

Biblical Self-Defense Course on Lesbian, Gay, and Bisexual Concerns

Deciphering the Holiness Code

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Leviticus 18:22 and 20:13

You shall not lie with a male as with a woman; it is an abomination.

If a man lies with a male as with a woman, both of them have committed an abomination; they shall be put to death; their blood is upon them. [NRSV]

Literary Context

The book of Leviticus (“The Book of the Levites”) is the third of the five books (Pentateuch) comprising the Torah (“Law”). This “Priests’ Manual” is not simply a book of rituals; it is a book of ethics that undergird and inform the faith life of the Hebrew people. Because of its content and viewpoint, it is known as the “P” (Priestly) source, the latest biblical literary tradition. Although the meaning of its peculiar conservative vocabulary was sometimes lost on those in the postexilic age and later generations, modern scholars are thought to understand more of the older terminology than they did because of recent archaeological discoveries of contemporary texts.

Chapters 17–26 appears to be an independent legal code inserted into the “P” material. Because it calls the people of Israel to be holy as God is holy, it has become known as the Holiness Code. Its format resembles that of other codes in the Hebrew scriptures; it merges ethical and ritual laws; and it appears to be a compilation of several older collections. The Holiness Code includes laws about meat, ethics and ritual (Chapters 18–20), priests and sacrifices, festivals, miscellaneous items and the Sabbatical and Jubilee Years.

Chapter 18 forbids certain sexual relationships. It begins by warning the people of Israel to follow God’s statutes and ordinances and not the practices of Egyptians and Canaanites. The latter worshipped and idolized sex and reserved the term “holy ones” for their cult prostitutes.

Chapter 20 cites the penalties for violating certain laws. Many of the absolute commands (“You shall,” “You shall not”) in Chapters 18 and 19 are repeated in conditional form (“If, then”) along with their respective punishments. This latter form and the added penalties evidently were incorporated from a different source. [Interpreter’s, pp. 68, 78–80.]

Historical Context

The date of the Holiness Code is uncertain. The theme of holiness suggests the influence of Ezekiel [c. 593–573 BCE], and the style sometimes resembles the exhortation of Deuteronomy [published c. 620–615 BCE]. The Code may have been written in Jerusalem shortly before the fall of the nation [587 BCE], although it preserves older tradition as well. [Anderson, p. 423.]

Textual Notes and Cultural Context

Boswell states, “The only place in the Old Testament where homosexual acts per se are mentioned is Leviticus [18:22; 20:13]. The Hebrew word ‘toevah,’ here translated ‘abomination,’ does not usually signify something intrinsically evil, like rape or theft (discussed elsewhere in Leviticus), but something which is ritually unclean for Jews, like eating pork or engaging in intercourse during menstruation, both of which are prohibited in these same chapters. It is used throughout the Old Testament to designate those Jewish sins which

involve ethnic contamination of idolatry and very frequently occurs as part of the stock phrase 'toevah ha-goyim,' 'the uncleanness of the Gentiles' (e.g., 2 [4] Kings 15:3). For example, in condemnations of temple prostitution involving idolatry, 'toevah' is employed (e.g., 1 [3] Kings 14:24), while in prohibitions of prostitution in general a different word, 'zimah,' appears (e.g., Lev. 19:29). Often 'toevah' specifically means 'idol,' and its connection with idolatry is patent even within the context of the passages regarding homosexual acts. Leviticus 18 is specifically designed to distinguish the Jews from the pagans among whom they had been living, or would live, as its opening remarks make clear— 'After the doings of the land of Egypt, wherein ye dwelt, shall ye not do: and after the doings of the land of Canaan, whither I shall bring you, shall ye not do: Neither shall ye walk in their ordinances' (3, KJV). And the prohibition of homosexual acts follows immediately upon a prohibition of idolatrous sexuality (also 'toevah'): "And thou shalt not let any of thy seed pass through the fire to Molech, neither shalt thou profane the name of thy God" (21, KJV).

"Chapter 20 begins with a prohibition of sexual idolatry almost identical with this, and like 18, its manifest (and stated: 20:3–4) purpose is to elaborate a system of ritual 'cleanliness' whereby the Jews will be distinguished from neighboring peoples. Although both chapters also contain prohibitions (e.g., against incest and adultery) which might seem to stem from moral absolutes, their function in the context of Leviticus 18 and 20 seems to be as symbols of Jewish distinctiveness. This was certainly the interpretation given them by later Jewish commentaries, for example, that of Maimonides. As moral imperatives the same matters are taken up elsewhere in the Old Testament (e.g., in Exod. 20 or Duet. 4 and 10) without the ritualistic concerns which appear to underlie these chapters.

"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 or justice (anomia) and infringements of ritual purity or monotheistic worship (bdelugma). The Levitical proscriptions of homosexual behavior fall in the latter category.

"In the Greek, then, the Levitical enactments against homosexual behavior characterize it unequivocally as ceremonially unclean rather than inherently evil. This was not lost on Greek-speaking theologians, many of whom considered that such behavior had been forbidden the Jews as part of their distinctive ethical heritage or because it was associated with idolatry, not as part of the law regarding sexuality and marriage, which was thought to be of wider application. The irrelevance of the verses was further emphasized by the teaching of both Jesus and Paul that under the new dispensation it was not the physical violation of Levitical precepts which constituted 'abomination' ('bdelugma') but the interior infidelity of the soul." [Boswell, pp. 100–102.]

Edwards states, "Despite abundant opportunity to do so, no prophet adduces sodomy as the cause of the nation's [Sodom's] fall. No prophet uses the noun for male cult prostitute [kadesh] or discusses the activity such a person pursued. The prophets, in fact, are as silent on the subject of homosexual acts as is the whole tradition of the New Testament teaching of Jesus. This is a significant silence.

"Over against the silence of the prophetic books exists a collection of texts (Leviticus 18:22; 20:13; Deuteronomy 23:14f.; 1 Kings 14:24; 15:12; 22:46; 2 Kings 23:7; and Job 36:14) in which male cultic prostitution, which possibly involved homosexual acts, is implicitly disapproved or explicitly prohibited. In all these passages—except the two from Leviticus—the noun for male cult prostitute is found. So it is probable that with the two Leviticus texts male cultic prostitution is also intended. The reason for this follows.

"Contextually, Leviticus 18:22 stands between a prohibition of child sacrifice to the Ammonite Deity, Molech (cf. 1 Kings 11:7), and the rule against bestiality in 18:23. Carl Keil traced the latter to the Egyptian ram cult. Thus on both sides 18:22 is enclosed by jabs at foreign cult practice. S.R. Driver links Leviticus 18:22 therefore to his discussion of the precept against cultic prostitution in Deuteronomy 23:17f., concluding that 'Leviticus 18:22 (cf. 20:13), though general in its wording is aimed probably at the same practice.' In addressing Leviticus 18:22 Norman Snaith does not hesitate to

say: 'Thus homosexuality here is condemned on account of its association with idolatry.'

"Paul Humbert has, furthermore, observed that 'abomination' (toevah) occurs six times in the Holiness Code and nowhere else in Leviticus or in the priestly stratum of the Pentateuch. All six of these occurrences are confined to Leviticus 18 and 20 and are further restricted to the context of sex impurity, four of them in chapter 18 (vss. 26–27, 29–30) in proximity to the first instance in 18:22. The single remaining instance is found at Leviticus 20:13. On the basis of what we have observed previously about the meaning of toevah as referring to idolatry in Ezekiel, it is understandable that Snaith comments on the use of 'abomination' in 18:22: 'Usually this work toevah has to do with idolatrous actions, actions connected with the cult of other gods.'

"Because there is increasing awareness that male sacril prostitution—the absence of reference to homosexual acts among women in the sex laws of the Holiness Code illustrates the patriarchal perspective—is morally irrelevant to private, consensual, nonsacril homosexuality, other nonsacril grounds are frequently sought. Primary among these is the appeal to 'natural law,' especially since it can be shown that the New Testament adapted from Greek moral philosophy various admonitions based on appeals to 'nature.'

"The objection to this modernization of Leviticus must be bluntly stated. It is unconvincing not only because it is unresponsive to contemporary scientific perspectives on homosexuality, but also because it reduces to the vanishing point the uniquely masculine and hieratic quality of the Holiness Code and inadequately questions the use of natural law as an instrument of human oppression." [Edwards, pp. 64–66.]

Conclusions

Boswell concludes, "Even where such subtleties [between intrinsic wrong and ritual impurity] were not well understood, however, the Levitical proscriptions were not likely to have much effect on early Christian morality. Within a few generations of the first disciples, the majority of converts to Christianity were not Jews, and their attitude toward Jewish was to say the least

ambivalent. Most Christians regarded the Old Testament as an elaborate metaphor for Christian revelation; extremely few considered it morally binding in particular details. Romans and Greeks found Jewish dietary customs distasteful and squalid and had so profound an aversion to circumcision, the cornerstone of Mosaic law, that large and often bloody conflicts resulted from their efforts to extirpate it. It would have been difficult to justify the imposition of only those portions of Leviticus which supported personal prejudices, and even without circumcision it is difficult to imagine the wholesale adoption by the Graeco-Roman world of Levitical laws which prohibited the consumption of pork, shellfish, rabbit—all staples of Mediterranean diet—or of meats containing blood or fat. Thorough reaping and gleaning of fields, hybridization, clothing of more than one type of fabric, cutting of the beard or hair—all were condemned under Jewish law, and all were integral parts of life under the Empire. Viewed through the lenses of powerful modern taboos on the subject, the prohibition of homosexual relations may seem to have been of a different order: to those conditioned by social prejudice to regard homosexual behavior as uniquely enormous, the Levitical comments on this subject may seem to be of far greater weight than the proscriptions surrounding them. But the ancient world, as has been shown, knew no such hostility to homosexuality. The Old Testament strictures against same-sex behavior would have seemed to most Roman citizens as arbitrary as the prohibition of cutting the beard, and they would have had no reason to assume that it should receive any more attention than that.

"In fact non-Jewish converts to Christianity found most of the provisions of Jewish law extremely burdensome, if not intolerable, and a fierce dispute racked the early church over whether Christians should be bound by it or not. The issue was finally resolved at the Council of Jerusalem (ca. 49 CE; see Acts 15). After long and bitter debate within the highest ranks of the Christian community, it was decided that pagan converts to the Christian faith would not be bound by any requirements of the Mosaic law—including circumcision—with four exception: They were to 'abstain from pollutions of idols, from blood, from things strangled, and from fornication.' An apostolic letter was sent to Gentile Christians

informing them of this decision and specifically censuring efforts of Jewish Christians to impose Jewish law on them beyond these matters.

“Neither ‘pollutions of idols’ nor ‘fornication’ was or could be interpreted as referring to homosexuality. The former alluded to food which had been sacrificed to idols and was afterward often served at meals in pagan homes, as is made clear in the apostolic letter itself (Acts 15:29) and elsewhere in the New Testament (e.g., Acts 21:25, I Cor. 8:10). Although there is some ambiguity about the Greek word ‘porneia’ here translated ‘fornication,’ it is clearly distinct from the term ‘bdelugma,’ under which the Levitical proscriptions of homosexuality are comprised. Homosexuality is nearly always distinguished from ‘fornication’ in patristic literature, although sometimes subsumed under ‘adultery’ (‘moicheia’). In the New Testament itself (e.g., I Cor. 6:9 and I Tim. 1:10) each of the latter is listed as a category quite separate from the words which modern translators have taken to refer to homosexuality, and the word ‘porneia’ occurs in discussions of sexual immorality as a specific type of behavior, not as a general designation for such activity.

“It can be argued, moreover, that even the four exceptions listed in Acts were imposed upon new Christians not by way of moral judgment on the acts involved but simply to facilitate interaction between pagan-born and Jewish members of Christian communities (by encouraging the former to eschew behavior whose profanity might particularly offend Jews adhering to Levitical precepts). This point of view is supported by scriptural evidence (e.g., I Cor. 10:32) as well as by the almost complete silence on the issue of strangled meat and blood in subsequent Christian moral teaching—a silence which would be perplexing if the church had considered the exceptions mentioned at the Council of Jerusalem to be binding moral judgment.

“The struggle over the issue of Gentile Christians and the Mosaic law was such a profound trauma for the early church that once it was resolved there was no thought of trying to bind new Christians—even converts from Judaism—by its proscriptions. Saint Paul urged Christians not to be ‘entangled again with the yoke of bondage’

(Gal. 5:1–2) or to give ‘heed to Jewish fables, and commandments of men, that turn from the truth,’ for ‘unto the pure all things are pure’ (Titus 1:14–15). In fact he went so far as to assert that ‘if ye be circumcised, Christ shall profit you nothing’ (Gal. 5:2).

“Almost no early Christian writers appealed to Leviticus as authority against homosexual acts. A few patristic sources invoked Levitical precedents about eating certain animals in relation to homosexuality, but they did so incorrectly and offered the Levitical law only as a symbol of how God felt about animals. They did not suggest for a minute that the dietary laws be observed in their entirety. It would simply not have occurred to most early Christians to invoke the authority of the old law to justify the morality of the new: the Levitical regulations had no hold on Christians and are manifestly irrelevant in explaining Christian hostility to gay sexuality. Even in the case of the exceptional Christian theologians who did refer to Leviticus 18:22 or 20:13, the opinions therein cannot be seen as the origin of their attitudes, since they rejected the vast majority of Levitical precepts, retaining only those which suited their personal prejudice. Their extreme selectivity in approaching the huge corpus of Levitical law is clear evidence that it was not their respect for the law which created their hostility to homosexuality but their hostility to homosexuality which led them to retain a few passages from a law code largely discarded.” [Boswell, pp. 102–105.]

Edwards concludes, “Thus far I have attempted to establish two bodies of evidence in Old Testament tradition. In the prophetic books, on the one hand, I have found no polemic against male homosexual acts either within or apart from temple prostitution, and I have established that the Sodom tradition of frightful judgment is not linked to same-sex intercourse.

“It has been argued in this chapter that the system of homophobic beliefs erected from passages not inherently analogous, but only treated so as a result of ideological reasoning, should no longer be tolerated.” [Edwards, pp. 67–69.]

The PCUSA report concludes, “Leviticus 18:22 and 20:13 condemn sexual relations between persons of the same sex. However, further exploration of this same holiness code reveals that the eating of animals declared unclean is sinful (11:4–8); a woman who gives birth must offer ‘sin offerings’ to be clean (12:3–5); a chief priest is strictly forbidden to marry a widow, a divorced woman, a woman who has been defiled, or a harlot (21:14); and any man who is maimed or deformed in any way cannot be ordained as a priest (21:18–21). In addition, the holiness code forbids wearing clothing of mixed fibers, eating shellfish or rare meat, and having intercourse with a menstruating woman.

“We should not select in an arbitrary manner those parts of the holiness code which will and will not be applied. We believe that it is inappropriate to condemn only sexual relations between persons of the same sex, as if this one part of the holiness code is applicable to our contemporary situation.

“The more basic question we must answer however, with regard to the holiness code is this: What should Christians do with the different perceptions of human holiness that are present in the Old Testament? In Leviticus—as throughout the priestly portions of the Hebrew Bible—holiness is defined in terms of purity. Elsewhere—in Isaiah, for example—holiness is instead defined in terms of corporate and personal justice. Some of our ancestors in the faith were convinced that to be holy meant to observe the stipulations of the holiness code. Others, however, particularly our Christian ancestors, have consistently embraced Isaiah’s vision of holiness as justice. The early church concluded, on the basis of Jesus’ own teaching, that love and justice are more compelling Christian virtues than ritual purity. Mark 7:1–23, for example, especially subordinates the purity concerns about table fellowship to justice concerns about human relationships in community (cf. also Rom. 14:13–14; I Cor. 8:1–11:1). Similarly, Mark 5:21–43 rejects the purity regulations concerning vaginal discharges and dead bodies, and Acts 8:26–40 (esp. vv. 37–38) rather remarkably reverses the holiness requirement of Deut. 23:1. In light of these passages, the prohibitions of homosexual intercourse in the holiness code need to be reexamined, particularly when we consider our

nearly universal dismissal of the other regulations in the code.” [PCUSA, p. 101.]

References

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Presbyterian Church (U.S.A.) General Assembly Special Committee on Human Sexuality. *Keeping Body and Soul Together: Sexuality, Spirituality, and Social Justice*. Louisville, KY: Stated Clerk of the General Assembly, 1991. See especially section I.C. “The Resources: Authority, Sources, and Norms” and section III.B. “Gays and Lesbians.” Copies of the Majority and Minority Reports (5 per set or 5 each) can be ordered from the Office of the General Assembly, 100 Witherspoon Street, Louisville KY 40202-1396.

Expanded 1993

Leviticus 18:22 and 20:13 Additional Interpretations

The ELCA report states, “Two passages are often seen as explicitly condemning sexual activity between males – Leviticus 18:22 and 20:13. These are part of the Holiness Code, which instructed the Israelites as to how they should live in ways set apart and distinct from those of other people.

“The literary context for the prohibition against lying “with a male as with a woman” (18:22) is a collection of precepts dealing with sexual relations. The first set of prohibitions (vs. 16-18) deals with sexual acts within the extended family, that is, between relatives and spouses of relatives living in tents or houses in the circle of the grandparents. The laws are intended to guard against all forms of promiscuity within this circle. The set of laws in verses 19-23 includes a potpourri of forbidden practices: intercourse with a woman in her menstrual uncleanness, adultery, child sacrifice (said to be a Canaanite practice), male-to-male intercourse, and bestiality.

“Most of the same content is repeated in Chapter 20, where either the death penalty, or exclusion from the community, or a specific curse is added for certain offenses. . . . The death penalty is [prescribed] for cursing one’s parents (vs. 9), adultery (vs. 10), incest (vs. 12), male- to-male intercourse (vs. 13), intercourse with one’s mother-in-law (vs. 14), and bestiality (vss. 16-17)’ [Foster R. McCurley, Jr., in *A Study of Issues Concerning Homosexuality: Report of the Advisory Committee on Issues Relating to Homosexuality in the Lutheran Church in America* (1986), pp. 69-62].

“Those who compiled this material in Leviticus viewed sexual activity between two males as a serious offense.

“Although there is little to determine if sexual activity between males was condemned or condoned among Israel’s neighbors, there is

evidence to suggest that this was used as a means of imposing power and punishment by one man on another. Because of this, these verses may refer to the imposition of sex by one man on another, that is, same-sex activity that is abusive.

“Only males are mentioned in these Leviticus verses. This could have been because of the belief that to waste semen was to waste life. It also could have been because of the need to provide offspring, so that the community scorned any form of sexual activity in which there was no possibility of producing children. It could have also been that the priestly compilers of this material viewed sexual activity between males as contrary to God’s designs at creation, as indicated particularly in the creation story in Genesis 1” [pp. 15, 16].

The Minnesota UMC Conference curriculum gives this “alternate interpretation:” “Homosexuality was strongly connected with pagan temple practices found in Palestine and elsewhere. Hence it was called *toevah*, (Hebrew for “an abomination”), a word usually associated with something ritually unclean (such as eating pork, or engaging in intercourse with a menstruating woman) rather than something intrinsically evil like murder or theft. According to Boswell, ‘It [abomination] is used throughout the Old Testament to designate those Jewish sins which involve ethnic contamination or idolatry’ [p. 100].

“The Christian church has long ago decided that much of the Mosaic law, even in those sections which the Jews considered ethical (e.g., Leviticus 19:9-10 on harvesting practices, or 20:9 on the execution of a rebellious son) is no longer valid. This then raises the question whether the prohibition against male lying with male is still valid” [Lesson 4, p. 5].

References

[ELCA] Evangelical Lutheran Church in America Task Force on Human Sexuality. *Human Sexuality and the Christian Faith: A Study for the Church’s Reflection and Deliberation*. Minneapolis MN: Evangelical Lutheran Church in America, 1991. Portions of Chapter Two, “Human Sexuality in the Bible” are included here.

[Minnesota Conference] Minnesota Annual Conference of the United Methodist Church Task Force to Study Ministries with and for Homosexual Persons. *Faithful Inquiry: Exploring Christian Responses to Homosexual Persons*. Minneapolis MN: Minnesota Annual Conference of the United Methodist Church, 1992. Exercise 8 of Lesson 4, "Scripture and its interpretation," presents traditional and alternate interpretations of biblical passages most often used in discussions of homosexuality. Only the alternate interpretations are included here.

MLCN thanks the author, Lindsay Biddle, for this text in electronic format. Jim Tiefenthal, Rochester, NY, reset the formatting missing from the transferred text and reformatted the material for the MLCN resource packet.