

Homosexuality
The Universal Judaism Perspective

Rabbi Michael Shevack

The Association for Universal Judaism
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Homosexuality is an “issue”¹. It’s an emotional lightning rod that attracts the most astonishing array of wanton pronouncements and *jingoistic* judgments in orthodox Jewish communities –not to mention many Christian and secular communities around the world, whose cultures are also founded somewhat upon the Jewish biblical heritage.

In our popular culture, where exhibitionism teeter-totters with a deep religiously-inspired *inhibitionism* – where we find both disgust for biblical *abomination* (*toevah*) and delight for free-wheeling sexual exploration and creativity –this lightning rod attracts very powerful emotions indeed: rage, religiosity, terror, shame, backlash, baiting, bullying, and forcible “outings.”

In such a highly charged atmosphere, it’s often hard to locate mature, emotionally-unprejudiced thought from clergy. Not a few clergy have themselves “come out”, some voluntarily, others through scandal; so, the religious blacks and whites, the “gays and straights” of the issue, have blurred. This issue has a way of reducing us all to cartoons, “drags” of ourselves, as gay slang might phrase it.

Adding to this is a changing sexual-religious-political-technological scene – changing perhaps too fast for comfort: Post-AIDS, we see a de-valuing of gay promiscuity² and a re-valuing of monogamous-mating, including marriage. Single-parent or same-sex child adoption, artificial insemination, pre-conception adoption, surrogacy and other variations to the old-fashioned male-sperm/female-egg dance, have altered (or neutered) the issue. Media highlights have made gay people seem just like ordinary people, more human – *queer* in one sense, less queer in another.

Today, we often witness two completely opposed simultaneous viewpoints: Openness, acceptance, and even nonchalance towards homosexuality. Righteous indignation peppered with panic and politics. There’s very little in between.

There remains a rift about homosexuality, because, in part, there remains, at a core religious depth, a rift as to how to interpret the biblical – particularly the Hebrew Bible or so-called “Old” Testament – injunctions against it.

Moreover, virtually all religiously inspired groups, conservatives or liberals, have, long ago, ceased to take scripture as edict; none of us would sentence a modernist to stoning for breaking the Sabbath, or administer an abortifacient to adulterous women. Obviously, any calling upon the Bible as an “anti-gay defense”, is fraught with interpretive arbitrariness, expediency and hypocrisy, calling into account the larger Truth-issues behind all biblically-based religions: what do we believe and *why* do we believe it?; how do we know scripture is the “word of God”, a “revelation”?; how do we interpret God’s Word for God?.

What is, indeed, the foundation of religious *authority*?

If the *Torah*, as Jewish tradition, has interpreted it down through the ages, is totally correct – which is essentially the same view as Christianity and Islam – then homosexual behavior is not at all an “issue.” It is a non-issue. It’s just wrong.

If however, God is the Creator, we have a rather serious logical problem that surfaces in our contemporary scientific era. Today, we know that there are hundreds upon hundreds of species that engage in some kind of homosexual activity.³ Obviously, unless God made a “design flaw”, homosexuality *per se* cannot be flatly wrong. The question that then arises is “why is homosexuality wrong for human beings?” or, also, “why is the nature of human beings different from other animals?” These two questions are intimately-related.

If homosexuality is permitted in other animals but not human beings, then, why *do* human beings engage in it? If God permits human beings to engage in this, no less (and more so) than the lesser beasts, then, what is the relationship between God and Nature? Is there something *unnatural* about God? Or human beings? Or, perhaps, our theologies?⁴

There are serious cracks in our religious understanding about homosexuality, because there are serious cracks in our religious understanding in general.

I believe, these cracks are visible through our translations and interpretations. These need to be healed first:

In two verses, the *Torah* seems to utterly outlaw all male homosexual relations ⁵:

Vi-et zachar lo tishkav mishkavei ishah toevah hi.

Thou shalt not lie with a man after the manner of a woman. (Lev. 18:20)

Vi-ish asher yishkav et-zachar, mishkavei ishah toevah asu shnayhem mot yumatu dimahem bam.

If a man also lie with a man, as one lies 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)*

In examining these two passages, first, let us deal with the “powder keg”, what appears to be a general descriptive, and possibly a legal term, equating homosexual behavior with *toevah*, usually translated *abomination*, or that which is *disgusting* to the Lord.

There are approximately 23 main references in the *Torah* for the word *toevah* or its plural *toevat*. In the Hebrew Bible (*Tanach*) the references soar to over 70. This does not include variations of the related *ta-av* or *ta-ah*.

In the *Torah*, virtually all 23 references refer to some kind of idol worship, some perversion of sexual relations in relation to idol worship, or, a “custom”, such as adultery, which was forbidden to Israel. ⁶ All these abominations result in “defiling the land.” (*Deut. 24:4*)

But, in *Deut. 25:16ff*, there is an interesting exception. The term *toevah* seems to pertain less to a cultic-sexual affront to Creation, and more to a general *moral* affront: improper weights and measures. This is also linked to defilement of the land and its shirking is considered conditional for the continued presence of Israel upon it. Later on in the same verse, the term *toevah* is generalized even further: “All that do un-righteously are an abomination to the Lord thy God.”

In the Hebrew Bible, particularly in *Prophets* and *Kings*, we see the same predominant use of the cultic-sexual sense of *toevah*. However, in *Proverbs* the number of uses of *toevah* in a general moral sense, is quite shocking: 15! While reiterating the concern of improper weights and measures in *Deut. 20:10; 20:23*, the term *toevah* is now applied wholesale: To those with a “crooked heart” (11:20). To “lying lips” (12:22). To “the sacrifices of the wicked” (15:8). To “the thoughts of the wicked” (15:26). To those “proud in heart” (16:5). To the “scorner” (24:9). And, in the most generalized of generalized senses: to the “unjust man” (27:7).

Clearly, if we consider all these references equal, equally defiling the land, equally-abominable, the term *toevah* cannot be considered a very precise legal term at all. In fact, we should all be stoned to death for *toevah*. Since *Deuteronomy* is the latest of the *Torah books* ⁷, and *Proverbs* is quite late ⁸ we may be dealing with a shift in the meaning of the word. *Toevah* seems to be increasingly equivalent to “evil”, “wrong”, “bad behavior” or perhaps “sin” – though never once in the Hebrew Bible do we ever see the words *chet*, *averah*, or *psittah*, the terms promiscuously translated as “sin” applied to homosexual behavior. This is surprising, since in the Christian-influenced mainstream culture, supposedly-based upon our Bible, “sin” is the dominant descriptor in the religious media.

Since it is common knowledge that homosexual practices, including sacred whores, took place as part of the abominable practices of other nations, (*Deut. 23:18*), it seems fairly certain that the term *toevah*, in this specific regard, retains some purity, validity and utility. However, since contemporary homosexual behavior amongst Jews generally does not appear in tandem with

polytheistic idolatrous cults and can be found amongst the observant, synagogue-attending Jew who is otherwise righteous, monotheistic and *Torah*-abiding – the cultic sense of *toevah* is not relevant.⁹ Instead, the second, more general moral sense of *toevah* may be applied, but no more so than it can be applied to someone who happens to lie or cheat. Indeed, this general moral sense is so general as to be legally useless. As a criterion by which one may judge most contemporary homosexual behaviors, the ancient term *toevah* adds more confusion than clarity.

There also seems to be some confusion regarding the translation of these verses. The term “man”, i.e. that man who is lied with, is not *ish*, but is instead, *zachar*, which is better translated *male*.¹⁰

In stark contrast, the term “woman”, with whom one would lie is not *n'kevah* or female, but is translated *ishah*. Unlike *n'kevah*, which is unambiguous, *ishah*, as in the French *femme*, could also be translated “wife”, i.e. someone chosen for the purpose of mating and propagation. This translation seems more than possible, but probable, since the verses preceding these passages all deal with incestuous relations regarding improper choices of “wives”, as they are generally and correctly translated.

It would seem that at issue is not lying with a “man” instead of a “female” – i.e. a blanket forbidding of all homosexual behavior in any shape or form – but, instead, lying with a *male* instead of a *wife*, i.e. someone that might detour you from procreation.

Is there any proof that this interpretation might be correct? Yes.

Let us turn to the phrase, *mishkavei ishah*, literally, “in the bed of a woman/wife.”

In the first passage, *mishkavei ishah* is translated “after the manner of a woman” and in the second “as one would lie with a woman.” “After the manner of a woman” or “as one lies with a woman” can both imply taking the sexual-role of the female in homosexual intercourse. The first passage can sometimes seem to only forbid that man who chooses a *male* in the sexual role of women/wives, but not the semen-receiving male himself.¹¹ However, the second passage seems to clarify this, by holding both men culpable. If this is so, to be coherent with the first passage, it implies that both men exchange the male sexual role, and are therefore forbidden. While this interpretation may or may not be true, it too seems to add more confusion than clarity; nor, does it help us clarify the proposed meaning of *mishkavei ishah*.

Unfortunately, there is no other reference for *mishkavei ishah* in the Hebrew Bible that can help us clarify the meaning of this phrase. However, fortunately, there is one other reference for the word-form *mishkavei*. It proves most helpful indeed!

In *Gen.49:4*, regarding the story of Re’uven we read the following:

Re'even, thou art my firstborn, my might and the beginning of my strength, the excellency of dignity, and the excellency of power: unstable as water, thou shalt not excel; because thou wentest up to *thy father's bed*; [emphasis added] then thou didst defile it . . .

In Hebrew, the phrase "thy father's bed" is *mishkavei avicha*, literally, and analogously to *mishkavei ishah*, "in the bed of your father." In the ancient near-eastern world, as a sign of inheritance of your father's power, one would take and lie with one's father's concubines. But, here, it seems that Re'even did so in an inappropriate way, probably without his father's permission, thus *usurping the conjugal rights*, i.e. lying *in the bed* of his father. See also, 2nd Samuel 3:7; 16:21-22.

It would be even more reassuring to have yet one more example in *Torah* of *mishkavei*, but, unfortunately, we do not. Yet, we cannot fail to notice that the meaning of this passage and our proposed meaning for the previous passages regarding homosexual behavior are one and the same. There is more than enough coherency here to wager that these passages were intended to denote the following:

Vi-et zachar lo tishkav mishkavei ishah toevah hi.

Thou shalt not lie with a male in the bed of a wife. (*Lev. 18:20*).

Vi-ish asher yishkav et-zachar, mishkavei ishah toevah asu shnayhem mot yumatu dimahem bam.

If a man also lie with a male, in the bed of a wife, both of them have committed an abomination: they shall surely be put to death their blood shall be upon them. (*Lev. 20.13*)

And since the term *mishkavei* more probably means to "usurp the conjugal rights of", these would *connote* the following:

Thou shalt not lie with a male, usurping the conjugal rights which belong to a wife.

If a man also lie with a male, usurping the conjugal rights of a wife, both of them have committed an abomination: they shall surely be put to death their blood shall be upon them.

Is there any scriptural proof for this interpretation? I believe there may be: The story of *Sodom and Gomorrah*, *Gen. 19:4-11*.

When the men of Sodom call upon Lot to deliver up the "angels/messengers" so that they might be "known" sexually, Lot responds by offering them two virgin daughters, perhaps signaling "legitimate mates" as opposed to "whores". After the men of Sodom refuse relations with them, it becomes very clear indeed, that we are dealing with true abomination, indeed rapacious, violent homosexual abomination. No sooner than this is established, are they smited with blindness and the entire city is destroyed along with their idolatrous defilement of Creation.

A similar story can be found in Judges 19. Here, instead of the males they seek, the buggery-intended men are offered both a virgin and someone's concubine. Refusing them, the concubine is brought directly to them, and they do ravage her instead. She seems far more suitable to their lust than the virgin. In both stories, the difference between sexual legitimacy and sexual lust is distinguished.

Here, *Torah* and contemporary scientific observation of nature begin to coincide seamlessly:

While there are hundreds upon hundreds of examples of homosexual relations in nature, there is not one example of it where it interferes with or abrogates the ability of a species to propagate itself. There is a natural *boundary* built into the Creator's design; no matter how generous the Creator is in permitting sexual diversification and creativity – and nature is quite “wild” sexually – this propagative boundary is never, ever permitted to be undermined, hence it could be said to be a “law”, or “fixed relationship” in Life. ¹²

In this sense, the law of Israel can best be seen as a *specification* of the *natural law*, which requires reproductive synchronization between male and female in order to propagate. The law of Israel specifies this *necessary boundary* within Creation. Rapacious homosexuality, interfering with conjugal responsibility towards God's Creation is *abomination*, *toevah*. But, here the term is not some cavalier moral epithet tossed around un-carefully. Clearly, *toevah*, or *abomination*, means *degenerate* – but not in the moral-accusatory sense –but *de-generate* in the biological sense.

Rapacious homosexual is *de-generate* – that which leads to a loss of generacy in the species. This is hardly the case with other animals, since homosexual behaviors are more integrated within the cycles of nature and enhance the vitality of the species. Nor might this be the case with certain kinds of human homosexual activities, perhaps the erotic, which are not rapacious; after all human beings *are*, also, animals.

However, such natural homosexual activities aside, human beings, who have free will and are not restricted to cyclical-boundaries in nature, are not merely natural. Homosexuality, or any behavior, can become taken to an anti-natural excess; no other animal is capable of this same extreme.

This explains our earlier confusion between traditional religious views which condemn homosexuality outright and the more scientific- religious perspective, of a Creator's world, where it exists and flourishes in hundreds of species. In the human being, a law to exercise caution against *abomination* – *degeneracy* –, as I think it should be correctly-defined – is needed. In the animal kingdom, it is not. Animals are not human beings, though human beings are animals.

However, logically, since the focus of Israel's laws is not homosexual behavior *per se*, but is the de-generate, rapacious substitution of a *male* for a *wife*, another more immediate question opens up: Do these laws outlaw the taking of a *male* as an object of love or pleasure *in addition*

to fulfilling one's conjugal responsibilities, or *before* such conjugal responsibilities are engaged? Is there any evidence at all in scripture that the *homoerotic* might be acceptable? ¹³

Many feel that there is a homoerotic component to the story of David and Yonatan (Jonathan) (*1 Samuel 19:2ff*). In order to describe Yonatan's feelings toward David, the Hebrew Bible uses the exact same expression an astonishing *three times*, an expression, which is, undeniably, *erotic*, even *mystically erotic*:

And Yehonatan loved him *as his own soul* [emphasis added]...

Then Yehonatan and David made a covenant, because he loved him *as his own soul*. (*1 Sam.18:2-3*)

And Yehonatan caused David to swear again, because he loved him: for he loved him *as he loved his own soul*. (*1 Sam. 20:17*)

...my brother Yehonatan: very dear hast thou been to me: they love to me was wonderful, more than the love of women. (*1 Samuel 1:26*)

From a traditional rabbinic and certainly a Kabbalistic (Jewish mystical) perspective, the love for someone "as if their own soul", like Adam and Eve, is the metaphysical justification for *knowing* each other both psychically, and, as a consequence, sexually. For instance, since Eve is created from a *tzelem*, a "rib" or "side" (aspect?) of *Adam*, they are "as if their own soul."

In this sense, the description of Yonatan's feelings toward David is that of a mate, flesh of his flesh, bone of his bone. Yonatan's loyalty with the "house of David", made him "one flesh" with David (*1 Sam. 20:17*) However, there no overt proof as to whether this conjoining-of-flesh was also expressed sexually between them, though it is clearly erotic.

While it is not clear whether Yonatan was married, if he were married, a homosexual relationship with David need not have affected his conjugal requirements. After all, Yonatan swears "on his seed" (*1 Samuel 20:42*, i.e. implying future propagation through his loins.

So, if David and Yonatan did have a homosexual relationship, there would be no *mishkaveh-ishah*. There is no contradiction, if homoeroticism of this kind, is permissible, though there is no proof that it is.

Therefore, it is clear that the Jewish tradition's outlawing of all kinds of homosexual activity is contaminated by interpretative excess.

This interpretive excess results from, I believe, a misunderstanding and mistranslation of the Hebrew.

This excess also results from attempting to discern God's Will in nature backwards from scripture as is the religionist tendency. Instead, it has proven here far more productive to view scripture in a more scientific way: as a recording of human understanding of nature's design, i.e. "how Life works", i.e. The "will" of the Creator God, the One God.

Moreover, the tendency amongst Jews, Christians, Muslims and other historical-religionists to view their particular formulation of covenantal history as *universal*, meaning *ubiquitous*, required from *all* humankind, causes a tendency to over-generalize particular natural homosexual behaviors into "homosexuality" the "concept." Applied backwards as *the* criterion of absolute "moral correctness", it has ill-regard for God's Order in nature, let alone our ability to rationally observe and understand its nuances. This is a long-established religiously-motivated *idolatry*, where human law-specifications are given excessive authority for Truth. It contributes to the "exclusivism" – the "saved/damned" paradigm – which still infects many idealist religions, and which is surfacing these days as un-circumspect fundamentalism.

Truly, there is a law in Creation, a fixed-relationship, that if one substitutes a male for a reproductive-female, there can be de-generation to Life. This is not religious fiction. This is human awareness of a biological fact, specified as law, in order to contain human excess and maintain biological integrity, i.e. God's Creation.

It is clearly, purposefully, and valuably communicated through scripture.

The injunction against de-generative homosexuality is no different from other scriptural laws that function to remind free-willed human beings about certain fixed-relationships within God's Order (*Commandment*) on earth: sanctification of foods which are not de-generative (*kasher*); sanctification of the separateness of species (*shatnez*); sanctification of mother-child relationships (seething calves in milk) and many, many others de-generative customs. We have come to think of them as "religious" laws, but, they are really formulations of universal laws built into nature: laws built into the design of Creation.

Should we ever return to a time – God forbid – when rapacious homosexuality, bestiality, child-murder, the eating of decayed foods and other savage behaviors, become excessive – when we become *de-generate*, *abomination*, and the propagative vitality of Jews, let alone all human nations, becomes endangered – we might be very happy to have a few *Torah* guidelines left in our books, rather than their being extirpated blindly in the name of political-correctness. Faith in their recordings might prove to have great survival value.

God-willing, we will interpret these verses correctly, and not excessively.

But, in such wanton times, even an excessive interpretation of such critical-boundaries, might prove helpful, a *Tree of Life* for those who cling to it. ¹⁴

Footnotes:

¹ The term “homosexuality” is a modern term, first coined in the late 19th century; The *Torah* does not use this term.

² The tendency to promiscuity has always been more so within the male homosexual community, in part, because they are males. This article, although inclusive of the female homosexual, skews male in emphasis because the Hebrew Bible or “Old” Testament skews this way. There is no mention in the Hebrew Bible of lesbian relations.

The *Talmud* references, vaguely, something which may seem like lesbianism, in regard to disqualification for marrying a priest. *B. Yevamot 76a*; *Y. Gittin 8:8*. Christian Scripture mentions lesbianism outright in *Romans 12: 26-28*, where it is flatly condemned.

³ For a quick survey: http://en.wikipedia.org/wiki/Homosexual_behavior_in_animals

⁴ In this era, when we have seen the devastating ecological result of a theology which excessively elevates the God-of-civilization over nature, we must re-examine all our theologies.

In a scientific era, we are finding ourselves drawn towards the Spinozist view: *Deus sive Nature*, that God or Nature, are just equivalent words. And yet, the old fear of the pantheism in Spinozist philosophy still haunts us.

See naturallawjudaism.org This was an earlier stage in the development of Universal Judaism. However, because the term “natural law” is classically based upon the idea of Universal Reason, and I use the term more biologically, more organically, indeed, more naturally– rather than get lost in philosophical conflict, I prefer name Universal Judaism. Besides, the very purpose of natural law theologies was to allow for universality.

⁵ The translation for all verses is from The Jerusalem Bible, Koren Publications, Jerusalem Israel, 1977. This is probably the best translation out there. But, it is woefully inadequate. Many other Bibles, JPS and NIV as well, are virtually identical to this. All are thoroughly inconsistent between the two verses, the same Hebrew expressions are translated totally different ways in the same context.

⁶ There are also two verses, *Gen. 43:32; 46:34*; that use the term “toevah” in relationship to how Egypt feels about shepherds, and partaking of a meal with Israel.

⁷ Most scholars, but not all, consider *Deuteronomy* to have been composed during the time of Josiah, sixth century B.C.E.

⁸ Some consider *Proverbs* to be late as 3rd century, A.D.

⁹ There has been a tendency among certain homosexual men to engage in a kind of “phallus-worshipping” cultism. There has also been a tendency among certain lesbians for a kind of “feminist-naturalist” cultism, sometimes anti-male. Both have qualities that are reminiscent of pre-Israelite nature cults. For the most part, homosexual behaviors, male or female, tend to be good, virtuous and as “monotheistic” as their heterosexual counterpart.

¹⁰ Curiously, in the JPS translation, “male” is used for 20:12, but not 18:20, yet they both reference *zachar*. I have absolutely no idea why, and it is clearly an error.

¹¹ Cross-gender behaviors, such as cross-dressing, were forbidden; thus, such sexual role exchanges would be even more so. “Drag”, common in certain homosexual subcultures, is not Jewish Law. See, *Deut. 22:5*.

¹² These days, with cloning and other advances, such a “fixed relationship” between male and female, necessary for propagation, is not quite so fixed. We have free will way beyond natural boundaries, which, of course, is the very difference between the human animal and the so-called natural animal. We are spiritual, gifted with free will.

And of course, with such technologies make homosexual relations reproductive, which complicates this discussion, beyond the scope here.

¹³ After all, homosexuality is not an uncommon phenomenon in the Middle East, and certainly not amongst semites. Nor is it, if Alfred Kinsey was correct, uncommon human behavior, with over 50% of American men having engaged at one time in homosexual relations.

¹⁴ *Proverbs 3:18*

Michael Shevack is the rabbi at The Bucks County Free Synagogue, in Bucks County PA and the founder of The Association for Universal Judaism. Rabbi Shevack has taught spirituality and comparative religion on the graduate level at the State University of New York (Stony Brook). He has been Director of Communications at the Center for Christian-Jewish Understanding at Sacred Heart University, Bridgeport Connecticut. He is the author of five books. His column *Spirituality and Business* appeared in *Success Magazine*. Rabbi Shevack is married to *rebbetzin*, artist Teddy Frank (teddyfrank.com), and they have three children, Christian, Adam and Zoe. Visit him at: universaljudaism.org; buckscountyfreesynagogue.com; michaelshevack.com; thesixfix.com; rabbimike.com

