judges where the virgin is the woman who has not *mishkav zakur*, or been the passive receptor of a penetrating male. This is Walsh’s view.<sup>13</sup> Olyan, however, argues for the former interpretation. According to Olyan, this would mean that it condemns the man who “lies (with a male) the lying down of a woman,”<sup>14</sup> or penetrates another male as he would a woman. Wenham also sides with this view stating, “This obviously prohibits the active

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that the Hebrew word for female . . . has reference to the female as ‘orifice bearer.’” Its root (*nakav*) is used to describe “the cavity in which a gem is set.” Davidson. It would seem, then, that a female, not a male, is designed to be the passive/receptive partner during sexual intercourse.

<sup>11</sup>Walsh, *Leviticus*, 202.

<sup>12</sup>Walsh takes issue with Olyan on this point. Olyan argues that these laws are addressed initially to the penetrating or active male and should be interpreted, “a man shall not anally penetrate a male.” Walsh, however thinks, based on the material in Numbers 31:17-18 and Judges 21:11-12, that the reference is initially to the receptive male partner and should be interpreted as “the one performs the lying down of a woman,” or takes on the female role in a homosexual relationship. (*Leviticus*, 202 and 205). Regardless of the initial addressee, Leviticus 20:13 makes it clear that *both* men are ultimately responsible for the act, and can blame no one but themselves for the ensuing consequences.

<sup>13</sup>Walsh, *Leviticus*, 205.

<sup>14</sup>Even Walsh points out the significance of this interpretation insofar as it distinguishes Israel from the surrounding nations where being the passive partner in a homosexual relationship was not necessarily frowned upon, particularly if the passive male was lower in status or younger than the active (penetrating) male. In contrast, the Levitical proscription was “conditioned by gender” not social status or age. (*Leviticus*, 202-203). Meaning that Levitical law, taking no regard of the passive partner’s age or status, uniquely condemned the role of penetrator.

type of homosexuality that was quite respectable in the ancient world,” focusing on the active (penetrating) male.<sup>15</sup>

Wenham’s and Olyan’s, interpretation seems the better explanation based on the fact that these Levitical laws depict a sexuality that “marks [Israel] off from its neighbors as the Lord’s special people.”<sup>16</sup> These laws are the means by which Israel is unique among the surrounding pagan nations where being the active male partner was not particularly reprehensible, but often considered a symbol of power and domination.<sup>17</sup>

Leviticus 20:13, however, expands the application of who happens to be the guilty party in a homosexual act by saying, “*both of them* have committed an abomination. *They* shall surely be put to death,” indicating that the active and passive males involved in anal intercourse are culpable. This also suggests that the act involved mutual consent. A victim of a non-consensual act was not, under Levitical law, culpable.<sup>18</sup> This issue of consent also seems to discredit any hint of homosexual rape or pederasty being denounced in the Levitical code.<sup>19</sup> In summary, Leviticus 18:22 and 20:13, taken together, appear to be condemning both males involved in a consensual act of anal intercourse.

While revisionists might not find the above conclusion unacceptable, they reinterpret these texts by saying that they 1) refer to a pagan practice of temple prostitution, and thus condemn idolatry, not immorality, or they 2) are part of the Levitical Holiness Code which provisionally applied to the nation of Israel, but no longer to Christians or the church. In other words, there is nothing intrinsically sinful about homosexual practice, instead it was wrong only under certain conditions.

### *The Larger Context of these Proscriptions*

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<sup>15</sup>G. J. Wehham, “The Old Testament Attitude to Homosexuality.” *Expository Times* 102:12 (9/1991): 362.

<sup>16</sup>Gordon J. Wenham, *The Book of Leviticus*, Eerdmans, Grand Rapids, 1979, 250

<sup>17</sup>See discussion below.

<sup>18</sup>Cf. also Deuteronomy 22:23-27, if a man and woman have intercourse and it was proven that she did not consent (that she was raped), then only the man was punished. If, however, it was proven, that the sexual intercourse was consensual, they were both punished.

<sup>19</sup>This point will become important when discussing the connection of these laws with New Testament ethics.

Leviticus 18 stands alone as a passage dealing exclusively with forbidden sexual acts. Most of the practices mentioned in these passages are inimical to stable marital and familial structure.<sup>20</sup> Violations entail incest (vv.6-18), which makes up the bulk of the passage and is summarized in verse six,<sup>21</sup> intercourse during menstruation (v.19)<sup>22</sup>, adultery (v.20), child sacrifice (v.21),<sup>23</sup> male-male anal intercourse (v.22), and bestiality (v.23).<sup>24</sup> Yet to appreciate the context of Leviticus 18 (and 20) requires an investigation into the verses surrounding the actual commands.<sup>25</sup>

These detailed prohibitions are sandwiched between general explanations as to why these acts are forbidden to Israel, namely, because they are “abominations” committed by Egypt and Canaan, and which Yahweh will not tolerate among His people.

<sup>1</sup>Then the LORD spoke to Moses, saying, <sup>2</sup>“Speak to the children of Israel, and say to them: ‘I am the LORD your God. <sup>3</sup>“According to the doings of the land of Egypt, where you dwelt, you shall not do; and according to the doings of the land of Canaan, where I am bringing you, you shall not do; nor shall you walk in their ordinances. <sup>4</sup>“You shall observe My judgments and keep My ordinances, to walk in them: I *am* the LORD your God. <sup>5</sup>“You shall therefore keep My statutes and My judgments, which if a man does, he shall live by them: I *am* the LORD.

Clearly, according to this introduction to the passage, Israel was not to follow the “ordinances” (practices or customs) of Egypt from which they came out, or Canaan into which they were going. All of these practices were considered “iniquity” (v.25) and “abominations” (vv. 26, 27, 29 and 30). Whatever it was that Egypt

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<sup>20</sup>Wenham, quoting Hertz, claims that this passage dealing with sexual ethics is important since marriage and the family is foundational to social morality. So the first place given to the social principles of Leviticus has to do with the institution of marriage (*Leviticus*, 250).

<sup>21</sup>“None of you shall approach anyone who is near of kin to him, to uncover his nakedness: I *am* the LORD.” According to Wenham, “The most obvious difference between Israel and its neighbors as far as heterosexual morality is concerned lies in the area of [forbidding] incest.” (*Old Testament*, 360). Perhaps this accounts for the rather lengthy treatment of this vice in the Levitical laws concerning forbidden sexual practices.

<sup>22</sup>Gagnon suggests that this law may have had to do with a taboo against mixing “a medium and symbol of life [semen] and a medium and symbol of death [menstrual blood].” He adds, “The menstrual period was the time that God had given women to cleanse their bodies from impurity as a prelude to renewing a cycle of fertility (a Sabbath of sorts from sex). It was not the time for men to intrude with procreative designs.” Robert A. J. Gagnon, *The Bible and Homosexual Practice*, Texts and Hermeneutics, (Nashville, TN: Abingdon Press, 2001), 138. Menstrual blood, then, indicates death, while semen indicates life. So the issue may not have been the mixing of semen and blood, but the mixing of life and death since these were antithetical.

<sup>23</sup> Although this may seem inconsistent with the overall sexual theme of the passage, it is not really since it condemns destroying ones offspring, the results of sexual intercourse. This seems to uphold the general theme in this passage of the preservation of the family through the proper use of human sexuality.

<sup>24</sup> “Nor shall you mate with any animal, to defile yourself with it. Nor shall any woman stand before an animal to mate with it. It is perversion.”

<sup>25</sup> Wenham gives examples of how all the sexual practices proscribed in Leviticus 18 were common to the surrounding nations, (*Leviticus*, 252).



and Canaan were doing, it was not consistent with the “statutes,” “judgments,” or “ordinance” of Yahweh (vv.4, 26 and 30).

It seems obvious that the customs to which Yahweh was referring were the sexual practices mentioned in verses 6-23. The holiness, or separation to which Israel was called included abstinence from these deviant sexual practices. Verse five promises that those who heeded the commandments, “he does them,” will enjoy a fullness of life, “will live by them.”<sup>26</sup> The passage closes out explaining how these abominable acts were the reasons for which these nations were being evicted from the land, and served as a warning to Israel not to be involved in them lest they suffer a similar fate.

<sup>24</sup>Do not defile yourselves with any of these things; for by all these the nations are defiled, which I am casting out before you. <sup>25</sup>For the land is defiled; therefore I visit the punishment of its iniquity upon it, and the land vomits out its inhabitants. <sup>26</sup>You shall therefore keep My statutes and My judgments, and shall not commit *any* of these abominations, *either* any of your own nation or any stranger who dwells among you <sup>27</sup>(for all these abominations the men of the land have done, who *were* before you, and thus the land is defiled), <sup>28</sup>lest the land vomit you out also when you defile it, as it vomited out the nations that *were* before you. <sup>29</sup>For whoever commits any of these abominations, the persons who commit *them* shall be cut off from among their people. <sup>30</sup>Therefore you shall keep My ordinance, so that *you* do not commit *any* of these abominable customs which were committed before you, and that you do not defile yourselves by them: I *am* the LORD your God.

In view of the references to what the Egyptians and Canaanites practiced, it is necessary, for purposes of this essay, to consider what these cultures had to say about homosexuality. There is actually very little material addressing the issue of homosexual practice in the legal and religious texts of the surrounding nations, nevertheless, certain general attitudes may be inferred.<sup>27</sup>

In Egypt there are references to the shame involved in being a receptive (penetrated) male. Active and penetrative males make boasts of aggression and dominance of those they have penetrated.<sup>28</sup> In the Egyptian Book of the Dead it is implied that pederasty is shameful insofar as one confession reads, “I have

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<sup>26</sup>This is not a reference to salvation by obedience, and the Old Testament never suggests this. Wenham sheds light on this promise. “What is envisaged is a happy life in which a man enjoys God’s bounty of health, children, friends, and prosperity. Keeping the law is the path to divine blessing, to a happy and fulfilled life in the present. (Lev. 26:3-13; Deut. 28:1-14),” (*Leviticus*, 253) “The law was given to the covenant people after their redemption from Egypt (v.3), not as a moral hurdle they had to clear if they wished to be saved,” (Ibid. 261).

<sup>27</sup>See Derrick Sherwin Bailey, *Homosexuality and the Western Christian Tradition*, (Hamden, CT: Archon Books, 1975,) 29-37; Wenham, *The Old Testament*, 359-362; and Gagnon, *The Bible and Homosexual Practice*, 44-56.

<sup>28</sup>In one Egyptian myth Seth anally penetrates his younger brother Horus and then boasts to the other gods about playing the manly role” as proof of his dominance. The gods then deride Horus. Gagnon, *The Homosexual Practice*, 52-5; Bailey, *Homosexuality*, 30-31, Wenham, *The Old Testament Attitude*, 361. Walsh also suggests that it may have been quite common in Egypt to anally rape one’s vanquished foes (*Leviticus*, 208).

not defiled myself . . . I have not been perverted; I have not had sexual relations with a boy.”<sup>29</sup> In other inscriptions, “both adult-insertive and youth-receptive homosexual acts are viewed as reprehensible.”<sup>30</sup> In Egypt there was “a tendency to stigmatize the receptive partner . . . and to regard aggressive penetration of another man as proof of superiority.”<sup>31</sup> But there is also iconographic evidence that homosexuality was not necessarily taboo, but practiced between friends. Gagnon speaks of a tomb picturing two servants of Pharaoh “holding hands, embracing and touching noses.”<sup>32</sup> Wenham sees this as supporting the idea that homosexuality was not perceived as immoral in Egypt when it involved mutual consent.<sup>33</sup>

Mesopotamia has some of the most significant legislation with regard to the ancient attitude toward same-sex intercourse. Two Middle Assyrian Laws (Tablet A 19,20) from the second century B.C. refer explicitly to homosexual relations.<sup>34</sup> A.19 condemned a man who told others that another man (presumably of equal social status) was allowing himself to be penetrated regularly. The consequence of such slander was to be castrated and fined.<sup>35</sup> This, of course, points up how submitting oneself to anal penetration was shameful. “Passive sodomy was evidently regarded as reprehensible, no less than criminal, for false accusation of habitual addiction to this practice was held to be slanderous and actionable.”<sup>36</sup> Reference is made in A.20 to a man who has sexual relations with another man, presumably against the passive male’s will. This act is a criminal offense, and invokes the *lex talionis* in that he himself will be anally penetrated and castrated.<sup>37</sup> Gagnon summarizes the attitude toward homosexuality in these laws. “The laws were interested in applying criminal sanctions only to two specific cases of (male) same-sex intercourse: a man who slandered another man with the charge of being repeatedly penetrated by other men; and a man who coercively penetrated another man of similar social status.”<sup>38</sup> He also states, “In the case of both laws it was apparently regarded as degrading and shameful for a man to be penetrated by another man as if he were a

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<sup>29</sup> Gagnon, 53; Bailey, 32; Wenham, *The Old Testament Attitude*, 361

<sup>30</sup> Gagnon, 52-53.

<sup>31</sup> Gagnon, 53.

<sup>32</sup> Gagnon, 52; Wenham, *The Old Testament Attitude*, 361

<sup>33</sup> Wenham, *The Old Testament Attitude*, 361

<sup>34</sup> Gagnon, 45-47; Bailey, 33-35; Wenham, *Old Testament Attitude*, 360

<sup>35</sup> Gagnon, 45; Bailey, 33-34

<sup>36</sup> Bailey, 34.

<sup>37</sup> Bailey, 34.

<sup>38</sup> Gagnon, 46.

woman . . . It is thus assumed in both of these laws that no self-respecting man would want to be penetrated by another man.”<sup>39</sup> By all indications the enactments apply to men of high social rank, and imply that being the penetrated male is shameful.

Some Babylonian magical texts infer that same sex intercourse could have been quite prominent and not discouraged. It definitely showed one man’s dominance over the man he penetrated, and it was believed that copulating with a male-cult prostitute was a way to avoid difficulty in the future. Another text speaks of “love of a man for a man,” and may be interpreted as a consensual relationship between two male lovers that did not necessarily involve a “power trip,”<sup>40</sup> and was not condemned.

There was a level of acceptability in Mesopotamia for having sexual relations with these male cult prostitutes, or *assinu*.<sup>41</sup> They were closely associated with Ishtar, and “ [in] their status as devotees of the goddess, they were thought to possess magical power that could deliver people from sickness or other troubles, or bring people success against enemies.”<sup>42</sup> These cult prostitutes, “took part in public processions, singing, dancing, wearing costumes.”<sup>43</sup> Gagnon indicates that they dressed up like women, and wore make up.<sup>44</sup> It was believed that Ishtar had feminized them, transforming them into a “man-woman.” They were also given the epithet “dog-woman” or simply “dog” (perhaps a reference to the position in which they performed their sexual acts). This role was institutionalized, and they apparently received money for their services.<sup>45</sup>

It seems likely that these same male cult prostitutes are referred to in the Old Testament as *qadeshim*.<sup>46</sup> The Mosaic Law forbade them.<sup>47</sup> These were active even in the temples in Israel, especially

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<sup>39</sup> Gagnon, 45.

<sup>40</sup> Gagnon 47-48

<sup>41</sup> Gagnon, 48-49; Wenham, *Old Testament Attitude*, 360.

<sup>42</sup> Gagnon, 48.

<sup>43</sup> Wenham, *Old Testament Attitude*, 360.

<sup>44</sup> Gagnon, 48-49.

<sup>45</sup> Gagnon, 49.

<sup>46</sup> *Qadeshim*, from the root for “holy” indicates males who were in some way involved in sexual practices as a form of worship or devotion to the deity. Most likely these are the cult prostitutes referred to in the Mesopotamian literature. This word is mistakenly translated “sodomites” in the AV and NKJV, since the word itself has no linguistic connection with the word “Sodom.” Because of the interpretation of Genesis 19 that the men of Sodom were seeking to homosexually rape the visitors that came to Lot’s house, the epithet “sodomite” and the noun “sodomy” has come to be associated with any kind of homosexual (especially anal) intercourse.

during the late monarchy. Regardless of the fact that the *qadeshim* had been forbidden by law in Israel's infancy, during Israel's backslidden state prior to the Babylonian exile, they had become quite active. Some kings would allow them, and then those seeking to follow the ways of Yahweh would put them out of Israel.<sup>48</sup> Job also refers to the *qadeshim* as an analogy of those who live a miserable existence and die an early death.<sup>49</sup> It has also been suggested that these male cult prostitutes are the "dogs" referred to by John in Revelation (22:15).<sup>50</sup> This is to say that the Bible does indeed refer to males who were involved in some kind of professional sexual services in the context of pagan worship.<sup>51</sup>

In the Hittite empire, it does not appear that homosexuality was outlawed. Incest clearly was, calling violation of a son or daughter a "capital crime."<sup>52</sup> Other than this, there are no references to homosexual relations among the Hittites.<sup>53</sup>

With regard to the evidence in relation to the Levitical generalizations, there are diverse conclusions made. Bailey sees this as a reason to question the Levitical condemnation of the nations as unwarranted. "One thing is for certain: the positive evidence which we possess, slight though it is, plainly contradicts the opinion that homosexual practices were accepted without question."<sup>54</sup> Wenham, on the other hand, focuses in on the kinds of homosexuality that were condemned as a basis for concluding that most homosexuality was not, and thus commonly practiced. "The Ancient Near East was a world in which the practice of homosexuality was well known. It was an integral part of temple life at least in parts of Mesopotamia, and no blame appears to have been attached to its practice outside of worship. Those who regularly played the passive role in intercourse were despised . . . and certain relationships such as father-son or pederasty were

<sup>47</sup> Deuteronomy 23:17-18 "There shall be no *ritual* harlot (*zona*) of the daughters of Israel, or a perverted one (*qadesh*) of the sons of Israel. You shall not bring the wages of a harlot or the price of a dog to the house of the LORD your God for any vowed offering, for both of these *are* an abomination to the LORD your God." In relation to this passage, Gagnon writes, "The slur 'dog' was applied to the *assinus*, the 'men-women' devoted to Ishtar who feminized their appearance, probably underwent castration, and for a fee allowed themselves to be penetrated anally by other males." (*Homosexual Practice*, 103).

<sup>48</sup> See 1 Kings 14:24, 15:11-12, 22:46 and 2 Kings 23:7

<sup>49</sup> Gagnon, 103.

<sup>50</sup> Gagnon, 104-105; Bailey, 41-45; Wenham, *Old Testament Attitude*, 362.

<sup>51</sup> This will become a very important social phenomenon to address insofar as revisionists are fond of saying that the Levitical legislation forbade these temple prostitutes, not homosexuality *per se*. See discussion below.

<sup>52</sup> Bailey, 36; Wenham, *Old Testament Attitude*, 361

<sup>53</sup> Bailey, 36; Wenham, *Old Testament Attitude*, 361.

<sup>54</sup> Bailey, 36.

regarded as wrong, but otherwise it was regarded as quite respectable.”<sup>55</sup> Gagnon takes a more moderate approach, stating, “In the Ancient Near East one can not speak of uniform approval or disapproval” with regard to homosexual intercourse.<sup>56</sup> But it is clear that playing the anal receptive partner in a relationship was primarily perceived as degrading. This implies that consensual homosexual practice was not looked upon negatively by most of the ancients.

Against this backdrop, the Levitical proscriptions take on a distinctive significance. Whereas the customs of the Egyptians and Canaanites would deplore the role of the anal receptive male as degrading and contemptible, Israel’s law forbade, in addition, the active penetration of another male without, it seems, any qualification. For Olyan, the significance of this interpretation is that it distinguishes Israel from the surrounding nations because in Israel the penetrative and receptive roles in sexual relationships were “conditioned by gender”<sup>57</sup> not social status or age as was the case in the surrounding nations; meaning the male was only meant to penetrate a female, not another male. The Levitical law, taking no regard of the passive partner’s age or status, uniquely condemned the active role of a penetrative male in a homosexual relationship. Gagnon agrees. “The level at which all the Levitical laws stigmatize and criminalize all homosexual intercourse, while not discontinuous with some trends elsewhere, goes far beyond anything else currently known in the ancient Near East.”<sup>58</sup>

#### *The Homosexual Behavior Condemned by Leviticus*

Revisionists take issue with Gagnon’s proposition. In general, those who oppose the traditional interpretation of the Levitical prohibitions believe that they are not proscribing homosexuality *per se*, but rather the male cult prostitutes, or *qadeshim*, denounced in other biblical passages. That there were *qadeshim* in Israel is undisputed, but did Leviticus 18:22 and 20:13 have them in view? So far, most of the above discussion could easily accommodate this viewpoint. For example, Cole opines that a more “plausible

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<sup>55</sup> Wenham, *Old Testament Attitude*, 361.

<sup>56</sup> Gagnon, 54.

<sup>57</sup> Walsh, 202.

<sup>58</sup> Gagnon, 56.

theory,” in contrast to the traditionalist view, is that the Old Testament objection to homosexuality may be traced to “religious roots.” He claims, “Israel’s pagan neighbors in the Fertile Crescent used male cult prostitutes in their exaltation of sexuality as the creative principle in nature. This would associate homosexuality with idolatry in the minds of the leaders in the Hebrew nation and would be sufficient to condemn the custom.”<sup>59</sup>

Boswell sought to make this association with idolatry by focusing on the word “abomination.”<sup>60</sup> Most revisionists readily cite Boswell’s conclusions on this matter as authoritative.<sup>61</sup> He correctly identifies the Levitical prohibitions as “the only place in the Old Testament where homosexual acts *per se* are mentioned.”<sup>62</sup> In his discussion he focuses on the word “abomination” (Hebrew *toevah*) which appears in both of them, claiming that the word “does not usually signify something intrinsically evil, like rape or theft, . . . but something which is ritually unclean for Jews, like eating pork or engaging in intercourse during menstruation, both of which are prohibited in these chapters. It is used throughout the Old Testament to designate those Jewish sins which involve ethnic contamination or idolatry . . .”<sup>63</sup> For Boswell, chapters 18 and 20 of Leviticus had a “manifest purpose to elaborate a system of ritual ‘cleanliness’ whereby the Jews will be distinguished from neighboring peoples.”<sup>64</sup> He continues, “Although both chapters also contain prohibitions (e.g., incest and adultery) which might seem to stem from moral absolutes, their function in the context of Leviticus 18 and 20 seems to be symbols of Jewish distinctiveness.”<sup>65</sup> White also highlights the “Jewishness” of these abominations. “To the Jews an abomination was not a law, something evil like rape or

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<sup>59</sup> William Graham Cole, *Sex and Love in the Bible*, (New York, NY: Association Press, 1959), 343.

<sup>60</sup> John Boswell, *Christianity, Social Tolerance and Homosexuality*, (Chicago, IL: The University of Chicago Press, 1980), 100-103.

<sup>61</sup> Bruce Bawer, *A Place at the Table, The Gay Individual in American Society*, (New York, NY: Touchstone Books, 1993), 95; 128-130, Gomes, *The Good Book*, 154, McNeill, *Feet Firmly Planted in Midair*, 84, Thomas C. Caramagno, *Irreconcilable Differences?, Intellectual Stalemate in the Gay Rights Debate*, (Westport, CT: Praeger, 2002), 47) Caramagno does not so much quote Boswell as authoritative as acknowledge the importance of his work as definitive for the over all debate, “Of the new revisionists who have reexamined Biblical pronouncements on sexuality, John Boswell, late professor of History at Yale University is the most cited in the gay rights debate.” (*Irreconcilable Differences?*, 47) Consequently, Boswell’s singular work must be taken into consideration in any discussion about homosexuality and Scripture.

<sup>62</sup> Boswell, 100.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> Boswell, 100-101.

murder forbidden by the Ten Commandments. It was a common behavior by non-Jews that Jews thought was displeasing to God.”<sup>66</sup> Gomes adds, “homosexuality is an abomination in Leviticus not because it is inherently evil, but because the Gentiles do it and is therefore ritually impure.”<sup>67</sup>

Boswell finds particular support for his argument in the fact that the Greek term *bdelygma* is used to translate *toevah* in the LXX, rather than *anomia*, lawlessness. “The distinction between intrinsic wrong and ritual impurity is even more finely drawn by the Greek translation, which distinguishes in *toevah* itself the separate categories of violations of law [*anomia*] and infringements of ritual purity or monotheistic worship [*bdelygma*]. The Levitical proscriptions of homosexual behavior fall in the latter category.”<sup>68</sup> “In the Greek, then, the Levitical enactments against homosexual behavior characterize it unequivocally as ceremonially unclean rather than inherently evil.”<sup>69</sup> He concludes that the proscriptions in Leviticus against homosexuality are actually drawing attention to its being “ceremonially unclean rather than inherently evil.”<sup>70</sup> Consequently, the Levitical prohibitions were directed at idolatry not immorality. Boswell then indicates the import of this observation, “In sum, there is only one place in the writings which eventually became the Christian Bible where homosexual relations per se are clearly prohibited-Leviticus-and the context in which this prohibition occurred rendered it inapplicable to the Christian community, at least as moral law.”<sup>71</sup>

Boswell’s, and most other revisionists’, treatment of *toevah* as a specialized term reserved for condemning things, including homosexual practice, only when associated with idolatry is faulty for several reasons. First, *toevah* is used to describe every forbidden sexual act in the passage, not just homosexuality. Regardless of the fact that homosexuality is doubly designated as such, only perhaps to emphasize the disgust Yahweh has for it, Leviticus 18:26, 27, 29 and 30 identifies “all these” practices, i.e. the incest, adultery, and bestiality as *toevah*. To put such conditions on these behaviors, and thus conclude that they are “inapplicable to the Christian community” on this account would be unthinkable. Second, to call

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<sup>66</sup> White, *What the Bible Does and Doesn’t Say about Homosexuality*, 12.

<sup>67</sup> Gomes, 154

<sup>68</sup> Boswell, 101.

<sup>69</sup> Boswell, 102.

<sup>70</sup> Ibid.

<sup>71</sup> Boswell, 113.

anything that is identified as *toevah* “Jewish sins which involve ethnic contamination or idolatry” is selective perception. Leviticus 18:26 states that not only the Jews, but also “any stranger who dwells among you” must not partake in these iniquitous customs,<sup>72</sup> and one must not forget that the nations were being driven out before Israel precisely because of their participation in the abominable customs listed in Leviticus 18:6-23.<sup>73</sup> Third, each one of these practices are called “iniquity” (v.25 – Hebrew *avon*) drawing attention to their inherent evil, not their “ritual impurity.” Boswell, as well as most revisionists, overlooks that the LXX uses the word *adikia* to translate *avon* in v.25, drawing attention to the *intrinsic lawlessness* of these pagan customs.<sup>74</sup> Fourth, it cannot be automatically assumed that *toevah* signifies “ritual or ceremonial impurity” here seeing that it is used numerous other times in Scripture to point out things that are indeed, unconditionally reprehensible to Yahweh. It would be fallacious to state, for example, that the seven “abominations” in Proverbs 6:16-19, such as, “a proud look, a lying tongue, hands that shed, innocent blood, a heart that devises wicked plans, feet that are swift in running to evil, a false witness who speaks lies, and one who sows discord among brethren,” are “Jewish sins” only in a provisional, cultic and ritualistic sense.<sup>75</sup>

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<sup>72</sup> “You shall therefore keep My statutes and My judgments, and shall not commit *any* of these abominations, *either* any of your own nation *or any stranger who dwells among you.*” (My emphasis). See also Sidney Greidnaus, “The Universal dimensions of Law in the Hebrew Scriptures,” *Studies in Religion*, 14/1 (Winter 1985), 39-51. “This passage [Leviticus 18:224-25] attests that Yahweh also holds Gentiles responsible for their sexual sins. There is a norm for sexual morality by which all people ought to live.” (Greidnaus, 47).

<sup>73</sup> One becomes confused as to exactly how the revisionists understand these abominations when considering Gomes’ interpretation of Boswell. “Boswell argues that a distinction is made between what is ritually impure and what is intrinsically wrong. Homosexuality in Leviticus is condemned as ritually impure, the key to this conclusion being that fact that the word abomination does not usually describe something intrinsically evil, such as rape or theft, but something that is ritually impure, like eating pork...An abomination is by definition what the Gentiles do, but that in and of itself is not necessarily evil ... but because the Gentiles do it ... it is therefore ritually impure.” But one must consider why God would have driven them out of the land if they were not “necessarily evil.” (*The Good Book*, 154). This harsh judgment that fell on the pagan lands came because what they did was sinful, “iniquity” and the Jews were not supposed to do them because they were wrong. They were “Jewish sins” or better sins for Jews precisely because they were already pagan sins, that is, they were sin in absolute and universal sense.

<sup>74</sup> All the acts are called “iniquity” (Hebrew- *avon*). This noun comes from a root *avah* meaning “to deal perversely” or “to sin,” in the sense of “to make crooked,” or “turn upside down.” These acts are abomination; that which the divine will is set against at all times, because these are acts that pervert His moral order. Close kin are not to engage in sexual relations, adultery is forbidden, relations with animals are perverse. To bend or twist. Iniquity is literally a bending, twisting, making crooked or perverse. Warping, distorting, twisting, bending. Paul’s use of *adikia* is indisputably a reference to an intrinsic absence of righteousness. Quite significantly, Paul uses *adikia* to refer to those who will not inherit the kingdom of God in 1 Corinthians 6:9-10. Among the vices listed here are both partners in homosexual practice. See discussion below.

<sup>75</sup> Cf. Jeremiah 7:5-9 where such things as oppressing the stranger, the fatherless, and the widow, shedding innocent blood, walking after other gods, trusting in lying words, stealing, murder, adultery, swearing falsely, burning incense to Baal, and walking after other gods. One could perhaps argue that since “walking with other gods” is



Boswell believes that the interpreter should conclude normally that *toevah* (Hebrew) and *bdelygma* (Greek LXX) signify ritual impurity. Youngblood identifies the basic meaning of *toevah* to be something that is abhorred or loathed for “ritual or ethical reasons,” and state, “often the two meanings coalesce.”<sup>76</sup> “As with the verb, so also with the noun, the abomination may be of a physical, ritual or ethical nature.”<sup>77</sup> This being the case, while revisionists want to automatically consign the use of *toevah* in Leviticus to the “ritual” category, they are, again, using selective perception to plead their case. The word can, and does, indicate that which is intrinsically and ethically impure. Gagnon’s study on the use of the term outside the Holiness Code is enlightening, and better reflects the coalescing of the two meanings mentioned by Harris, Waltke and Archer. Gagnon concludes, “Boswell’s contention that *toevah* ‘is used throughout the Old Testament to designate those Jewish sins which involve ethnic contamination or idolatry’ is misleading.”<sup>78</sup>

Boswell also finds particular weight, he believes, to his argument by explaining the use of *bdelygma* as the word that translates *toevah* in the LXX. While *bdelygma* is commonly identified with idolatry, especially in the New Testament, it is also used to vilify things that God *always* deplores.<sup>79</sup> The basic stem of *bdelygma* has a sense of causing abhorrence, and later takes on the meaning “to reject.”<sup>80</sup> Foerster explains that *bdelygma* is a term that describes “the attitude and judgment of God in relation to things which He hates,” and that fundamental to the concept is “the fact that God has a contrary mind and rejects; this is the guiding rule for Israel.”<sup>81</sup> In other words, Israel must know that there are things that God detests and will not tolerate. That is, that God’s moral character is such that He simply rejects some things on account of His intrinsic holiness. While White identifies an “abomination” as “behavior by non Jews that Jews thought displeasing to God,” the better way to understand abomination, both *toevah* and *bdelygma*, is as something

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mentioned twice here that the word necessarily has a cultic meaning, but it seems clear that this is an additional abomination, not the context which makes things like murder, stealing and adultery wrong. These behaviors are not Jewish sins, they are sins in an absolute sense, and to argue that they are only sins in a cultic context would be preposterous. The same would seem to apply to the proscriptions in Leviticus about same-sex relations.

<sup>76</sup> Ronald F. Youngblood, “*taab*,” *Theological Wordbook of the Old Testament*, v.2, eds. R. Laird Harris, Gleason L. Archer, Jr., and Bruce K. Waltke, eds. (Chicago, IL: Moody Press, 1980), 976-977.

<sup>77</sup> *Ibid.*

<sup>78</sup> Gagnon, 119.

<sup>79</sup> See Luke 15:16 and Titus 1:16

<sup>80</sup> Werner Foerster, “*bdelussomai*,” *Theological Dictionary of the New Testament*, V.1, ed. Gerhard Kittel, trans. Geoffrey W. Bromiley, (Grand Rapids, MI: Eerdmans, 1964), 598-600.

<sup>81</sup> *Ibid.*

which God reveals to His people as being detestable to His character. To be called to this God and subsequently to be called to reflect His holiness is a call to detest certain things as well. There are things that God hates, and Israel must likewise hate them.<sup>82</sup> Foerster actually downplays the association of *bdelygma* and *toevah* with idolatry pointing out that in the prophetic literature “there is an extension which makes *bdelygma* parallel to *anomia*”<sup>83</sup> exactly what Boswell says is not the case. Further, claims Foerster, “in the Wisdom literature this development leads to the point where the opposition to paganism disappears and the word simply denotes God’s hostility to evil.”<sup>84</sup> In light of this, “it thus breaks quite free from the natural or aesthetic and also the cultic connotation.”<sup>85</sup>

Gagnon points out that the behaviors designated as abominations in Scripture have an “abhorrent quality [that] is readily transparent to believers.”<sup>86</sup> “It is clear that what is meant by *toeba* is something Yahweh hates (Deuteronomy 12:31 and Proverbs 6:16).”<sup>87</sup> He cites Olyan who explains that “abomination” denotes that which is abhorrent in the first place, and not the violation of any ‘socially constructed boundary.’”<sup>88</sup> This should elicit pause before automatically concluding that if a certain practice is proscribed as an “abomination,” it is therefore an obsolete proscription. Bailey weighs in as well. “It is hardly open to doubt that both laws in Leviticus relate to ordinary homosexual acts between men, and not to ritual or other acts performed in the name of religion.”<sup>89</sup> Scroggs, also, clearly representing a more revisionist interpretation of the New Testament material, sees in Leviticus 18 a general prohibition of male homosexuality.<sup>90</sup>

To conclude, neither *toevah* nor *bdelygma* are exclusively used to refer to idolatry, and this is seen even in the New Testament.<sup>91</sup> Further, this is consistent with the OT use of *toevah* in that it clearly

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Gagnon, 120.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Bailey, 30.

<sup>90</sup> Scroggs, who comes down on the revisionist side in his interpretation of the New Testament, concedes, “It has been suggested that these prohibitions were thus originally linked with pagan, perhaps even cultic activities.; even if that should be the case, in its present form the text remains a general indictment.” Robin Scroggs, *The New Testament and Homosexuality*, (Philadelphia, PA: Fortress Press, 1983), 72.

<sup>91</sup> See Luke 16:15 and Titus 1:16

designates in many places behaviors that are detestable to God in general, and not because of their association with idolatrous worship. The Levitical legislation condemned all male-male anal intercourse without exception. It is unparalleled in comparison to its pagan surroundings in that it places no conditions on the involvement, and holds both men in a consensual relationship culpable. The question now arises as to whether, and if so, how these laws are applicable for the New Testament Church. According to Gagnon, “The clear and unequivocal position of the Hebrew Scriptures against homosexual intercourse provides an important backdrop to the discussion of the New Testament’s witness.”<sup>92</sup>

## **Part Two: The Continuing Relevance of Leviticus 18:22 and 20:13**

### *The Holiness Code and the Church*

This is perhaps the most difficult issue of all when dealing with the Levitical legislation.<sup>93</sup> These two brief proscriptions are part of a body of legal, ethical, civil and religious material some of which is clearly no longer applicable for the Church as given in its original form. Revisionists are fond of exploiting this point. Whenever the traditional view is argued that God condemns homosexuality in the Old Testament, it is a very common counter move from the other side to say that there are many laws in the Holiness Code that Christians no longer observed. Revisionists customarily indict traditionalists for this inconsistency of saying some of the Levitical laws no longer apply, like trimming one’s beard, getting a tattoo, and having intercourse with a menstruating woman, while at the same time insisting that others are absolute moral truth, one of which conveniently condemns homosexual behavior. This appears to be an arbitrary picking and choosing of Old Testament material to suit one’s ethical biases.

Troy Perry, for example, relates how, when confronted by a woman about his being a gay pastor, was asked, “Young man, do you know what the book of Leviticus says?” To which he replied “I sure do, it

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<sup>92</sup> Gagnon, 157.

<sup>93</sup> If the abomination interpretation of the revisionists is the case then, really, the Holiness Code defense becomes unnecessary. Yet if the abomination case is not so clear, then the only hope is that the laws in Leviticus are, indeed, obsolete as a moral authority for human sexuality. The purpose of Part is to argue against this revisionist defense.

says that it's a sin . . . to wear a cotton shirt and woolen pants at the same time, for anyone to eat shrimp, oysters or lobster, or your steak too rare!"<sup>94</sup> Similarly, Mel White argues that "Leviticus is a holiness code written by Moses 3,000 years ago [and] . . . included prohibitions against round haircuts, tattoos, working on the Sabbath, wearing garments of mixed fabrics, eating pork or shell fish, getting your fortune told by an astrologer. So what's a holiness code? It's a list of behaviors that people of faith don't approve in a specific time and place."<sup>95</sup>

From Gomes' perspective, the reason these laws were enacted was on account of Israel being a "frontier nation." In this context of nation building it was necessary to focus on "cultural identity, protection and procreation."<sup>96</sup> Proscription of practices that were inimical to these goals was necessary then, but not now.<sup>97</sup> He states, "We have, however, long since ceased to live as God's frontier folk in the Promised Land. Not only is the cultural context markedly different, but so for Christians is the theological context."<sup>98</sup> With this, Gomes lays out the provisional context for the Levitical laws, a context that no longer exists, thus making the laws obsolete for the church. Bawer, piggy backing off of both Boswell and Gomes opines, "With the advent of Christianity and its spread to the gentiles, the Holiness Code was increasingly seen as archaic and irrelevant to the new faith."<sup>99</sup>

The Holiness Code is the material found in Leviticus chapters 17 through 26. One of the most enduring moral principles, accepted as such whether one be a revisionist or traditionalist, comes straight from it. It is the injunction in Leviticus 19:18b to "Love your neighbor as yourself." Jesus in the Gospels, who uses it as the essence of the second greatest commandment, Paul, who quotes it twice in his epistles, and James once, emphasizes it.<sup>100</sup> That love is so accentuated in the New Testament quite meaningful to

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<sup>94</sup> Very loose references to material found in Leviticus 11, 17 and 19. Perry is cited by Paul D. Morris, *Shadow of Sodom, Facing the Facts of Homosexuality*, (Wheaton, IL: Tyndale House, 1978), 72-73.

<sup>95</sup> White, 11.

<sup>96</sup> Gomes, 153-154.

<sup>97</sup> Yet it would seem that the same rules that it took to build a nation were largely necessary to maintain it.

<sup>98</sup> Gomes, 153-144.

<sup>99</sup> Bawer, 130-131.

<sup>100</sup> Matthew 22:39, Mark 12:31, John 10:27, Romans 13:9, Galatians 5:14, and James 2:8.

revisionists,<sup>101</sup> but it does originate in the Holiness Code of Leviticus, and is potentially inimical to their claim that it is altogether irrelevant for the Church.

Leviticus 19:18b actually sums up a lengthy list of apodictic laws that probably start at verse 11.

<sup>11</sup>‘You shall not steal, nor deal falsely, nor lie to one another. <sup>12</sup>‘And you shall not swear by My name falsely, nor shall you profane the name of your God: I *am* the LORD. <sup>13</sup>‘You shall not cheat your neighbor, nor rob *him*. The wages of him who is hired shall not remain with you all night until morning. <sup>14</sup>‘You shall not curse the deaf, nor put a stumbling block before the blind, but shall fear your God: I *am* the LORD. <sup>15</sup>‘You shall do no injustice in judgment. You shall not be partial to the poor, nor honor the person of the mighty. In righteousness you shall judge your neighbor. <sup>16</sup>‘You shall not go about *as* a talebearer among your people; nor shall you take a stand against the life of your neighbor: I *am* the LORD. <sup>17</sup>‘You shall not hate your brother in your heart. You shall surely rebuke your neighbor, and not bear sin because of him. <sup>18</sup>‘You shall not take vengeance, nor bear any grudge against the children of your people, but you shall love your neighbor as yourself: I *am* the LORD.

These verses are a sterling example of practical, enduring moral instruction. Who is ready to say that any of these Levitical instructions are irrelevant to Christians? With the exception of verse 12, each of these verses deal with our relationship with the people around us, and with the exception of verse 13b,<sup>102</sup> each of these laws are able to be directly applied in any Church and social context. Some of these laws are explicitly repeated in the New Testament, thus carrying non-negotiable moral authority even for the Christian life.

Yet in Leviticus 18 and 20 there seems to be that which is clearly provisional and relative (intercourse with a menstruating wife 18:19, and 20:18) and eternal and absolute (incest 18:6-18, 20:17-21 and bestiality 18:23, 20:15-16).<sup>103</sup> The question becomes, then, under which category does homosexual practice fall? In view of the material found in Leviticus 19, especially the “second” great commandment, it is irresponsible and even disingenuous to dismiss a particular law simply because it is part of the so-called Holiness Code. Gagnon sheds the following light on this matter. “Obviously one cannot simply say: it is in

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<sup>101</sup> Revisionists are wont to point out that while Jesus never said anything about homosexuality, He did emphasize love. Tobias Haller, for example, suggests that Jesus “freed us from the [Hebraic Purity] law, and left us only that rule of conduct: Love others as yourself, and do as you would be done by. Homosexual relationships that are loving, faithful, and mutually supportive appear to meet this test. If that is enough for Jesus, it is enough for me.” Cited by Caramango, *Irreconcilable Differences*, 53.

<sup>102</sup> Nevertheless, the principle of keeping back wages, while not necessarily “over night,” is clearly carried over into the New Testament in James 5:1-4 “<sup>1</sup>Come now, *you* rich, weep and howl for your miseries that are coming upon *you*! <sup>2</sup>Your riches are corrupted, and your garments are moth-eaten. <sup>3</sup>Your gold and silver are corroded, and their corrosion will be a witness against you and will eat your flesh like fire. You have heaped up treasure in the last days. <sup>4</sup>Indeed the wages of the laborers who mowed your fields, which you kept back by fraud, cry out; and the cries of the reapers have reached the ears of the Lord of Sabaoth.”

<sup>103</sup> It would seem that adultery (18:20 and 20:10) is not a sexual practice that comes under question by revisionists since it is part of the Decalogue and proscribed as well in the New Testament.

the book of Leviticus so obey it. On the other hand, it would be a mistake to regard the statutes in the Holiness Code as consisting of largely irrelevant purity regulations.”<sup>104</sup> He continues, “Ritual and moral, eternal and contingent, are combined in the profile of holiness developed in Leviticus 17-26. Christians do not have the option of simply dismissing an injunction because it belongs to the Holiness Code. The same God who gave the laws of the Mosaic dispensation continues to regulate conduct through the Spirit in believers.”<sup>105</sup> With regard to the relevance of Leviticus 18:22 and 20:13 he concludes, “A substantial case must be made for affirming conduct that was regarded with such revulsion.”<sup>106</sup> The sweeping generalizations of the revisionists who say that the Holiness Code is irrelevant and no longer morally binding do not tell the whole story. There is much paranetic material in Leviticus that Christians must follow to follow the Lord Jesus Christ.

In Leviticus 18 there is one law (v.20) that is difficult to account for, but the inability to clearly interpret what was meant when the Jews were forbidden to “approach a woman to uncover her nakedness as long as she is in her *customary* impurity,”<sup>107</sup> is not a reason to say the whole passage is now irrelevant in the context of the Church, especially in view of the intuitive acceptance of its proscriptions of incest, adultery, child sacrifice<sup>108</sup> and bestiality. Further, revisionists build their case in their denunciation of the traditionalists’ use of Leviticus 18 and 20 to call homosexual behavior intrinsically wrong by referring to the list starting at 19:19. They claim that traditionalists are inconsistent because they allow tattoos, head shavings and beard trimmings, and do not preach against wearing mixed materials, or sowing with two kinds of seed.

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<sup>104</sup> Gagnon, 121.

<sup>105</sup> Gagnon, 120.

<sup>106</sup> Ibid.

<sup>107</sup> See note 22 above. Just because there may be one custom that is difficult to understand, intercourse with a menstruating woman, does not mean the rest of these proscriptions are culturally relative and provisional or ambiguous. Perhaps there was a pre-scientific understanding here in forbidding relations in this way, and a lack of realization that sperm and blood mingled is not unclean. But to quickly sweep every reference away in this text in the name of an outdated holiness code is not academically honest, because one is not that quick to do so with the incest, adultery and bestiality, obviously sexual activities that are always and forever sinful.

<sup>108</sup> If Molech were an actively worshipped deity in the present, then this law would no doubt be relevant. Yet it’s cultural context does not make it obsolete as a principle. It is not consistent with Yahweh’s character to sacrifice our young. This could have implications for abortion and infanticide, which, like sacrifice to Molech, are contemporary threats to the integrity and stability of the family.

While the Holiness Code may be 17-26, chapter 18 clearly stands alone as a passage with a self-contained context dealing exclusively with issues of human sexuality.<sup>109</sup> And what would seem more logical, to compare homosexual behavior to beard trimmings and seed planting or to other *sexual* sins, like incest, bestiality and adultery? Further, Chapter 18 is not a mixture of seemingly unrelated material like chapter 19. There is clearly a context in which homosexual behavior is discussed. 20:13 is also in the midst of a lengthy passage (vv.10-21) dealing with issues of sexuality as well. The context is human sexuality, and it seems misguided to compare these laws to ones dealing with non-sexual issues concerning agriculture and cosmetics.

Further some laws are clearly tied in with tabernacle-centered worship, like the laws governing sacrifices (Chapter 17) that have been fulfilled in Christ.<sup>110</sup> These laws are impossible to keep since there is no physical tabernacle or temple as the center of the Christians' religious experience. Nevertheless, it must not be assumed that the sacrificial system is irrelevant. The doctrine of atonement in Christ is rooted in an understanding of these laws, and even Paul charges Christians to offer themselves as "living sacrifices (Romans 12:1)" drawing, no doubt, from his heritage as a Jew whose worldview was essentially formed by the Torah. There is such a mixture of laws throughout the holiness code, and while there can be little doubt that many, like the sacrificial laws of chapter 17, are irrelevant to the Church in their *original form* the basic concepts of sacrifice have been transformed and there is a clear trajectory into the New Testament as to how Christians should now be thinking about sacrifice. Also, while the laws against "mixing" livestock, clothing materials and seeds seem to have no bearing upon the Christian life, the underlying principles of maintaining separation between things that ought not to be mixed is still present in the purview of the New Testament.

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<sup>109</sup> "Leviticus 18 has a clear literary structure. At beginning and end are warnings against practices of the Egyptians and Canaanites." (Scroggs, 72,).

<sup>110</sup> For useful discussion on the relationship between the Old and New Testament see especially, Wayne G Strickland, ed., *The Law, the Gospel, and the Modern Christian*, Grand Rapids: Zondervan, 1993, reprinted as *Five Views on Law and Gospel* (1996) and, John S. Feinberg and Paul D. Feinberg, *Ethics for a Brave New World*, (Wheaton, Illinois: Crossway Books), 1993, pp.32-40. Feinberg and Feinberg make the following useful insight, "Some will strongly object that the Mosaic Law cannot be abrogated, for it is God's law, and since God does not change, His law does not. However, this confuses applicability of a particular expression of God's law . . . with God's enduring ethical principles. The latter never change, because they are grounded in God's unchanging nature. But that does not mean those norms forever find expression in only one code of law., the Mosaic Code. Nor does it mean one has no divine law unless he has the Mosaic Code."(p. 38).

For example, in 2 Corinthians 6:11-7:1 Paul is undoubtedly drawing upon the Torah as he explains to Christian believers the ideas of separation and purity in the context of *their* now being the temple of God. It is clear that while Christians no longer practice the specific sacrificial and purity rites in the environment of a physical tabernacle or temple, they are not supposed to altogether ignore these themes of temple, purity, and sacrifice.<sup>111</sup>

It is thus incorrect to dismiss the Levitical Laws out of hand. The task of the church is to find out how the laws laid down by God through Moses are transformed to fit the new covenant context of His people who are no longer a nation, but called out from among the nations, no longer a theocracy, but an organic body made up of people from every tribe and tongue. One cannot properly interpret the paranetic material of the New Testament without a foundational appreciation for the Old Testament law.

Here, Averbeck's approach to the whole question of the applicability of the Old Testament law is quite insightful.<sup>112</sup> In his analysis he distinguishes what he calls "transparent" and "transformed" laws. Shunning the traditional tripartite division of the law into "ceremonial" "civil" and "moral" laws, he contends that all the laws of the Old Testament are important and relevant.<sup>113</sup>

"Every element of the Mosaic law continues to be valid for the church, although some parts of it are transformed to correspond to the shift from the Mosaic Covenant to the New Covenant and the changes in the nature of the covenant community that come with it. This suggests that while some of the laws are, to one degree or another, "transparent" in the sense that it is relatively easy to see their application in the life of the individual Christian, the church, and/or in society, other laws are "transformed" in the sense that they require "transformation" in their application today in the church and the Christian life."<sup>114</sup>

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<sup>111</sup> See Richard E. Averbeck, "The Whole Law as Ethical: The Unity of the Law and Its Ethical Significance in the New Testament, in the Church, and in Society," (paper presented at the Evangelical Theological Society's Biblical Law Group, Boulder CO, November, 2001): 1-54.

<sup>112</sup> Averbeck, *The Whole Law as Ethical*, 1-54.

<sup>113</sup> Averbeck observes, "In some circles the practice of dividing the law into three categories, "moral," "civil," and "ceremonial," has become the underlying rationale for distinguishing between those parts of the law that are applicable to the Christian life and those that are not. Normally, the applicability of the so-called "moral" law is emphasized over the "civil" and especially the "ceremonial" law. The problem with this is that there is no place in the OT or in the NT where such a distinction is made in this way and with such implications." (*The Whole Law as Ethical*, 34).

<sup>114</sup> Averbeck, 45.



According to Averbeck, the church must never forget that the Scriptures Paul speaks of in 2 Timothy 3:16-17 and those spoken of by Peter in 2 Peter 2:20-21 are the Old Testament.<sup>115</sup> Averbeck wants the church to understand that “*in essence, we need to shift our thinking about this subject away from the ‘limit’ or ‘extent’ of application of the law to the ‘level’ or ‘kind’ of application. The issue is not how much of the law applies, but how it applies.*”<sup>116</sup> He then proceeds to illustrate how the so-called “ceremonial and civil” laws are not obsolete, but rather drawn upon regularly by the New Testament writers to explain the significance of the Christian’s life and experience of God in the context of the New Covenant,<sup>117</sup> where “all the previous covenants find their ultimate fulfillment . . . That is, the accumulated effect of the promises and obligations of all the previous covenants are felt in the New Covenant in Christ.”<sup>118</sup> While this new covenantal context required that some of the laws be no longer applicable in their original form, they are in no way obsolete in principle.<sup>119</sup> To forget this undermines the churches ability to understand and properly apply not the Old Testament, but the New Testament.

So how do these ideas of “transparent” and “transformed” laws apply to the Levitical proscriptions of homosexual behavior?

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<sup>115</sup> Averbeck, 30.

<sup>116</sup> Averbeck, 34-35. (His emphasis)

<sup>117</sup> “The Gospels, letters, and other books that they were writing, and which would eventually make up our New Testament, were *extensions of the Old Testament.*” (Averbeck, 17. His emphasis) He adds, “The same Holy Spirit who indwells and sanctifies us is also the One who inspired the writing of scripture (2 Pet. 1:21), so it is simply natural that the Spirit would continue to use the law as part of the scripture that he himself made useful in very direct and directive ways for the Christian life (2 Tim. 3:16-17). It is not fair to say that anyone who thinks the law is still authoritative for the Christian life is a “legalist.” Jesus and the NT writers, in point of fact, cited it as authoritative for us, so we have no right to discount it.” (Averbeck, 30).

<sup>118</sup> Averbeck, 20. He adds, “Our understanding of the authority and application of the law in the church and the Christian life is largely dependent on the nature of the shifts from the Mosaic Covenant to the New Covenant; from a theocratic kingdom of earth to a theocratic kingdom of heaven that crosses all the boundaries between earthly kingdoms; from the writing of the law on tablets of stone to the writing of it on the heart.” (Averbeck, 22)

<sup>119</sup> “With the change in covenant comes changes, what I have called transformations, in the application of the law. The best way to understand this is to think in terms of the writing of the law “on the heart” of the believer by the Holy Spirit.” (Averbeck, 40).

*The Silence of Jesus and other Smokescreens*

Unlike incest<sup>120</sup> and bestiality, the New Testament *does* explicitly address and condemn (at least some type of) homosexual behavior, yet Jesus was silent on the issue, and the epistles have relatively little to say about it. These facts are commonly marshaled as premises supporting the conclusion that the issue is not one of great concern to Jesus, Paul or the early church. Nelson succinctly sums up both of these revisionist arguments, “Not many texts in scripture—perhaps seven at most—speak directly about homosexual behavior. We have no evidence of Jesus’ teachings on or concern with the issue. The subject obviously is not a major scriptural preoccupation.”<sup>121</sup>

These arguments are specious. While there was much that Christ did not explicitly mention or condemn, including incest and bestiality, it would be morally irresponsible to conclude that His silence on these behaviors is tantamount to his moral approval of them. Further, the fact that only a few verses address the issue of homosexual behavior in the Bible is meaningless. The preposterous nature of this argumentation is highlighted when one simply substitutes the words “four”<sup>122</sup> for “seven” and “bestiality” for “homosexual behavior” in Nelson’s statement. The paucity of biblical texts dealing with both of these sexual behaviors could just as easily indicate that they so deviate from the will of Yahweh in the Jewish mind as to be morally unconscionable, and thus require no extensive commentary.<sup>123</sup> Yet this critique is not sufficient to undermine the actual treatment of the revisionists’ interpretation of New Testament pronouncements regarding homosexual behavior. To do this requires a different approach.

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<sup>120</sup> The reference to a man having “his father’s wife” in 1 Corinthians 5:1 probably refers to an adult man who is having sexual relations with his step-mother. While it does not echo the consanguineous incest condemned in Leviticus 18, it could perhaps be seen as a “transformed” application of these laws into the Corinthian and Christian context. Paul’s comment in verse one indicates shock on his part stating that such immorality is “not even named among the Gentiles.” If this is a transformation of the Levitical proscriptions of incest, which seems likely, it is extending what is already implicitly confirmed, that the relations condemned in Leviticus are still condemned in the New Covenant context.

<sup>121</sup> James B. Nelson, “Sources for Body Theology: Homosexuality as a Test Case,” *Moral Issues and Christian Responses*, Edited by Patricia Beattie Jung and Shannon Young, (Belmont, CA: Wadsworth/Thomson, 2003), 276. Likewise, Gomes states, “Given the appeal to the Bible in the case against homosexuality, one would assume that the Bible has much to say on the subject. It has not. The subject of homosexuality is not mentioned in the Ten Commandments, nor in the Summary of the Law. No prophet discourses on the subject. Jesus himself makes no mention of it, and homosexuality does not appear to be much of a concern to those early churches with which Saint Paul and his successors were involved.” (*The Good Book*, 147).

<sup>122</sup> These are Exodus 22:19, Leviticus 18:23 and 20:15-16, and Deuteronomy 27:21.

<sup>123</sup> See previous discussion on *toevah* and *bdelygma*. (pp. 15-21).

*The Contextual Milieu of Paul's Pronouncements Against Homosexual Behavior*

For purposes that will become clear below, the main New Testament texts that will be discussed in relation to the continuing relevance of Leviticus 18:22 and 20:13 are 1 Corinthians 6:9 and 1 Timothy 1:10.<sup>124</sup>

**1 Corinthians 6:9-10**

Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived. Neither fornicators, nor idolaters, nor adulterers, nor *malakoi*, nor *arsenokoitai*, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners will inherit the kingdom of God.

**1 Timothy 1:10**

<sup>9</sup>knowing this: that the law is not made for a righteous person, but for *the* lawless and insubordinate, for *the* ungodly and for sinners, for *the* unholy and profane, for murderers of fathers and murderers of mothers, for manslayers, <sup>10</sup>for fornicators, for *arsenokoitais*, for kidnappers, for liars, for perjurers, and if there is any other thing that is contrary to sound doctrine,

The transliterated and highlighted texts signify the salient material for this discussion. Most revisionists agree that these words used by Paul<sup>125</sup> in a pejorative sense clearly have something to do with some kind of same-sex behavior. The questions remains, what is it? And how, if at all, do they relate to the Levitical proscriptions?

To reconstruct the cultural background for understanding these pronouncements, revisionists focus on the Greco-Roman world. Furnish argues,

Before we can evaluate Paul's remarks about homosexual practice . . . we must understand something of the place of homosexuality in Greco-Roman society. We must also make ourselves aware of the attitudes toward it expressed in the moral teachings of Paul's contemporaries, Greco-Roman, rabbinic and Hellenistic Jewish. Only when we have some acquaintance with the phenomenon of homosexuality as Paul's world observed and analyzed it will we be able to deal

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<sup>124</sup> It may surprise the reader that Romans 1:24-27 are not being considered here as the "main texts" dealing with the question at hand. This writer sees a more direct and concrete ("transparent") link of the Corinthian and Timothy material with the Levitical proscriptions than he sees this link occurring in Romans. What Romans 1 does do however, is give a great example of the ("transformed") way in which the Levitical material might be understood in a new covenantal context. This will be briefly discussed below.

<sup>125</sup> Although many do not attribute 1 Timothy to the authorship of Paul, it will be assumed in this discussion. The authorship of 1 Timothy is actually irrelevant, as far as this writer can surmise, to the present discussion. Although if it is not from the hand of Paul directly it certainly does show his influence in the early church, particularly on this question of same-sex behavior as Gagnon, who does not hold to Pauline authorship, has suggested. (*The Bible and Homosexual Practice*, 332).

sensitively with the original meaning of the Pauline texts and with their significance for modern Christians.”<sup>126</sup>

Scroggs, likewise states that to understand just what the early Christians were against “necessitates detailed exploration of the Greco-Roman culture of homosexuality” after which he considers the Jewish (first Palestinian and next Hellenistic) attitudes towards it. The approach taken by Furnish and Scroggs, namely, focusing on the Greco-Roman culture as the primary context to understand Paul’s thought, leads to a conclusion that Paul does not condemn homosexuality, *per se*, but rather exploitative and idolatrous forms of homosexual behavior. This approach is actually biased toward the revisionists’ conclusion to begin with, and, more importantly, it is wrong-headed, in that *predominance* in this discussion must be given to Paul’s Jewish heritage and his understanding of Torah for properly interpreting his remarks about same-sex behavior.

Furnish discusses in some detail how the Greeks, represented by Plato, extolled the beauty of the youthful male who, being admired by older males, became the object of their love and sexual impulses. Scroggs identifies this common practice involving the “love and use of boys or youths by adult males” as pederasty. Veyne indicates that in Rome, as well, this was quite common. “Nearly anyone can enjoy sensual pleasure with a member of the same sex, and pederasty was not at all uncommon in tolerant antiquity. Many men of basically heterosexual bent used boys for sexual purposes.”<sup>127</sup> Scroggs also explains how there were different kinds of pederasty.<sup>128</sup> The most common type, condoned, if not extolled, by nearly all ancients involved free youths entering into these relationships voluntarily, especially for educational gain and other favors given by the adult lover.<sup>129</sup> The darker sides of pederasty involved two other types; slaves that were coerced into these relationships, loaned out from their masters to others, and given no benefits, and finally what Scroggs coins “effeminate call-boys,” who actually prostituted themselves for sexual services.<sup>130</sup> These

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<sup>126</sup> Victor Paul Furnish, *The Moral Teachings of Paul, Selected Issues*, rev. ed. (Nashville, TN: Abingdon Press, 1985), 58.

<sup>127</sup> Paul Veyne, “The Roman Empire,” *A History of Private Life, From Pagan Rome to Byzantium*, (Edited by Philippe Aries and Gerges Duby, (Cambridge, MA: Belknap Press), 204.

<sup>128</sup> Scroggs, *Homosexuality and the New Testament*, 29-43.

<sup>129</sup> Scroggs, 27.

<sup>130</sup> Scroggs, 40

individuals were especially given to attempting to look woman-like through dress, and cosmetics. Furnish, referencing Scroggs' work, opines, "these, and particularly the latter [i.e. the 'call boys'] would have been the types of 'homosexuality' evident in the great urban centers of the Roman world, and therefore the forms with which the apostle Paul would have been most familiar."<sup>131</sup> "Thus, in distinction from the 'noble' boy or youth who allows sexual favors to his lover, and in sharp distinction from the slave under duress, this category consisted of older free youths who accepted the passive role for money."<sup>132</sup> Greek moralists condemned these latter individuals, and although the first kind of pederasty was for the most part sublimated, there were those who argued against even its "potential to create concrete relations that would be destructive and dehumanizing to the participants."<sup>133</sup> Scroggs discusses in detail, the "great debate" of the day as to the relative merits and detriments of pederasty. For Scroggs and Furnish, the homosexuality known by Paul was these forms of pederasty.<sup>134</sup> Paul would always side with the moralist who condemned it in every way, and this is what he condemned in his writings.<sup>135</sup> Both particularly feel that Paul condemned the 'effeminate call-boys' and their customers in 1 Corinthians 6:9 and 1 Timothy 1:10.<sup>136</sup> Furnish, however, also emphasizes that it was the exploitative nature of pederastic relationships that fell under Christian derision, which was merely consonant with what some Greek and Roman moralists were likewise condemning.

Neither Scroggs, nor Furnish give the Old Testament, *qua* Old Testament, any *priority* in interpreting the New. Furnish, for example, makes "some comments" about the Jewish attitude toward homosexual practice, but does not make any specific connection of this with how Paul thought about the issue. Scroggs mentions the Old Testament connection to Paul's writings particularly in reference to how Hellenistic Jews interpreted it in their own culture. For example, he argues that Philo clearly had the institution of pederasty in mind when expounding on the Levitical proscriptions. It seems obvious that this is indeed the case, but

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<sup>131</sup> Furnish, 59-60

<sup>132</sup> Scroggs, 41-42.

<sup>133</sup> Scroggs, 43.

<sup>134</sup> Scroggs, 43; Furnish 60.

<sup>135</sup> Furnish, 72.

<sup>136</sup> Both Scroggs and Furnish point out that Paul employs the term *malakos* in 1 Corinthians 6:9 which was an epithet used in association with these "effeminate call-boys." The term itself means "soft" and came to connote those who were unmanly. Paul's usage of this common term is automatically assumed to tie his remarks exclusively into the Greco-Roman culture. This also influences how the revisionists interpret the word following *malakos* in the vice list, *arsenokoite*. More on this below.

this was an application of a general condemnation of homosexual practice to the most prevalent manifestation of it in Philo's culture. It would be expected. Yet, just as it does not follow that Philo's application of Leviticus constitutes its meaning in original form, neither does it follow that this is the *only* way it was being applied by Paul when he wrote 1 Corinthians 6:9 and 1 Timothy 1:10, *especially* Paul who claimed to be a "Hebrew of the Hebrews.

*Transparent and Transformed Images of Leviticus 18:22 and 20:13 in the New Testament*

"The homosexuality the New Testament opposes is the pederasty of the Greco-Roman culture; the attitudes toward pederasty and, in part, the language used to oppose it are formed by the Jewish background."<sup>137</sup> In other words, the New Testament pronouncements condemning homosexuality can only be understood in terms of pederasty, but this is done in the language of Judaism. Yet, is it appropriate to interpret Paul predominantly in terms of his Greco-Roman culture, or should primacy be given to his Jewish Heritage?

Barclay explains Paul, first as a Jew, a true Jew, not a Hellenistic Jew of the Diaspora who "in a foreign land had forgotten their own tongue" and rich heritage, He made it a point to remind his audience of his own Jewish heritage. He comments on Paul's threefold self-description in 2 Corinthians 11:22.<sup>138</sup>

The three words he uses all have their own meaning. A *Hebrew* was a Jew who could still speak Hebrew in contradistinction to the Jews of the Dispersion who had forgotten their native language for the Greek of their adopted countries. An *Israelite* was specifically a member of the covenant nation. To be of the *seed of Abraham* was to have absolute racial purity. Paul's claim was that there was nowhere in the world a purer Jew than He.<sup>139</sup>

He adds, "Again and again there breathes through the thought of Paul his pride and joy in the privilege of being a Jew, one of the chosen people of God."<sup>140</sup> Paul was a "Jew who was steeped in Judaism" the Jew "*par excellence*."<sup>141</sup> Commenting on Paul's self-identifying remarks in Philippians 3:4-6 Barclay observes, "he was a Hebrew of the Hebrews, a Pharisee, that is a Separated One who had foresworn all normal

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<sup>137</sup> Scroggs, 84.

<sup>138</sup> "Are they Hebrews? So *am* I. Are they Israelites? So *am* I. Are they the seed of Abraham? So *am* I."

<sup>139</sup> William Barclay, *The Mind of St. Paul*, sec. ed. (London, Fontan Books, 1965), 11.

<sup>140</sup> Barclay, 12.

<sup>141</sup> Barclay, 15.

activities in order to dedicate life to the keeping of the Law, and he had kept it with such meticulous care, that in the keeping of it, he was blameless.”<sup>142</sup> For purposes of this discussion, this would mean that Paul knew and studied the details of the so-called Holiness Code. Barclay further comments, “It was not only in his words and actions that Paul’s essential Jewishness came out; it was equally clear in his thoughts.” What was that which shaped Paul’s view of life from his earliest days? There can be no question that it was the Torah. “Paul was a man of one book, and that book was the Old Testament.”<sup>143</sup> Here, however, there was a difference. Probably for evangelism and other expediencies in a world where Greek was the *lingua franca*, Paul used the Septuagint. According to Barclay, “When Paul quoted the Old Testament normally his quotations were not taken directly from the Hebrew; they were taken from the Septuagint, the Greek translation.”<sup>144</sup> This fact is of great significance in approaching Paul’s pronouncements on homosexual practice in 1 Corinthians 6:9 and 1 Timothy 1:10.

*Arsenokoite*, appearing in both of these texts first as a person who will not “inherit the kingdom of God” and second as a person who is in opposition to the law of God, is a neologism, occurring for the first time in extant literature in these New Testaments texts.<sup>145</sup>

Scroggs comments on the origin of *arsenokoite* are useful to a point.<sup>146</sup> Regarding the translation of Leviticus 18:22 and 20:13 in the LXX he writes, “The Hebrew is translated faithfully and it is important to see the words the translator chose. ‘With a male [arsen] you shall not lie the intercourse [koite: lit. ‘bed’] of a woman” (18:22). ‘And whoever lies with a male [arsen] the intercourse [koite] of a woman, both have done an abomination; . . .’” (20:13).<sup>147</sup> Scroggs correctly notes the import of the juxtaposition of the two terms and clearly identifies them as the “two roots of the compound noun that appears in 1 Cor. 6:9,

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<sup>142</sup> Barclay, 16.

<sup>143</sup> Barclay, 13.

<sup>144</sup> Ibid.

<sup>145</sup> Gagnon points this out (*The Bible and Homosexual Practice*, 312-313), as do Scroggs (*The New Testament and Homosexuality*, 107), Furnish, (*The Moral Teachings of Paul*, 68) and Boswell (*Christianity, Social Tolerance and Homosexuality*, 345).

<sup>146</sup> To his credit, Scroggs at least discusses the connection of *arsenokoite* with the LXX translation of Leviticus 18:22 and 20:13. Neither Furnish nor Boswell, in his rather lengthy appendix (*Christianity, Social Tolerance and Homosexuality*, 335-353), mentions this connection.

<sup>147</sup> Scroggs, 85-86.

*arsenokoites*.”<sup>148</sup> He also explains that this corresponds directly to the Hebrew phrase *mishkav zakur*, which came to be used as a semi technical term by the rabbis to speak of the vice of “lying with a male.”<sup>149</sup> This, consequently, was the root behind the coining of the term *arsenokoite* as well, which, in keeping with the Hebrew tradition from which it derived, connotes the active partner in a homosexual sex act.<sup>150</sup> So, whomever it was that coined the term “*arsenokoite*” was doing so to reflect in the LXX the meaning that *mishkav zakur* already had, namely, a general and unqualified condemnation of same-sex intercourse between males both of whom were to be punished. Yet Scroggs, for some reason, does not attribute the word to Paul, but rather to some unknown individual at an indefinite time in the development of Hellenistic Judaism. It is uncertain why he does this, but perhaps it is to suggest that by the time that the term got to Paul, it had connotations such that only pederasty was being condemned, since it was so prevalent in the Greek culture of the Hellenistic Jews, in Jewish terms. This would be supportive of his revisionist conclusions. Boswell and Furnish both point out that the term has no history prior to Paul, and Furnish actually states that it is “the first documented use of the word.”<sup>151</sup> If it is the first documented use of the word, a neologism, it is likely that Paul was the one who coined it. Dallas suggests that Paul actually coined the term and this is not inconsistent with his manner, having coined at least 179 terms in the New Testament literature.<sup>152</sup> It seems quite likely that Paul did coin the term since it has no prehistory in any other literature, and if this is the case, its significance is even greater as a “transparent” carry over from Leviticus. But even if Paul did not coin the term, it is obvious, in terms of his Jewish heritage, why he used it in his writings.

Regardless of its first use, its meaning, being rooted in the tradition of *mishkav zakur*, is clearly the unqualified condemnation of homosexual intercourse. That is, if one interprets Paul first as a Hebraic, not a Hellenistic, Jew. Even Scroggs, considers it “*Granted [that] the laws in Leviticus are unequivocally opposed to homosexual activity,*” but then discredits that this is the context for interpreting the New Testament

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<sup>148</sup> Scroggs, 86.

<sup>149</sup> Scroggs, 83, 86.

<sup>150</sup> This fits with the discussion above regarding the unique singling out of the active male partner (*mishkav zakur*) in the Levitical legislation. Further, the coupling with the term *malakos* also supports the idea that the active partner is the one identified in the term *arsenokoite*, otherwise the two words are needlessly redundant.

<sup>151</sup> Furnish, 68.

<sup>152</sup> Joe Dallas, “Responding to Pro-Gay Theology,” <http://www.leaderu.com/stonewall/issues/theo.html>.



pronouncements. “Since the Old Testament is emphatic about many issues ignored or discarded by the Christian Churches, however, it cannot be said that the Old Testament alone would control contemporary decisions. . .”<sup>153</sup> So Scroggs agrees that the Old Testament “unequivocally” opposes homosexual activity. Yet in discussing the significance of New Testament declarations regarding homosexuality he traces the roots of these pronouncements to the Greco Roman culture. But this approach seems to altogether ignore the significance of Paul’s being a Jew “steeped in Judaism.” When Paul sought a word to explain those who are not inheritors of the kingdom of God, and he thought on those involved in homosexual behavior as such, he had none, except *malakos*, and this designated only the passive/ receptive partner in a homosexual act. But his Jewish mindset could not leave it at that. This is what the pagan nations found degrading and often condemned. But Yahweh in the Torah uniquely condemned the active male in the sex act, as well as both involved in consensual, homosexual behavior. Here, guided by the Holy Spirit to communicate God’s truth, Paul drew from the rabbinic tradition rooted in the *mishkav zakur* of the Torah, and using the corresponding terms *arsen* and *koite* in the LXX, coined, or used, *arsenokoite* to signify the active partner. If he did not coin the term, he certainly was aware of its correspondence to *mishkav zakur*, which unconditionally vilified all homosexual behavior, in his selection of it.

Another point to be made in this regard is if Paul were, in fact, condemning pederasty it would seem strange that he would create a word to refer to an institution that already had a term (*pedairestes*) to describe it, a word that Paul, no doubt, had at his disposal. Regardless of whether Paul coined the term or not, if one appreciates him first as a “Hebrew of Hebrews” steeped in the Torah, the way to understand *arsenokoite* is not as *pedairestes*, a completely different term, but as a transparent carryover from the unqualified proscription of being an active homosexual male in the LXX translation of Leviticus 18:22 and 20:13.<sup>154</sup>

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<sup>153</sup> Scroggs, 99.

<sup>154</sup> See David F. Wright, “Homosexuality: The Relevance of the Bible,” *Evangelical Quarterly* 61:4 (1989), 291-300. Wright remarks, “Now no-one claims that Leviticus had pederasty in mind! Paul has in fact adopted or fashioned a term which is little more than a substantival transcript from Leviticus (LXX) and which speaks simply of males sleeping with males. Oddly enough, despite the liberal consensus, the New Testament at no point obviously refers to pederasty at all.” (Wright, 298).

*Arsenokoite* appears in both 1 Corinthians 6:9 and 1 Timothy 1:10. There is a word that precedes *arsenokoite* in 1 Corinthians 6:9 which is also relevant to this debate. Paul stated the *malakoi* would not inherit the kingdom of God. This term denotes “soft” and developed moral connotations to indicate morally weak and effeminate males.<sup>155</sup> It also came to identify a certain group of people, as Paul used it. Who were the *malakoi*?

Scroggs and Furnish identify them as the so called “effeminate call-boys” thus putting a condition on them that they are indeed prostitutes, the third sense in which they both spoke of the pederasty practiced in the Greco-Roman world. Gagnon, however, argues that these *malakoi* were “passive homosexual partners . . . who cultivate feminine features.”<sup>156</sup> Gagnon draws on Philo’s description of these individuals in his *Special Laws* 3:37-42 where he “describes men who braid their hair and who use make-up and perfume in an effort to please their male lovers.”<sup>157</sup>

A direct reading of Philo’s passage has led this writer to the conclusion that he is referring, in the context of pederasty, to another phenomenon that grows out of this institution. Apparently, the youths had reached an age where they were supposed to leave being the objects of older (other) males’ sexual interests. That is, when the “victims” in a pederastic relationship achieve an age that they are supposed to take on a male identity, instead choose to act more feminine and take on the “female” role in sexual relationships. While they may have been victims as boys used by older males, they are no longer victims, but responsible for their own actions, as those who are making themselves known as passive homosexual partners without shame and in a public sense. It is this deplorable outcome resulting in the effeminate *malakoi*, as one of the reasons for which Philo curses the institution of pederasty.<sup>158</sup>

So the *malakoi* and *arsenokoitai* referred to in 1 Corinthians 6:9 are the passive/receptive and the active/penetrative males of homosexual relationships respectively. Together, these transparently recall in the New Testament, the Levitical proscriptions in Leviticus 18:22 and 20:13. Just as Leviticus, as discussed

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<sup>155</sup> Boswell, 339-341.

<sup>156</sup> Gagnon, 308.

<sup>157</sup> Ibid.

<sup>158</sup> Philo Judaeus, *The Works of Philo*, (Oak Harbor, WA: Logos Research Systems) 1997. See *Special Laws* 3.37-41. There is no hint in Philo that these individuals were prostituting themselves.

above, uniquely condemned the active partner in its own cultural context, and holds both the active and passive males engaged in consensual homosexual intercourse responsible for their own punishment, the same is true of the *malakoi* and *arsenokoitai*. These are identified as the “unrighteous”<sup>159</sup> (1 Corinthians 6:9) and lawbreakers (1 Timothy 1:10) who will not inherit the kingdom of God (1 Corinthians). Scroggs and Furnish impose an alien understanding of homosexual behavior onto a term that derives from a Jewish understanding that condemned all homosexual behavior, not any particular kind of it. Historian Robin Lane Fox succinctly summarizes the attitude held by first century Christians, “As for homosexuality, Paul and the early epistles agreed with the accepted Jewish view that it was a deadly sin which provoked God’s wrath.” He adds, “The absence of Gospel teaching on the topic did not amount to tacit approval. All orthodox Christians knew that homosexuals went to hell, until a modern minority tried to make them forget it.”<sup>160</sup>

The final point to discuss is the “transformed” ways in which the Levitical laws have been brought into the New Testament. Here, Romans 1:24-27 becomes important. Romans postdates I Corinthians by approximately ten years, thus whatever Paul had in mind in Romans, it was no doubt influenced by the *mishkav zakur* and *arsenokoite* of his previous correspondence. Yet Paul brings in at least two nuances. In Romans, Paul also condemns lesbianism, which is not included in any other biblical texts regarding same-sex intercourse. Here, Paul is expanding the condemnation to “females” who “exchange the natural use into that which is against nature,” as well as the males who do so. So, although lesbianism has not been hitherto dealt with in Scripture, Paul expands all previous instruction to include it.

One other point of transformation has to do with the penalty for homosexual behavior, and here Paul may very well be directly recalling Leviticus 20:13. All the sinful practices listed in Romans 1:26-32 as exhibits of what Paul meant by “all unrighteousness and ungodliness of men” (v.18) who are subject to the “wrath of God” (v. 18) are also said to be “worthy of death” (v. 32).<sup>161</sup> The death penalty was exacted against homosexual behavior under the Mosaic Law, which demonstrated that those who practiced such were

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<sup>159</sup> Interestingly, Paul uses the term *adikia* here to refer to those who are excluded from the kingdom of God. It is probably no coincidence that this same term is used to collectively describe all the sexual vices in Leviticus 18 in the LXX. (See discussion at note 74).

<sup>160</sup> Robin Lane Fox, *Pagans and Christians*, (New York, NY: Alfred A. Knopf, Inc., 1989), 352.

<sup>161</sup> See on this Gagnon, 309 and Bailey, 60.

excluded from the theocratic nation of Israel. But in the New Covenant era, death comes not through capital punishment, but eternal damnation (cf. Romans 6:23) and exclusion from God's kingdom (1 Corinthians 6:9). In this way Paul transforms, but does not altogether forget, the Levitical legislation. The unrighteous are now subject to the eternal wrath of God, which means exclusion from His kingdom (1 Corinthians 6:9) until they have been justified through the death of his Son. Thankfully, Paul saw this as a reality, for he says, after his vice list in 1 Corinthians 6:9-10 which, remember, excludes the *malakoi* and *arsenokoitai* from the kingdom of God, "And such were some of you. But you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus and by the Spirit of our God."<sup>162</sup>

### **Conclusion:**

The proscriptions of Leviticus 18:22 and 20:13 unequivocally and unqualifiedly proscribe homosexual intercourse between males. This is how the Jews understood it. The Mosaic Law was unparalleled in the ancient world in that it uniquely dealt with the active/penetrative partner in same-sex intercourse, and held both individuals in a consensual homosexual act equally accountable, exacting the death penalty against them. In the New Testament, Paul explicitly referred to the Levitical texts as translated in the LXX, and perhaps even coined a compound word from two separate words in the LXX, by condemning the active homosexual role of the penetrative partner. In this same tradition, he held the passive and receptive partner accountable as well. Drawing on this same moral legacy, Paul expanded the condemnation on homosexual behavior to include females, and while not discrediting the Levitical sanction of death for homosexual behavior; he explained that this death was eternal judgment and exclusion from the kingdom of God. This also has temporal ramifications. Just as no openly practicing adulterer, thief, drunkard, or fornicator would be permitted church membership or leadership, insofar as they are engaged in behavior unbecoming to the kingdom of God, the same is true with openly practicing homosexuals. Yet while Paul overtly condemns these behaviors, he could also point to some who had been delivered from their

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<sup>162</sup> 1 Corinthians 6:11 (My Emphasis)

bondage, set free and justified in Christ. With this, hope for change and salvation should be held out to those who practice homosexuality in our midst.

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