

****The Prohibition of Same-Sex Sex in Leviticus 18:22 and 20:13: Do These Only Apply to Heterosexual Husbands?****

****Evaluation of Queergedacht – Chapter 11****

****Martin Pröbstle****

For Christians, biblical texts are important in the discussion about same-sex sexual partnerships. The section on the Bible takes up the largest space in the book **Queergedacht** (pp. 119-255). Whether one supports same-sex partnerships or not, one must engage with the relevant biblical texts. Due to the tradition of interpretation over many centuries, supporters of homosexual marriage find themselves in a kind of "explanatory need." They must understand texts differently than before—some would even say: contrary to the natural reading. This especially concerns the prohibitions in Leviticus 18 and 20 and the text in Romans 1:26-27.

In Chapter 11 of **Queergedacht**, the legal texts in Leviticus 18:22 and 20:13 are discussed.^{^1} Both texts concern same-sex acts: "You shall not lie with a male as with a woman; it is an abomination" (Lev 18:22). And: "If a man sleeps with a man as with a woman, both of them have committed an abomination; they shall surely be put to death; their blood is upon them" (Lev 20:13).

These prohibitions seem to be general, so that same-sex intercourse is generally forbidden. However, supporters of same-sex marriage restrict these prohibitions in two areas:

- First, in the question: Who are the actors? Who is addressed as "You" in Leviticus 18:22? Perhaps the prohibition is not directed at everyone?
- Second, they ask: What action is meant? Is it about same-sex intercourse in general? Perhaps only a specific practice or just cult prostitution is intended?

The precise explanations of the supporters often vary greatly, but they all agree on one point: Monogamous, equal same-sex relationships are definitely not meant.

The author of the chapter in **Queergedacht** sees the background of the sexual commandments in Leviticus within the Israelite extended family. According to him, the prohibitions in Leviticus 18 apply only to "a heterosexual husband, family, or clan leader" (p. 183). He prohibits any anal sexual intercourse with a male person, especially with a temple prostitute. The author's main thesis is therefore: Here, heterosexual men are prohibited from having sex with other men. Homosexually oriented individuals are not affected at all.

Who is being addressed seems to be somewhat unclear to the author: In the exegetical part on v. 22, it is the "head of the family" (p. 175), in the context analysis the "heterosexual husband" (p. 182), and in the conclusion "every Israelite man, especially the clan leaders and elders" (p. 183). This is confusing. These ambiguities reveal that even the author is uncertain about narrowing the actor down to a married man. One thing seems certain: The prohibition is limited to a heterosexual man.

This main thesis is not convincing. There are considerable arguments against the idea that the text only applied to the heterosexual family head. First, I will address some points mentioned by the author, and then I will make additional observations on the text.

1. Even if only the family head were addressed, does what is said not also apply to others? Who would think that only the married father may not sleep with another man's wife? Or: The patriarch may not sleep with a man, but his unmarried son may?

Surprisingly, the author states in the first sentence of his conclusion that with "You shall not..." "every Israelite man" was meant (p. 183). What he writes here is correct! The "You shall not" applies to every man, regardless of sexual orientation. It concerns forbidden actions, regardless of who commits them. In other words: If the prohibition of same-sex relationships cannot be limited to the family head, then it does not only concern something related to him. The crucial point is not who acts, but with whom the sexual act is performed.

2. In a long list, the author interprets every prohibition from Leviticus 18 from verses 8 to 22 as directed at a "heterosexual (married) man." However, he does something that even many supporters of homosexual relationships would question: He equates being married with being heterosexual. One is a marital status, and the other is an orientation. One cannot infer orientation from marital status.

If a man in ancient Israel was homosexual, he often was still married (as it was customary to marry). Even today, I should not automatically assume heterosexual orientation in a married person. Surely most married men back then were heterosexual (as they are today), but that does not exclude the possibility that some had a homosexual orientation.

In the study questions at the end of the chapter, as well as in the conclusion, it is claimed that the texts do not consider "internal conditions" such as sexual orientation. This is true: The Bible prohibits same-sex acts regardless of the person's orientation. In the end, it does not matter whether the commandments are directed at heterosexual husbands or all men. So why is a specious argument presented that they are directed at a "heterosexual (married) man"? Does the author really want to claim that "every Israelite man" was heterosexual?

3. We cannot simply assume that every man in Israel was married. There are sexual prohibitions in other places, e.g., the laws regarding sexual assaults, which also affect unmarried individuals (Ex 22:15-16; Deut 22:23-29). So, there were unmarried men in Israel.

The question remains: Does the prohibition in Leviticus 18:22 not apply to unmarried men? In the adultery prohibition in verse 20, it seems that every man in Israel is addressed. The same applies to relations with animals in verse 23.

We also cannot simply assume that all men in Israel were married early, so that practically only married men existed. Isaac, Moses, or David were considered men even before their marriages. Even during the time of ancient Judaism (from 500 BC), where a young marriage age for men was long assumed due to rabbinical regulations, men married later: "In Palestine and the Western Diaspora, Jewish (elite?) men typically married women in their late teens at around thirty years of age."²

4. The author finds the Hebrew text in 18:22 difficult and complicated. Doubts arise: Can the text be understood correctly at all? However, Hebrew is not that complicated. The grammar of the Hebrew text is quite understandable.³ The same vocabulary can be found in Numbers 31:17, where it speaks of women who have “known a man [ish] in sexual intercourse [mishkav zachar].” The Hebrew *mishkav zachar* in Numbers means that a woman sleeps with a man, and it also means in Leviticus that a man sleeps with another man.

5. The Hebrew words *shachav ‘et* (“to lie with”) and *mishkevey* (“lying, bed”) describe sexual intercourse (*shachav ‘et* “to lie with”: Gen 19:33, 34; 26:10; 34:7; 35:22; Lev 18:22; 19:20; 20:11, 12, 13, 18, 20; 1 Sam 2:22; *mishkevey* “lying, bed”: Num 31:17, 18, 35; Judg 21:11, 12). However, the author narrows the meaning to “to impregnate” (pp. 175-177) and thinks of the active role of “introducing sperm into another male person” (p. 177). However, these Hebrew words are also used with women as actors (with *shachav ‘et*: Gen 19:33, 34; with *mishkevey*: Num 31:17, 18, 35; Judg 21:11, 12). Women do not impregnate men. This shows that it is about sex in general. Therefore, the Hebrew *shachav ‘et* cannot be restricted to anal or oral intercourse alone. If the biblical text refers to introducing sperm, then the word “seed” is used, as indicated in the close context of Lev 18:20 and 19:20. But this is not present in the prohibitions of same-sex acts.⁴

The restriction to anal intercourse raises additional questions:

Should we understand it this way: that only this one sexual practice is not acceptable, but all other homosexual behaviors are? That would be akin to saying: You may not sacrifice your child to Moloch, but you may to Baal. That makes no sense. We must understand the text as a general prohibition of same-sex sexual contact.

6. The author flirts with the idea that the verse in Leviticus 18:22 (along with verse 21) is a “foreign body” in the section, perhaps a later addition. He arrives at this because the verse “neither relates to blood relations in an Israelite family nor to the responsibilities of the family head in the context of his family duties” (p. 179). Thus, it does not fit the category assumed for the previous sexual prohibitions. Instead, the prohibition of same-sex acts would fit a time when the pagan practices of temple cults entered Judah and there were male cult prostitutes, temple whores. Perhaps here family heads and clan leaders are warned against sex with temple whores (p. 181). Thus, the same-sex act is brought close to idolatrous temple cult, regardless of whether it was carried out as idolatry or in the desire for sexual diversion.

However, neither the text itself nor the historical context suggests that same-sex acts should be reduced to temple prostitution. For temple prostitution, there are already terms in the Mosaic law such as *qadesch* (“holy”) or *kelev* (“dog”) (Deut 23:18, 19). None of these are present here. The other sexual prohibitions also have nothing to do with this. There is no indication of this. Historically, same-sex sex was also practiced not only in cults, as shown by the Middle Assyrian laws from the 12th century BC (Table A §§20-21) or Hittite texts from the 2nd millennium (CTH 393; 406).

In fact, various prohibitions show that Leviticus 18 and 20 are not about idolatry (e.g., the prohibition of sexual intercourse with a woman during her menstruation or with animals). The common denominator is illegitimate sexual acts. It concerns sex with blood relatives and

extended family (18:6-18), with the menstruating woman (v. 19), with another man's wife (v. 20), with a man (v. 22), and with an animal (v. 23). The common denominator is not idolatry or temple prostitution but sexual ethics.

For all the reasons mentioned, one cannot agree with the author's main thesis. Moreover, there are more arguments supporting a general prohibition of same-sex relationships in Leviticus:

1. A comparison is made with marital intercourse: "as one lies with a woman" or "in sexual intercourse with a woman" (Lev 18:22; 20:13). This shows that the reprehensible act is the sexual intercourse of a man with a man. That is the difference: not with a woman, but with a man. Thus, it is not merely a specific sexual practice (e.g., anal penetration) but any sexual act with a same-sex partner. This includes the loving intimacy between two homosexual individuals.
2. Both prohibitions are formulated generally and absolutely. For the sexual partner of the man, the term **zachar** ("male") is used, which appears 80 times in the Old Testament, designating the male gender in both humans and animals. It does not mean man, relative, or boy, but any male sexual partner. The term **zachar** first appears in Genesis 1:27 at the creation of the genders "male" and "female." In the holiness laws of Leviticus 17–26, **zachar** only appears in the two instances of the prohibition of same-sex relationships. This indicates its general meaning in the use of this term. Leviticus 18:22 and 20:13 warn against transgressing the order of genders through same-sex activity.
3. Both participants are to be punished (Lev 20:13). This indicates consensual sex. Elsewhere, a distinction is made in sexual acts regarding whether they are consensual or occur in a power imbalance. For example, a woman who has been abused is not punished (Deut 22:25-29). This consensuality described in Leviticus 20:13 contradicts the idea that a family head fulfills his sexual desire in a humiliating manner with another man.
4. The phrasing "You shall not" is grammatically the same as in the Ten Commandments. While family heads may also be addressed there, we understand that the Ten Commandments apply to all people. They also apply to women and children. A limitation to the family father alone does not correspond to the social structure of the time. Family heads were to pass the commandments on to their children (Deut 6:6-9), and the priests and Levites instructed the entire people in the law (Lev 10:11; Deut 33:10; cf. 2 Kings 23:3; 2 Chr 17:7-9; 35:3). Compliance with the commandments in Leviticus 18 is expected from everyone, not just from the family heads. Therefore, one also cannot say that the text is only against sex between men. It can also be applied to sex between women.^{^5} The Israelite social structure would never allow for women to engage in lesbian acts while men were forbidden similar relationships.^{^6} Moreover, the Mosaic law was not intended as an exhaustive enumeration of laws with all subcategories but demanded an application of the underlying moral principles. This also applies to the sexual laws in Leviticus 18 and 20.
5. The prohibition in Leviticus 20:13 is not directed at a "You," but is formulated quite generally. According to Buber-Rosenzweig: "A man who lies with a male..." The author notices this but does not pursue the thought (p. 178). If he wants to draw a limitation from the "You" in Leviticus 18, he would have to derive a generalization from "a man" in Leviticus 20. The

Hebrew **'ish** appears 90 times in Leviticus (eleven times in 18:10-21) and is the typical formulation for “someone” or, in sexual contexts, for “someone male.”

6. Now, regarding the context: Israel is not to orient its sexual morality to the surrounding nations (18:3-5, 24-29; 20:23, 24). The sexual prohibitions in Leviticus 18 and 20 are justified by the holiness of God (19:2). The same-sex act is called “an abomination” (Hebrew **to'evah**). This emphasizes that it is an ethical-moral transgression that contradicts the holiness of God, His character, and His will.

The word appears 117 times in the Old Testament. In Leviticus 18 and 20, the word refers to same-sex activity (18:22; 20:13). Among all sexual offenses, only this one is designated as “an abomination,” which highlights it particularly in the enumeration. In the summary, **to'evah** is used in the plural four times in relation to all sins (Lev 18:26, 27, 29, 30). The term “abomination” is an indication of a moral transgression, as no ritual transgression in Leviticus is referred to in this way.^{^7} Throughout the Pentateuch, only same-sex intercourse (Lev 18:22; 20:13) and cult prostitution, both female and male (Deut 23:18, 19; cf. 1 Kings 14:24), are highlighted as “abominations” (**to'evah** in the singular).^{^8}

7. The early Christian community affirmed the sexual commandments from Leviticus 18. They were also declared valid for Gentile Christians (Acts 15:20, 29; 21:25), presumably because they were also applicable to foreigners in ancient Israel and thus understood as cross-cultural and valid for all time (Lev 18:24-26).

The apostles, in their letter from the apostolic council, specify the things Christians should avoid (Acts 15:29): idolatry and idol worship (cf. Lev 17:7-9), consumption of blood (cf. Lev 17:10-12), and the consumption of carrion (cf. Lev 17:13-16), as well as sexual immorality (**porneia**, cf. Lev 18:6-30). These are exactly the same categories as in Leviticus 17-18, even in the same order. In each category, it is explicitly mentioned that the **ger** (“foreigner”) must also adhere to this (idolatry: Lev 17:8; blood consumption: 17:10, 12; carrion: 17:13, 15; immorality: 18:24-27). Thus, for the first Christians, same-sex acts fell under **porneia** (immorality). This understanding has been maintained in all Christian traditions worldwide for centuries.

8. Paul uses a Greek word in two vice lists that alludes to Leviticus: **arsenokoitai** (1 Corinthians 6:9; 1 Timothy 1:10). He likely created this neologism in reference to the Greek translation of Leviticus 18:22 and 20:13. It is composed of **arsen** (male) and **koite** (bed, intercourse) and refers in Leviticus 20:13 to “a man sleeping (arsen koiten) with a man.” Paul also makes no restrictions to married heterosexual men.

9. Also, in the transmitted Jewish literature, the prohibitions from Leviticus have always been understood as universally valid.^{^9}

****My Conclusion:****

There are many attempts to relativize the prohibitions against same-sex sex: The author in **Queergedacht** suggests that it only concerns heterosexual partners.

However, the text prohibits without exception any sexual intercourse between man and man, whether cultic or erotic, active or passive, coerced or consensual, hierarchical or equal. It contains no justification, nor any restriction, but is to be understood absolutely.

1. *Udo Worschech, „Was bedeuten Levitikus 18,22 und 20,13?“, in queergedacht: Beiträge für eine offene Diskussion über gleichgeschlechtliche monogame Beziehungen* ; ed. Werner E. Lange, Dennis Meier, and Reinder Bruinsma (Adendorf: STAB, 2023), pp. 171–185.

2 Michael L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), pp. 105–109 (quote from p. 108).

3 This is fundamentally the view of Worschech in his exegetical explanations (Worschech, pp. 174–177). In my opinion, the diversity of opinions regarding Leviticus 18:22 is generally not due to the Hebrew text, but rather to the specification or limitation that one seeks to discover in this broadly formulated prohibition.

4 Some suggest that in Hebrew, penetration is specifically expressed with the phrase "Verb natan + noun schechovet + preposition be or 'el," which would literally mean "to insert his penis" (e.g., Roy Gane, "Old Testament Principles Relevant to Consensual Homoerotic Activity – Part 2," *Ministry*, Nov. 2015, p. 19). This assumption is also shared by *The Dictionary of Classical Hebrew*, ed. David J. A. Cline (Sheffield: Sheffield Academic Press, 1993–2011), vol. 8, p. 348, which states that schechovet derives from the verb schachav II "to pour out," so that the meaning "seed emission" and also "penis" seems possible. However, the noun schechovet appears only four times in the Old Testament (Lev 18:20, 23; 20:15; Num 5:20), and the proposed meaning primarily depends on the occurrence of the word "seed" in Leviticus 18:20, which indicates the emission of seed (cf. *The Hebrew and Aramaic Lexicon of the Old Testament*, ed. Ludwig Koehler et al. [Leiden: Brill, 1994–2000], p. 1488).

5. The mention of the woman in the prohibition of zoophilia in Leviticus 18:23 is sometimes used as an argument that in verse 22 no women are meant, since they are not explicitly mentioned there. The explicit mention of a woman's sexual act with an animal may have two reasons that do not exclude each other and could both apply: (1) Sex with animals was a bizarre act, and it was important to clearly state that in such a case both genders violate the (God-created) order of species/genera of humans and animals. (2) Since the sexual partner in animal intercourse is not a human but an animal, it was important to prohibit both the penetration of a female animal by a man and the penetration of a woman by a male animal (or other sexual interactions between man and animal or woman and animal). In verse 23, the different sexual acts of man and woman are indicated in Hebrew by different verbs: The man shall not "give his lying" to the animal, and the woman shall not "stand to mate" with an animal.

6. In Judaism, lesbian relationships were critically viewed or tabooed, see e.g., *Sifra* on Lev 18:3, b. *Shabbat* 65a, b. *Jebamot* 76a, and *Pseudo-Phokylides* 190–92.

7. Some point out that in other nations, demarcation rules are indicated by *to'evah* and that “abomination” is therefore a cultural construct: for the Egyptians, shepherds (Gen 46:34), table fellowship with Semites (Gen 43:32), as well as offerings to YHWH are an abomination (Ex 8:22). Thus, the homosexual practice would be a cultural abomination in Israel. However, the crucial question is for whom a particular action or circumstance is an abomination. In Leviticus 18:22; 20:13, it is an abomination to God, who stands against this abomination (sg. *to'evah*) and the other actions that He overall considers abominations (pl. *to'evot*) (18:26, 27, 29, 30). The ultimate basis for the view in Israel is: “I am the LORD your God” (18:30).

8. As Horst Dietrich Preuß summarizes: “*tô 'ebāh* thus denotes within the OT something ethically detestable between and by humans in thought and action, above all something that does not fit YHWH, that contradicts His character and the will derived from it, which is ethically and cultically a negative taboo against Him... which is characterized as something to be separated, disordered, and thus threatening within the cosmic and social order.” Horst Dietrich Preuß, “*נִיְעָנָה* *to'evah*,” *Theologisches Wörterbuch zum Alten Testament* (Stuttgart: Kohlhammer, 1995), vol. 8, p. 590.

9. For an overview of Jewish tradition regarding same-sex relationships, see William Loader, “Reading Romans 1 on Homosexuality in the Light of Biblical/Jewish and Greco-Roman Perspectives of its Time,” *Zeitschrift für die neutestamentliche Wissenschaft* 108 (2017), pp. 119-149, especially pp. 124-128, and *idem*, *Sex, Then and Now: Sexualities and the Bible* (Eugene, OR: Cascade, 2022), pp. 36-60.
