

JUDEA

900 BCE—600 CE

• The Judgment of Leviticus •

It is an irony of history that the two cultures which have done most to shape Western civilization should have adopted antithetical views on homosexuality at almost the same time. In the sixth century before Christ, Greece produced the homoerotic poetry of Solon, Theognis, Ibycus, and Anacreon; and at its close in 514, Athens witnessed the martyrdom of the tyrannicides, who became emblems of heroic male love. But in the same century, a few hundred miles away in ancient Palestine, a law was incorporated into the Hebrew scriptures which was ultimately to have far greater influence and, indeed, to affect the fate of homosexuals in half the world down to our own day. We do not know precisely when the authors of the book of Leviticus promulgated this legislation. As with the dating of most books of the Hebrew Bible, controversy abounds, but the date most widely accepted by modern scholarship for the so-called Holiness Code in Leviticus is about 550 BCE, during the captivity of the Jews in Babylon.

As one of the five books of the Torah or Law, Leviticus is a compendium of legislation purportedly decreed by Moses. But Moses is assumed to have lived about 1300 BCE, and it is now generally agreed among biblical scholars that the five books (Genesis, Exodus, Leviticus, Numbers, Deuteronomy) traditionally ascribed to him by Jewish tradition and the medieval Christian church took their present form at a much later date. Moses, for instance, can hardly have written the account of his own death that concludes Deuteronomy, and, more tellingly, the books of the Torah speak as though the Jews had been long settled in Palestine, an experience Moses was denied. We may assume then that, though some of the laws may be ancient and even Mosaic, many originated in later times in response to later conditions.

The opening chapters of Leviticus prescribe rites for burnt offerings, priestly consecrations, and the treatment of leprosy and give dietary rules for distinguishing clean from unclean animals. Among Christians and among

Jews not strictly orthodox, these statutes are regarded as archaic and non-binding in today's world. Chapter 18, however, condemns certain sexual acts, including incest and male homosexuality. The Jews are warned that "these abominations" were common among the Canaanites who ruled Palestine before the Israelite conquest and that the Jews, like their predecessors, will be dispossessed—"spewed out"—if they commit them. "Defile not ye yourselves with any of these things: for in all these the nations are defiled which I cast out before you: And the Land is defiled: therefore I do visit the iniquity thereof upon it, and the land vomiteth out her inhabitants" (Lev. 18:24). In their conquest of the New World we shall see Spanish Conquistadors employing similar arguments to justify a transfer of territories.

Chapter 20 adds to the general condemnation of chapter 18 a specific penalty for sexual relations between males. In framing this enactment, the authors of Leviticus wrote two dozen words which sealed the fate of men who loved men in the Western world for more than fourteen centuries. As rendered by the translators of the King James Bible, they were:

If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them. (Lev. 20:13)

Unlike the legislation on ritual, this law was also taken to apply to non-Jews living under Jewish jurisdiction. John Boswell is mistaken in arguing that it was akin to enactments on ritual and not binding on gentiles.¹ Leviticus 18:26 specifically extends the prohibition to "any stranger that sojourneth among you." Such a law was one of the so-called Noachid precepts, binding on all the descendants of Noah—that is, on all humanity.

The ethic of the Hebrew Bible contains much that is humane. Its prophets and lawgivers show a sensitive concern for the oppressed and the weak. Perhaps their position as underdogs in Egypt and in the struggles with formidable empires that so often ended their independence bred in the Jews a special compassion. The Hebrew scriptures reveal sympathy for the "stranger" or alien, for the poor, for the deaf and blind, for orphans and widows, even for hungry animals whom the law protects. The same Levitical code that ordered the extermination of male homosexuals commanded men and women to love their neighbors as themselves. But for the priestly authors of Leviticus, a man who engaged in same-sex relations was not a neighbor. He was instead a deadly danger to be extirpated.

If Judaism had remained merely the religion of a tiny tribe in the eastern Mediterranean, such fierce bigotry, though deplorable, would have had relatively small effect. A man would simply have had to walk for a few days to escape its jurisdiction. But Judaism became the parent of a powerful world religion, Christianity; and though Christianity discarded Jewish rules on diet and grooming, on sowing mixed crops or wearing garments of mixed fabrics,

it retained many Old Testament laws about sexuality. The Levitical statute thus became the model for laws decreeing capital punishment for homosexuality in Europe and in as much of the world as came under Europe's sway, down to the end of the eighteenth century. Indeed, the moral authority of Leviticus has been determinative even in this day; American courts routinely cited it as an argument for retaining state sodomy laws.² In 1986 the chief justice of the United States Supreme Court appealed to "millennia of moral teaching" as a reason for denying homosexuals any constitutional "right of privacy."³ This moral teaching, as Chief Justice Warren Burger made clear, is in fact essentially Christian teaching with its roots in ancient biblical beliefs.

When the Roman Empire became Christian in the fourth century, the Old Testament death penalty for male homosexual behavior was incorporated into Roman law. Later, this same precedent was cited when death for homosexual behavior was prescribed by criminal codes in France, Spain, England, the Holy Roman Empire, the Italian states, Scandinavia, and every land settled by European colonists who professed Christianity. In all of these jurisdictions, so-called sodomites feared for their lives. William Blackstone, writing his *Commentaries on the Laws of England* (1765–1779), argued that the death penalty was a "universal" law of God and "not merely a provincial [that is, Jewish] precept."⁴ Lesbians also, after the thirteenth century, suffered death in such countries as France, Spain, Italy, Switzerland, and Germany. Nor was this the whole story. Those men and women who did not directly feel the weight of the law still lived under its cloud. They faced intimidation, humiliation, and that kind of extra-legal violence that the moral authority of the law seemed to condone.

When a legislative tradition has caused unnecessary suffering for millions through more than a dozen centuries, we naturally wonder about its source. The question is especially acute when this harshness is so much at odds with other major cultures throughout world history—for example, Confucian China, Buddhist Japan, or Hindu India. But the answer is not easy to find, since our sources are few and obscure and we must often rely on speculation when certainty proves elusive. Laws proclaimed as divine decrees, like those of Leviticus, do not have explanatory preambles or rationales, and there is a paucity of records to which we may look for clues.

• The Threat to Population •

Most writers who have tried to understand the fierce homophobia of ancient Judea have sought an explanation, understandably enough, in its political and military situation. The Israelites, according to the Bible, were originally a nomadic people desperately seeking land on which to settle. Their ideological justification for their claim to Palestine lay in their belief that Yahweh

had given them the territory of the Canaanites in return for loyalty to the cult his priests had evolved. Because of constant external threats, tribal solidarity—which came in time to mean religious solidarity—seemed crucial. This desperate need helps to explain the difference between the cultural history of the Jews and the Greeks. The Greeks triumphed over the Persians; the Jews were a much conquered people. Compared with Judaism, Greek religion seems lacking in heart, soul, and compassion for the unfortunate. Compared with Hellenism, Judaism in biblical times seems given to fanaticism and hysterical fears.

As a small tribe facing mighty and hostile powers—Egypt, Assyria, Babylonia, Persia—the Jews naturally strove to increase their numbers: military security demanded this. The concern for procreation has been the most commonly suggested rationale for the anti-homosexual legislation of Leviticus. Jewish popular tradition put great emphasis on marriage and large families. In Talmudic times unmarried men were censured and, on occasion, could be forced to wed. The ancient Jews frowned on celibacy and, the presumption is, on exclusive homosexuality. Yet it seems difficult to believe that this, in itself, would lead to so draconian a measure as the death penalty. Societies that have sought to discourage bachelorhood and childlessness have most often, as in the case of ancient Rome, laid civil disabilities on unmarried men, taxed them, or offered positive incentives to procreation.

An exception would be Nazi Germany, where Heinrich Himmler, chief architect of the Holocaust, was fanatically determined to increase the number of Nordic Aryans. To this end he favored the extermination of German homosexuals. “We must exterminate these people root and branch,” he wrote. “Just think how many children will never be born because of this, and how a people can be broken in nerve and spirit when such a plague gets hold of it.”⁵ In the end Himmler and the Nazis sent thousands of homosexuals to death camps. Yet, though Philo and medieval theologians repeatedly raise the bugaboo of depopulation, no such idea is raised in the Hebrew scriptures or the Talmud. Rather, the motive for the prohibition and death penalty seems to have been religious and cultic, namely, anxiety over “defilements” that might incur the wrath of Yahweh.

A related explanation for the Levitical taboo has been anxieties about the waste of seed.⁶ Yet the Hebrew Bible is, in fact, silent on the subject of masturbation. In Genesis 38, when Judah’s son Onan is commanded by God to marry his brother’s widow and father children by her, Onan deliberately “spills his seed” on the ground during intercourse. As punishment, he is struck dead. Though masturbation later came to be called “onanism” after this episode, for the authors of Genesis Onan’s sin lay in his failure to fulfill the obligations of so-called Levirate marriage. The one law on wasted semen requires only that “if any man’s seed of copulation go out from him, then he shall wash all his flesh in water and be unclean until the even” (Lev. 15:16).

In other words, the loss could be expiated by a simple act of ritual ablution. Despite the heated rhetoric of some Talmudists and medieval theologians who equated loss of sperm through masturbation with homicide, no society has ever been willing to legislate on this principle.

• Sodom's Gold •

William Blackstone argued that the death penalty for male homosexual relations was more than a merely Jewish law on the grounds that "the destruction of two cities by fire from heaven" took place long before Moses lived. But did the story of Sodom and Gomorrah in fact influence the authors of Leviticus? It is almost universally assumed that it did, and early Christian writers routinely invoked the fiery end of Sodom as proof of God's anger against the men who came to be known as "sodomites." But was this the meaning the tale actually bore in Old Testament times? A careful reading of the text, of early commentaries, and of the popular traditions preserved in the Talmud suggests that it was not.

The story of Sodom and Gomorrah belongs to the "J" narrative. This thread of Genesis, so called because in it God is referred to as Yahweh (German *Jahweh*), is regarded as the oldest of the various documents interwoven to make up the book of Genesis. It is generally thought to have been completed before 850 BCE, though J. A. Loader in his impressive study of the Sodom story in early Jewish tradition argues that the last part of Genesis 18 was not added until the eighth century.⁷ The destruction of Sodom forms part of the Abraham saga, which, if we try to place it in historical context, would have to be dated about 2000 BCE. But how old the Sodom narrative is in its present form, or what details may have characterized earlier versions, we do not know.

The catastrophe that engulfs Sodom appears to embody the folk memory of some volcanic disaster, though no such event is known to have taken place near the Dead Sea in historical times. Like the story of Noah and the flood, the story has the style of a moral fable meant to emphasize God's power. This literary stylization is especially apparent in Abraham's repeated appeals to God in Genesis 18 to save the city if it has fifty, forty-five, thirty, twenty, or even ten righteous citizens. But despite the traditional interpretation of the Sodom story, no reference to homosexuality appears until the angelic messengers arrive in the next chapter. Before that we are merely told that "the men of Sodom were wicked and sinners before the Lord exceedingly" (Gen. 13:13). Sodom is to be destroyed for its generic wickedness. The threatened rape comes after the decision to annihilate the city has already been made. Nowhere has there been any statement as to what in particular had earlier roused God's wrath.

Genesis 19, by contrast, is full of specific details. When the angels warn

Abraham's nephew Lot to flee the city, he offers them shelter and is horrified when the men of Sodom—"young and old, all the people from every quarter"—demand that he surrender the visitors so they may "know" them. Shocked by this breach of the laws of hospitality, Lot offers instead his virgin daughters, "who have never known men," but the offer is rejected. The Sodomites attack but are blinded by God, and Lot and the angels escape. The city is then consumed by fire from heaven; along with the guilty men, women as well as children perish.

What are we to make of this drama? Some scholars, like Derrick Sherwin Bailey, have argued that to "know" in this context means simply to "identify" the angels, who are seen as suspicious strangers, but the offer of the daughters to assuage the men's lust would appear to support the traditional sexual interpretation.⁸ Nevertheless, the subsequent use of the Sodom legend for anti-homosexual rhetoric and as a justification for harsh penalties for consensual relations is clearly wide of the mark. What is at issue here is not a consensual act but mass rape—sexual violence against two heavenly emissaries by an entire community.

Eventually the "sin of Sodom" was identified by the fathers of the church as male homosexuality in any context, regardless of consent. But not only is this interpretation not implied by the original story, the "sin of Sodom" does not seem to have been perceived as homosexuality by any of the Hebrew prophets who refer to it. As Bailey and Loader have aptly noted, the prophets often name Sodom as a wicked city but nowhere do they mention homosexuality. Isaiah, Jeremiah, Amos, and Zephaniah speak only in generalities. Jeremiah denounces the false prophets of Jerusalem as liars who commit adultery and abet evildoers, adding, "They are all unto me as Sodom" (23:14). This might seem to imply that one of the sins of Sodom was adultery, but this is by no means clear.

Only one prophet is specific as to the nature of Sodom's offense. Ezekiel, a contemporary of Sappho and Solon, grew up in Judea during the ministry of Jeremiah, was carried off captive to Babylon in 597 BCE, and began his preaching a few years later. He provides a unique list of Sodom's vices: "Behold, this was the iniquity of your sister [city] Sodom: she . . . had pride of wealth and food in plenty, comfort and ease, and yet she never helped the poor and wretched" (Ezek. 16:49, New English Bible). It is notable that Ezekiel names no sexual offenses, only sins against charity. Sodom is a city of men whose wealth makes them proud, luxurious, and idle and who remain indifferent to the plight of the poor.

We may ask if Ezekiel's view is idiosyncratic or whether it represents a significant interpretive tradition. Here the so-called *haggadoth*, or folkloric tales, of the Babylonian Talmud prove helpful. William Orbach has called these stories a window into "the collective psyche and ideas of the Jewish people."⁹ When we examine them, we find that a tradition supporting

Ezekiel's view did indeed exist. The Babylonian Talmud, compiled between c. 370 and 500 CE, provides a series of stories about Sodom that are surprising both in content and tone. Instead of the usual solemn portentousness, we find touches of ironic humor. Sodom is presented as a city of great wealth, which it does not wish to share: "They said: since there cometh forth bread out of our earth and it hath the dust of gold [in it], why should we suffer wayfarers, who come to us only to deplete our wealth. Come, let us abolish the practice of traveling in our land."¹⁰ One commentator in the Midrash described the city as so rich that gold dust fell from the roots of vegetables when they were dug from the ground.¹¹

In these *haggadoth* the Sodomites go to great lengths to discourage immigrants, and a spate of anecdotes paints the extravagant injustice of their law courts. We are told that if someone cut off the ear of his neighbor's ass, a judge would order, "Give it to him till it grows again." A man who has injured another man's wife and caused a miscarriage is ordered by another whimsical magistrate to make her pregnant again. When another man accuses a Sodomite of wounding him, the judge makes the victim pay a fee for the "bleeding." Only Abraham's clever servant Eliezer outwits this unjust justice. Ordered to pay a fee for being assaulted, Eliezer smites the judge and asks that his own fee be transferred.¹² In this Kafkaesque world, victims are routinely found guilty, and impoverished aliens are treated with hypocritical charity, as in this succinct fable: "If a poor man happened to come there, every resident gave him a *denar* [a brick of gold], but no bread was given him. When he died, each came back and took his."¹³

Occasionally the Talmud glances at sex, as when the Sanhedrin calls the Sodomites "immoral in their bodies," but we are given no more details. Throughout, by far the commonest rebuke is for lack of charity. One third-century rabbi undertook to describe the precise act that provoked God to annihilate the city. In Genesis 18 the Lord tells Abraham that the "cry [complaint] of Sodom and Gomorrah" has reached him. Rabbi Judah's grim tale gives specificity to the "cry": "A certain maiden gave some bread to a poor man [hiding it] in a pitcher. On the matter becoming known, they daubed her with honey and placed her on the parapet of the wall and the bees came and consumed her. Thus it is written, *And the Lord said, The cry of Sodom and Gomorrah . . . is great.* Whereon Rab Judah commented . . . On account of the maiden."¹⁴

From these *haggadoth* we can understand why the expression "in the manner of Sodom" came to refer not to sexual conduct but to someone who refused to help, even though it would cost him nothing to do so—what we would call a "dog in the manger."¹⁵ But how, then, does the dramatic detail of the threatened rape of the angels fit into this view of Sodom's guilt as social oppression? In the Midrash on Genesis—a commentary written about

700 CE—robbery and male rape are said to be means the Sodomites use to discourage strangers.¹⁶ Such assaults are seen not as illicit pleasure but as a violent means of warding off intruders—just as Roman gardens sported phallic statues of the god Priapus inscribed with threats of rape to ward off thieves and trespassers.

The book of Ezekiel, which made Sodom a city heartless toward the needy, is generally dated about 590 BCE. But not until the writings of Philo is homosexuality unequivocally represented as intrinsic to Sodom's lifestyle and its preeminent sin—the view adopted by the fathers of the early church. What we may call the “Sodom of selfish wealth” considerably antedates the later Philonic-Patristic conception of the “homosexual Sodom.” In the Gospels, Jesus, who was Philo's contemporary, refers often to Sodom but always as an inhospitable city, never as a homosexual one.¹⁷

• Who Were the *Kedeshim*? •

If the population hypothesis is dubious and the Sodom story scarcely relevant, we are left with the question, what was the motive for the draconian law in Leviticus? We may find a hint in the King James Bible, where the translators saw fit to introduce the word “sodomites” some half dozen times. It is used to translate the Hebrew word *kadesh* (plural *kedeshim*), which means literally “consecrated one” or “holy man.” But who were these holy men and how did they come to be associated with homosexuality? The question has led to much debate and disagreement among commentators. This is not surprising, since the evidence is sparse and enigmatic. Yet it may in fact hold the most plausible clue to the Bible's homophobia.

The earliest mention of the *kedeshim* occurs in the first book of Kings during the reign of Solomon's son Rehoboam (c. 922–915 BCE). Rehoboam, whose tyrannical rule led the ten northern tribes to rebel and secede from Jerusalem, was the son of an Ammonite woman with pagan leanings. The author of the book of Kings accuses him of several heretical acts, including the building of “high places” for the worship of foreign images, especially images of the love-goddess Asherah. Then we are told in the King James rendering: “And there were also sodomites in the land: and they did according to all the abominations of the nations which the Lord cast out before the children of Israel” (1 Kings 14:24).

By way of contrast, Asa, Rehoboam's grandson, is described as doing “right in the eyes of the Lord,” since he “removed all the idols which his fathers had made” and “took away the sodomites out of the land” (15:11–12). Nevertheless, the cult of the *kedeshim* proved tenacious, for we later learn that Jehoshaphat (c. 873–849) “took out of the land the remnant of the sodomites which remained in the days of his father, Asa” (22:46). Indeed, they

are mentioned as late as the reign of King Josiah (c. 621), who is described as breaking down the “houses of the sodomites that were by the house of the Lord,” that is, in a privileged position on the Temple Mount (2 Kings 23:7).

In Josiah’s reign, a return to orthodoxy had taken place. The priest Hilkiah is represented as finding in the temple a scroll he identifies as a book of laws purportedly written by Moses some six hundred years earlier. When the book is read aloud, the young king tears his garments and laments that the Israelites had strayed so far from its teachings. The book found by Hilkiah was first identified as some portion of the book of Deuteronomy by the German scholar M. L. A. De Wette in 1805, an identification which has since won general acceptance. Deuteronomy has, moreover, proved the key to understanding much of biblical history. Modern scholarship regards the two books of Kings as strongly influenced by it, since rulers are praised or excoriated to the degree that their religious practices conform to those of the Deuteronomic reformers. In Deuteronomy we find the following prohibition: “There shall be no whore [*kadeshah*] of the daughters of Israel, nor a sodomite [*kadesh*] of the sons of Israel. Thou shall not bring the hire of a whore [*zonah*], or the price of a dog [*kelebbh*], into the house of the Lord for any vow: for even both these are abominations unto the Lord thy God” (23:17–18). (At a Phoenician temple near Kition in Cyprus a tablet was found in the late nineteenth century listing “dogs” [*kelabhim*] as temple personnel to whom payments were made. The tablets, however, give no hint as to their function.)¹⁸

The modern reader is startled to find the Hebrew term *kadeshah* (the feminine of *kadesh*), which literally means “holy woman,” translated by the blunt English word “whore.” But concerning the role of the *kadeshah* we can be relatively certain. Female prostitution in religious cults was a phenomenon quite familiar in the ancient Near East.¹⁹ Herodotus observed it at Babylon.²⁰ Temples of Astarte or Aphrodite housed sacred prostitutes in Phoenicia, Cyprus, and Sicily. The famous temple of Aphrodite at Corinth had one thousand sacred prostitutes in classical times. The custom of sexual service in honor of a deity engaged thousands of women in Indian temples well into the twentieth century. The ancient Hebrews were very familiar with such rites, which were repeatedly denounced by the prophets. Indeed, as the passage above makes clear, the word *kadeshah* or “holy woman” became synonymous with *zonah*, which meant simply a streetwalker. The Revised Standard Version of the Bible translates *kadeshah* with more exactness as “female cult prostitute.”

But what of her male counterpart, the *kadesh*? Here is much confusion. The passage in Deuteronomy might be taken to suggest that he was also engaged in prostitution in a religious context. Was homosexuality in fact associated with religious cults in the ancient Near East? Writing about the time of Christ, Strabo, in his *Geography*, identifies the hierodules or temple ser-

vants in Corinth in Greece and at Eryx in Sicily as female prostitutes. But in describing the cult of the love-goddess Anaitis in Armenia, he mentions both female *and* male hierodules in a context which suggests that these “dedicated” men, like their female counterparts, performed the functions of sacred courtesans.²¹ Such evidence is, however, rare. We learn much more, in fact, about male transvestites who served as priests or holy men. These were often eunuchs or self-castrates who lived the lives of pseudo-women, adopting feminine dress, ornaments, hair styles, and mannerisms.

Ancient Assyrian texts speak of religious functionaries called *assinnu* whom the goddess Innana (or Ishtar) had “changed from men to women in order to show the people piety,” that is, to impress them with her supernatural power.²² Transvestite priests or shamans have been described by anthropologists in India, in Dahomey, and in present-day African cults in Brazil.²³ Among the Eskimos of Siberia and Alaska, men who underwent a symbolic change in gender role were revered as shamans with potent magic. In many Native American tribes in the Great Plains and southwest, the so-called berdache—men who took on a “third-sex” role and on occasion “married” other males—were supposed to have special supernatural powers. A change in gender identity seemed so unusual that it was thought to signal a divine force at work.²⁴

In classical times men of this sort were most in evidence as priests of the goddess whom the Mediterranean world knew as the Great Mother or Cybele. Her cult was ceremoniously introduced into Rome during the Punic War in 204 BCE when Rome’s leaders sought to boost national morale in the struggle against Hannibal by transferring the holy stone of the goddess from Phrygia to the Palatine Hill.²⁵ Lucretius and Ovid depict in vivid detail the wild music, singing, and dancing of Cybele’s priests during their processions in Rome, and Lucian describes similar phenomena at the shrine of the Syrian goddess at Hierapolis.²⁶ At the climax of the cult’s frenzied rites, initiates castrated themselves and received women’s garments.

Literary descriptions tend to emphasize these men’s flamboyant theatricality and exaggerated femininity. Passive homosexuality, however, seems to have been imputed to them rather than openly acknowledged as part of their ritual. Augustine hints at it in *The City of God*, where they appear as religious beggars “with oily hair and whitened faces and soft limbs, passing with feminine gait through the squares and streets of Carthage, demanding [like] hucksters the means to continue their shameful life.”²⁷ Apuleius makes them incontestably homosexual in *The Golden Ass*, and indeed *gallus*, the Latin term for Cybele’s priests, became all but synonymous with *cinaedus*, a passive male.²⁸ These men were clearly assumed to play women’s roles in private sexual encounters as well as in public ceremonies.

But did the *kedeshim* in fact have sexual relations in a religious context? The Revised Standard Version translates the term as “male cult prostitutes,”

which implies they did. The suggestion that they served women (made by Bailey and taken up by Boswell and Orbach) seems unlikely. If we call them “prostitutes” we must face the fact that historically male prostitution has overwhelmingly implied a homosexual context. Bailey argues that homosexual relations could have no part in “fertility cults.”²⁹ But the term “fertility cult” begs the question. The sailors who resorted to the temple of Aphrodite in Corinth did not have reproduction in mind. Such cults simply celebrated the power of sex as a force of nature. Orbach, as a conservative Jew, is happy to adopt Bailey’s view, since it removes any homosexual taint from earlier Judaism.³⁰ Boswell, on the other hand, simply says, “There is no reason to assume such prostitutes serviced persons of their own sex.”³¹

We must look at the texts and weigh their implications carefully, however. The most important document used to decipher the language of the Hebrew scriptures has been the Septuagint, a Greek translation made in Alexandria sometime between 285 and 150 BCE, when Hebrew had ceased to be widely understood and the original text was unintelligible to many Egyptian Jews. But the Septuagint varies widely in accuracy from book to book, as can be seen from comparisons with the oldest Hebrew manuscripts. The Greek-speaking Jews of Alexandria clearly were often puzzled as to the meaning of the original Hebrew. When the translators tried to render *kedeshim* into Greek, they faced special problems. They may have been uncertain what the word meant, they may have known the meaning but were unable to find a Greek equivalent, or they may have wished to be evasive about a scandalous past. The prohibition in Deuteronomy 23:17 banning *kadesh* from “among the sons of Israel” they translated as “There shall be no prostituting [*porneion*] of the sons of Israel.” The Rehoboam passage “There were *kedeshim* in the land” becomes simply “There was coitus [*syndesmos*] in the land.” In the case of Asa’s purge, the word *kedeshim* becomes *teletas* (“initiation ceremonies”), turning the persons into a religious rite. With Josiah’s reforms the Septuagint gives up and merely represents the Hebrew word by its Greek phonetic equivalent. So some of the words chosen suggest a sexual context, others a religious context, since Greek lacked a word for a male temple servant that united both connotations.³²

The most interesting word choice, however, occurs in the Jehoshaphat episode, where the Septuagint translates the term *kadesh* as *endiellagmenos*, literally, one who was changed. Though the Greek translations that associate the *kedeshim* with sexual and religious functions might be merely a deduction from Deuteronomy 23:26–27 (verses which parallel them with their female counterparts), the conception of the *kedeshim* as those who were “changed” can hardly be derived in this fashion: its very oddity and specificity suggest that the translator was aware of some historical tradition not explicit in the text. One is inevitably struck by the parallel with the Assyrian

assinnu who had been “changed” by the goddess into women and other cases of gender nonconformity in a religious setting, such as the *galli*.

One clear indication that later Jewish scholars interpreted *kadesh* in a homosexual sense appears in the Sanhedrin, that part of the Talmud which deals with legal procedures. Rabbi ben Elsiha, who taught in the first half of the second century CE, read the prohibition against the *kadesh* in Deuteronomy as a general condemnation of passive sodomy.³³ The influential commentary of Rashi (1040–1105) also gave *kadesh* a homosexual interpretation.³⁴ Saint Jerome adopted the same view in his Latin translation of the Hebrew Bible in 390–405. Jerome translates *kadesh* as *scortator* (fornicator) in Deuteronomy 23 but everywhere else uses the word *effeminatus*, which suggests a male who engages in passive relations. This is the tradition the King James translators presumably drew on.

Anxieties about population hardly seem to account for the death penalty in Leviticus, but concern for religious and tribal solidarity may well explain its adoption. In this regard, the ferocity of the law fits a clear and common biblical pattern. Certainly the book of Kings associated homosexuality with aboriginal Canaanite religions, and men who engaged in it would have been suspect as apostates. In ancient Judea, apostasy was regarded as a capital offense, as in medieval Christianity and in some modern Islamic states. The terrible words of Deuteronomy 13:6–10 leave no doubt about the orthodox view:

If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers, namely, the gods of the people which are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth . . . thou shalt surely kill him, thy hand shall be first upon him to put him to death, and afterwards the hand of all the people. And thou shalt stone him with stones that he die.

The *kedeshim*, as devotees of a heretical religion, would presumably have been liable to similar punishment.

• Philo of Alexandria •

Few Jewish authors in antiquity refer even briefly to homosexuality, and only one treats the subject in any detail. This was Philo of Alexandria, a theologian and mystic who sought to reconcile Mosaic law with Platonic philosophy. Since his life span encompassed the lives of both Jesus and Paul, Philo's writings are of special interest; they give us vivid insight into the mind of an orthodox Jew at the moment of the birth of Christianity. Widely read by

early Christian theologians, Philo has been called the father of the fathers of the church, though he remained a faithful Jew all his life. What gave him preeminence was his thorough familiarity with both Judaic and Greek traditions. Equally steeped in Plato and the Bible, he took as his mission the defense of Jewish religion and law before Greek and Roman readers. This was a project that interested early Christian apologists greatly, since they were also trying to bridge the two worlds of Jew and Hellene.

In *The Special Laws*, written about 30 or 40 CE, Philo defends the Levitical penalty for homosexuality, attempting to rationalize a purportedly divine command so at odds with Greco-Roman customs. He first makes a case against the kind of homosexual the gentiles in his audience would be most inclined to despise, the effeminate passive male. Philo's comments are unique in their detailed specificity:

Much graver than [adultery] is another evil, which has ramped its way into the cities, namely pederasty. In former days the very mention of it was a great disgrace, but now it is a matter of boasting not only to the active but to the passive partners, who habituate themselves to endure the disease of effemination, let both body and soul run to waste, and leave no ember of their male sex-nature to smolder. Mark how conspicuously they braid and adorn the hair of their heads, and how they scrub and paint their faces with cosmetics and pigments and the like, and smother themselves with fragrant unguents . . . In fact the transformation of the male nature to the female is practised by them as an art and does not raise a blush. These persons are rightly judged worthy of death by those who obey the law [of Moses], which ordains that the man-woman who debases the sterling coin of nature should perish unavenged, suffered not to live for a day or even an hour, as a disgrace to himself, his house, his native land and the whole human race.³⁵

Since, in traditional fashion, Philo sees women as inferior to men, androgyny is threatening to him: any man who willfully adopts female characteristics has irredeemably degraded himself in his eyes.

The Greeks and Romans also ridiculed men who compromised their masculinity by wearing women's clothes. But cross-dressing on ritual or festive occasions was often acceptable. Hercules and Achilles, archetypal male heroes, were both supposed to have worn women's dress. The priests of Hercules regularly cross-dressed, though women were banned from his temples. In Sparta a bride cut her hair short and wore male attire when she first received her husband; at Argos she wore a false beard. On the island of Cos the pattern was reversed, and the bridegroom dressed as a girl to meet his new wife. In the cult of the hermaphroditic Aphroditos, each sex assumed the dress of the other.³⁶ But Hebrew law forbade the wearing of garments of the

opposite sex as “an abomination unto the Lord” (Deut. 22:5), no doubt because such exchanges were associated with other religions.

But what is most startling is Philo’s violence—he thinks effeminate men should not be allowed to live “for a day or even an hour” and in effect urges his co-religionists in Alexandria to attack and kill them on sight. Whereas a Greek or Roman might have scorned or satirized male effeminacy, Philo is roused to homicidal fury by this subversion of gender roles. His willingness to dispense with traditional procedures and allow individuals to act extra-legally is especially shocking when we recall that Philo was a jurist of some renown. He was a highly respected member of Alexandria’s Jewish community, chosen as its representative in a famous embassy to Rome to plead against a law of the Emperor Caligula, an occasion on which he displayed great courage.

Philo’s intolerance of sodomites was of a piece with his intolerance of apostates from Judaism. These, he wrote, should be taken “to no court” but should be summarily punished by mob action. Such a mob, he wrote, should “regard themselves for the time being as everything, as counselors, as judges, Roman magistrates, members of the legislative assembly, accusers, witnesses, laws, and the public itself so that unhindered and unafraid they may dauntlessly carry out the fight for holiness.” As Erwin Goodenough has remarked, “It would be difficult to find the lynching spirit better [expressed] in any literature.”³⁷ Street violence against homosexuals today is most often the expression of young men seeking to assert their masculinity and only rarely “a fight for holiness,” though murders have been justified on this ground. But this tradition of violence obviously has deep historical roots in religious prejudice.

Of especial anthropological interest is Philo’s brilliant picture of effeminate priests marching in proud splendor among the crowds of first-century Alexandria. From a Greek point of view, the prestige of male homosexuality sprang, first of all, from its association with heroic warriors. In Philo’s hostile eyes, it derived from the prominent role effeminate homosexuals played in certain religious cults. The popularity of such abominations, he thinks, can best be explained by

the prizes awarded in many nations to licentiousness and effeminacy. Certainly you may see these hybrids of man and woman continually strutting about through the thick of the market, heading the processions at the feasts, appointed to serve as unholy ministers of holy things, leading the mysteries and initiations and celebrating the rites of Demeter. Those of them who . . . have desired to be completely changed into women and gone on to mutilate their genital organs are clad in purple like signal benefactors of their native lands, and march in front escorted by a bodyguard,

attracting the attention of those who meet them. But if such indignation as our lawgiver [Moses] felt was directed against those who do not shrink from such conduct, if they were cut off without condonation as public enemies, each of them a curse and a pollution of his country, many others would be found to take the warning.³⁸

Demeter, a mother goddess, did not have transvestite priests. Philo is probably identifying her with Cybele, who was more often identified with Saturn's wife Rhea, the Mother of the Gods.

Philo wants to begin his pogrom with the killing of transvestite priests as the most heinous manifestation of homosexuality. But Leviticus 20:13 required that *both* men in a homosexual relationship be put to death. Thus Philo must still give reasons for killing the active partner. In a much calmer mood, he invokes the threat to population: the active homosexual male, he claims, "renders cities desolate and uninhabited by destroying the means of procreation."³⁹ But Philo is now obviously trying to think up reasons instead of giving vent to violent feelings. When he prescribes the death penalty for the active role, his arguments have an after-the-fact perfunctoriness and indeed, as we shall see, rather closely echo the arguments and language of Plato's *Laws*.

• The Talmud •

The Hebrew scriptures make no mention of lesbianism. Unlike male homosexuality, it does not seem to have been regarded as a crime. The Talmud records that Rabbi Huna (d. 296 CE) ruled that "women who practise lewdness with one another are disqualified from marrying a priest." (Jewish law required that a priest's wife be a virgin.) But even this mild sanction is rejected by the Talmud, which accepts instead the view of Rabbi Eleazar (c. 150 CE), who saw lesbianism as no bar to priestly marriage, since "the action is regarded as a mere obscenity."⁴⁰

Many centuries later, in medieval Europe, female and male homosexuality were placed on a par by the law in Christian states, and women were executed.⁴¹ How then are we to account for Jewish leniency? Obviously lesbianism, like male relations, might have also been considered a threat to population. One theory is that less concern was shown because no seed was wasted, or that men did not care what women did among themselves (though this view hardly applied to witchcraft). If the legislation against males derived from the prejudice against *kedeshim*, however, this would explain the discrepancy. No prejudice against lesbianism would have derived from the religious practices of the *kadeshah*, which were heterosexual in nature.

In the fourth and fifth centuries of the Common Era Jewish scribes labored at writing down the immense compilation of oral law and interpretive

opinions that came to make up the Talmud. In the Sanhedrin, the tractate dealing with legal procedure in criminal cases, the rabbis followed Leviticus in making male relations a capital crime. But here, as elsewhere, they were not rhetorical in the style of Philo or Paul or the fathers of the church. The legend of Sodom was not used to rouse hysterical fears, as it was in contemporary Christian literature. Homosexuality was always condemned but rarely singled out for special emphasis. Rabbi Huna quaintly held that “the Generation of the Flood were only blotted out of the world on account of their having written hymenean songs for sodomy.”⁴² Another rabbi thought sodomy had caused an eclipse, but so had the death of a judge who had not been properly mourned.⁴³ Homosexuality is presented less as a sensual temptation—Jews in Talmudic times were not even to be suspected of sodomy—than as an indignity a Jew might suffer, like the threatened assault on the angels at Sodom.⁴⁴ Male Jewish captives should be ransomed before Jewish captive women because their defilement would be the greater outrage.⁴⁵ One story, not otherwise known to history, told how three shiploads of Jewish men, condemned to the brothels of Rome by Vespasian, had committed suicide by plunging overboard.⁴⁶

The Talmud is not without tenderness and compassion, even in its treatment of criminal law. On some occasions, lynching was condoned, as Philo had proposed, but some rabbis thought it a shame to apply the death penalty once in seven years, or in seventy.⁴⁷ Elaborate rules of evidence must at times have made convictions difficult. Still, the Talmud is consistent in its view that relations between healthy adult males were to be regarded as capital offenses. Indeed, the execution was to be accomplished by the most severe method—stoning. The Talmud lays down the procedure in gruesome detail:

The place of stoning was twice a man's height. One of the witnesses pushed him by the hips, [so that] he was overturned on his heart. He was then turned on his back. If that caused his death, [the witness] had fulfilled [his duty] but if not, the second witness took the stone and threw it on his chest. If he died thereby [the witness] had done [his duty] but if not, [the criminal] was stoned by all Israel. For it is written: the hand of the witnesses shall be first upon him to put him to death, and afterwards the hand of all the people.⁴⁸

The stone that was dropped from the height was so heavy that two men were needed to lift it. As with most crimes designated as capital in the Bible, we have no record of the death penalty's actually being carried out. It may have been, and homosexuals may have been beaten to death in Alexandria and other Jewish settlements. But after 70 CE the Romans deprived the court at Jerusalem of its legal powers, and we do not know how homosexuals were treated in the Jewish communities of the Diaspora.

In modern times, history's first homosexual liberation movement began in

Germany in the last decade of the nineteenth century. It was led by Magnus Hirschfeld, a Jewish sexologist and reformer. In the 1920s he was beaten and left for dead by Nazi thugs; when Hitler came to power, Hirschfeld's research institute was destroyed and the movement he founded suppressed.⁴⁹ In conservative anti-Semitic Vienna, Sigmund Freud spoke out bravely for homosexual law reform. In the United States, Reform Judaism has proved more liberal than most Christian churches. Its national organization, the American Union of Hebrew Congregations, has granted official recognition to a number of gay synagogues. On the other hand, Orthodox Judaism in America has strongly opposed homosexual civil rights, citing Leviticus' genocidal verse at public hearings. The article on homosexuality in the compendious *Encyclopaedia Judaica* (written by the Grand Rabbi of the British Commonwealth) is strongly hostile to modern "liberal" views. But contemporary developments in Israel have nevertheless moved in a liberal direction. In 1988 the Israeli parliament decriminalized sodomy, negating the prohibition in the land where Western laws had their ancient birth. And in January 1992 the Knesset approved a measure "safeguarding equal opportunities in jobs, stating that employers shall not discriminate between employees or applicants for jobs because of their sexual preference."⁵⁰ In 2002, Jews and Arabs marched together in Jerusalem's first gay pride parade.

Taking the world as a whole, Judaism in itself has had very little direct influence on the fate of homosexuals. Indirectly, however, through the prejudices it passed on to Christianity, its influence has been enormous. As with other religious teachings that have fostered persecutions and bloody wars, the burning of witches, the silencing and subjection of women, and the practice of slavery, the noble and generous side of the Hebrew scriptures has been too often overshadowed by darker forces. Above all, it was one of the tragedies of world history that the Jewish convert to Christianity who did most to shape the theology and sexual ethics of the new religion—Saint Paul—was to approach the subject with Philo's vehemence rather than in the spirit of his new faith's founder.