Discerning the So-called Abomination in Lev 18:22 and 20:13 in Relation to Holiness, Honour and Shame

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ABSTRACT

Abomination does not appear in the earliest legal collection (Covenant Code) but in Deuteronomy and Deuteronomistic literature, it refers to what is incompatible with YHWH both cultically and ethically in order to maintain the uniqueness of the holy YHWH in the cult and of Israel amongst its neighbours. Abomination is also not used in priestly literature but only in the youngest of the legal collections (Holiness Code). The prohibition of male-male sexual intercourse in Lev 18:22 and 20:13 should be read contextually by relating it to its specific literary and theological-ethical context and not just accepting it as an unconditional legal instruction in general. It is rather a parenetic call to guard against incest as a shaming act that damages the honour of a family. It also entails the rhetorical appeal to the holiness and honour of YHWH as motivation for regulating sexual relations in the family in terms of procreation—procreation not as a timeless creational order but a contextually informed concept that strikes a balance between holiness and honour as well as defilement and shame, informed by the introductory focus on atonement in Lev 16, the reading of Lev 18 during Yom Kippur and the centrality of love for the neighbour and stranger in Lev 19.

Keywords: Lev 18:22, Lev 20:13, Abomination, Holiness, Honour, Shame, Male-male intercourse.

A INTRODUCTION

Gerrie Snyman made a well-argued plea for reading the Bible differently based on an ethic of Bible reading.[1] To go beyond a naïve reading of the Bible, he describes a contextual interpretation that includes both the contexts of the authors of the Bible as well as the initial and subsequent readers of the Bible. The "ethical

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1 Gerrie F. Snyman, *Om die Bybel anders te lees: `n etiek van Bybellees* (Pretoria: Griffel, 2007).

reading" that Snyman suggests[2] entails the realisation that the values propagated in the Bible are rooted in community values that are given divine sanction; that the reader's own inevitable subjectivity must be recognised and communicated as part of the hermeneutical parameters within which the reading process takes place and that the interpreter must consider the positive or detrimental effect a reading will have on its audience.[3]

When reflecting on the so-called "abominable" or "perverse" sexual activity in an ancient society, Snyman's reference to the subjectivity of all interpretation makes one aware that superimposing one's own subjective presuppositions on the past is a constant temptation.[4] This contribution acknowledges the patriarchal nature of ancient Israelite societies but due to the complex structures of these ancient societies (consisting of at least three models of extended families, clans and tribes), presuppositions embedded in modern patriarchal families are found wanting when attempting to comprehend the values that influenced decisions to identify certain sexual activities as "abominable."[5] Furthermore, this interpretation of "abomination" according to Lev 18:22 and 20:13 did not presuppose a linear development in the understanding of sexuality in the Old Testament. It allowed for the possibility that different co-existing nuances can be detected in the Old Testament understandings of sexual relations alluded to in the two chapters that were investigated.

Any study of Lev 18 and 20 (as part of the so-called "Holiness Code" in chapters 17 – 26) must take into consideration that the holiness of God and humankind's representations thereof are of special importance for Lev 18–20.[6]

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2 Gerrie Snyman, "Homoseksualiteit en tydgerigtheid: `n etiek van Bybellees?" *In die Skriflig* 40/4 (2006):715; Snyman, *Om die Bybel anders te lees*, 182, 187.

3 This contribution is an attempt to dialogue with Gerrie Snyman's plea to develop a "different" and "ethical reading" of the Bible as well as a commemoration of his singular contribution to the study of the Old Testament in South Africa. As editor of *Old Testament Essays*, he maintained a balance between safeguarding academic excellence and enabled access for upcoming scholars. He was one of the pioneers in South Africa to draw attention to the importance of Second Temple literature as well as the aesthetics and ethics of Bible reading and interpretation.

4 On a lighter note, during one of his conversations with Henry Jaglom, the well-known actor and director, Orson Wells remarked: "There are three sexes: men, women and actors; and actors combine the worst qualities of the other two." Peter Biskind, ed., *My Lunches with Orson: Conversations between Henry Jaglom and Orson Wells* (New York: Picador, 2013).

5 Shunya Bendor, *The Social Structure of Ancient Israel: The Institution of the family (beit `ab) from the Settlement to the End of the Monarchy* (Jerusalem: Simor, 1996), 168–170, describes three stages in the development of the "father's house" and how patriarchy manifested itself in different ways.

6 Thomas Hieke, *Leviticus. Zweiter Teilband: 16–27* (HThHKAT; Freiburg: Herder, 2014), 644.

Engaging with the depiction of male-male sexual relations in Lev 18:22 and 20:13 as an abomination (תּוֹעֵבָה) shows that different reasons have been given for this highly negative appraisal.[7] This contribution is focused on the reference to abomination in relation to values prevalent in ancient Israelite societies that contributed to its rejection in Leviticus: holiness (קדש), honour (כבוד), and shame (ערוה).

The focus on abomination in relation to holiness, honour and shame was triggered by a comment by Mary Douglas in her well-known article on the function of justice as the cornerstone of what she refers to the "stern recitation of dangers related to impurity" in Lev 18–20:[8]

> Idolatry and sex are collected into the outer, corresponding chapters – the framing sections – so as to separate and enclose the laws of chapter 19 about honest dealings and fairness. Justice is the corner or apex of the pediment (the result of her architectural approach to the structure of Leviticus), the conspicuous place of honor.

As a social-anthropologist, Douglas seems to take for granted that honour and shame undergird the moral values of Mediterranean cultures including Israelite and Judean cultures.[9]

Caution must be exercised when interpreting any section of the so-called "Holiness Code" since recent research points out that it can hardly be considered as an independent legal code. It should rather be seen as a type of "*Fortschreibung*" ("update" through scribal reformulation) within the priestly tradition that enables an "*Ausgleich*" ("balance" or "compensation") between Deuteronomic-deuteronomistic and priestly traditions.[10]

B BRIEF COMMENTS ON LEV 18

Leviticus 18 is presented as (older?) divine imperatives (the so-called apodictic law) communicated through Moses to Israel not to follow the acts of incest in

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[7] Jay Sklar, "Prohibitions against Homosexual Sex in Leviticus 18:22 and 20:13: Are They Relevant Today?," *BBR* 28/2 (2018):197, mentions ritual purity, idolatry and male honour as the important reasons for defining an act as "abominable" but he chooses to argue in the direction of what he perceives to be a "creational order."

[8] Mary Douglas, "Justice as the Cornerstone. An Interpretation of Leviticus 18–20," *Interpretation* 54/4 (1999):341, 344–345.

[9] See the subsequent discussion of the contribution of Pitt-Rivers.

[10] Konrad Schmid, *Theologie des Alten Testaments* (Tübingen: Mohr & Siebeck, 2018), 329.

verses 6–18, combined with different forms of forbidden sexual relations in verses 19– 3.[11]

The following subsections can be detected in chapter 18 and possible references to holiness, honour and shame will be highlighted: [12]

i) General introduction (vv. 1–2). "I am the Lord your God" introduces the following collection of legal instructions focused on sexual activity, implying divine/royal authority deserving of obedience and honour.[13]

ii) Extensive parenetical frame in 2nd person plural (vv. 3–5, 24–30). The Lord prohibits Israel through Moses from the sexual unions ascribed to Egypt (where they came from) and to Canaan (where they are heading to) in verses 3–5. In the concluding exhortation (vv. 24–30), the preceding acts of defilement collectively cause the land to spew or vomit out its Canaanite inhabitants, allowing the Israelites to take possession of the land and maintain its ownership.[14]

iii) Thematic superscript (v. 6). The doubling of אִישׁ אִישׁ (a man a man") as well as the combination of two synonyms in construct state (שְׁאֵר and בְּשָׂרוֹ) that refer to "flesh" or "body" suggest "emphasis or a superlative."[15] = "No man of you shall come near any of his own flesh/close relatives/members of extended family (clan?) to uncover nakedness (often used as a metaphor for "shame," frequently used in later translations for עֶרְוָה)/have sexual intercourse. The expression, "I am the Lord," אֲנִי יְהוָה is a verbless clause that functions as a refrain in the so-called Holiness Code. It not only reminds the audience on whose authority these prohibitions are communicated but also emphasises the honour of the Lord that must be respected.

In agreement with James Mays, it is assumed that verse 6 is "the basic law" or point of departure ("None of you shall approach anyone near of kin to uncover nakedness"), for verses 7–18 that entails an extensive "kinship pattern covered by the law."[16]

iv) Apodictic prohibitions against "revealing/uncovering the shame" as euphemistic reference to sexual intercourse within the "bet ab" or extended family in 2nd person singular (vv. 7–16). The forbidden sexual

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[11] John R. Porter, *Leviticus* (CBC; Cambridge: CUP, 1976), 142; Esias E. Meyer, "Sentralisering en verbode seks," *LitNet Akademies* 18/1 (2021):267.

[12] Hieke, *Leviticus*, 652.

[13] Robert Alter, *Five Books of Moses* (New York: Norton, 2004), 620.

[14] Baruch Schwartz, "Leviticus," *The Jewish Study Bible* (eds. Adele Berlin and Marc Zvi Brettler; Oxford: OUP, 2014), 239.

[15] Alter, *Five Books*, 621.

[16] James L. Mays, *Leviticus. Numbers* (London: SCM, 1964), 58.

acts (indicated by repeating the euphemistic phrase "not to uncover the shame/nakedness/genitalia" (לְֹא תְקָרֵבוּ לְגַלּוֹת עֶרְוָה) in vv. 7, 8, 9a, 9b, 10, 11, 12, 13, 14, 15, 16, 17) included sexual intercourse with close relatives ("with his own flesh" or "near of kin." According to Lester Grabbe, these prohibitions covered a wide range of family members, ranging from the mother or stepmother (vv. 6–8); to the sister, half-sister, stepsister or sister-in-law vv. 9, 11, 16); daughter-in-law (vv. 10, 15) and aunt (vv. 12–14).[17] In a polygamous society, the father's wife could also be someone other than the own mother (v.8). No satisfactory explanation has been suggested why no prohibition was made against intercourse with one's own daughter, only against the daughter of one's son (v. 10).[18]

v) *Apodictic prohibitions against "revealing the shame" or sexual intercourse with blood relatives beyond the extended family in 2nd person singular (vv. 17–18).* Sexual intercourse was also prohibited beyond the extended family (perhaps the clan?) by referring to a woman and her daughter or granddaughter (v.17).

vi) *Prohibitions maintaining cultic purity in 2nd person singular (vv. 19–23).*[19]

vii) *Extensive parenetical framing conclusion in 2nd person plural (vv. 24–30).*[20]

It should also be noted that both the prohibitions against sexual intercourse within the broader family context as well as the prohibitions upholding cultic purity (vv. 7–23) are formulated in 2nd person singular; that is in distinction of the parenetical frame that used the plural (vv. 3 –5 and 24–30).

C LEVITICUS 18:22 IN THE CONTEXT OF 18: 20 – 23

As part of 18:20–23, sexual intimacy with another male is prohibited in verse 22 and is preceded by prohibitions not to take a wife's sister as a wife (v.18), nor to perform sexual intercourse during female menstruation (v. 19) or with a neighbour's wife (v.20). The prohibition of male-male sexual intercourse is immediately flanked by the prohibition of child sacrifice to Molech or Moloch (v. 21) and the prohibition of sexual intercourse with animals/bestiality (v. 23).

While focusing on the instructions closest to verse 22, one can also take note of the different reasons for the forbidden sexual relations mentioned in verses 20–23 (NRSV):

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[17] Lester Grabbe, *Leviticus* (OTG; Sheffield: Sheffield Academic Press, 1993), 78.

[18] It is clearly not an exhaustive list and the omission of some relationships within an Israelite family might indicate a dark side of the interaction in ancient patriarchal families.

[19] This section will be discussed in more detail below (section C).

[20] See comments above in paragraph ii.

20 וְאֶל־אֵשֶׁת עֲמִיתְךָ֙ לֹא־תִתֵּ֣ן שְׁכָבְתְּךָ֔ לְזָ֖רַע לְטָמְאָה־בָּ֑הּ[21]

The prohibition against adultery was probably included because it was related to objectionable sexual behaviour and it might have formed part of the negative stereotypical image of Egypt and Canaan that was developed in the Holiness Code.[22] The Israelite male is prohibited to have sexual intercourse with his neighbour's or kinsmen's wife and the reason provided is that adultery caused defilement.[23]

21 וּמִזַּרְעֲךָ֙ לֹא־תִתֵּ֣ן לְהַעֲבִ֔יר לַמֹּ֖לֶךְ וְלֹ֣א תְחַלֵּ֔ל אֶת־שֵׁ֖ם אֱלֹהֶ֑יךָ אֲנִ֖י יְהוָֽה[24]

Any offering or sacrifice to Molech, an ancient Near Eastern deity associated with the netherworld (שאל), is strongly condemned in the Old Testament (Lev 20:2–5; 1 Kgs 11:7; 2 Kgs 23:10; Jer 21:35) and according to Deut 12:31 and 18:10, most probably involved the sacrifice of children.[25] According to Mic 6:7, the sacrifice of the first-born took place in Israel and it was possibly related to Molech worship.[26] Such child sacrifice was probably considered "shameful," bringing God into disrepute amongst Gentiles (Ezek 36:20–21). Profaning is used in relation to the sanctuary of God (Lev 21:12, 23), holy food (Lev 22:150) and Sabbath (Isa 56:2; Ezek 20:13, 16 etc.).

A few thoughts about the reference to sacrifice to Molech and a possible allusion to shame are helpful at this point. "Molech" (מֶלֶךְ) was the patron god of the Ammonites and its pronunciation in Hebrew allows for puns and wordplays on the Hebrew noun for "shame." In several other texts, this Ammonite god is called "Milcom," "Moloch" or "Malcarth."[27] Therefore, there could also be an allusion to shame in the name "Molech": the Hebrew consonants of "*melek*" ("king") and the vowels of "*bōšet*" could have been combined to form the name of the Ammonite god – to express contempt for this non-Israelite god.[28]

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[21] Verse 20: "You shall not have sexual relations with your kinsman's wife *and defile yourself with her."*

[22] Schwartz, "Leviticus," 239.

[23] Alter, *Five Books*, 32.

[24] Verse 21: "You shall not give any of your offspring to sacrifice them to Molech, *and so profane the name of your God: I am the LORD*."

[25] Gordon J. Wenham, *The Book of Leviticus* (NICOT; London: Hodder & Stoughton, 1979), 259. Note also the influential alternative interpretation of Molech by Otto Eissfeldt, *Das Ende des Gottes Moloch* (Halle: Niemeyer, 1935), that the noun did not refer to an ancient Near Eastern deity but to child sacrifice and should thus be read as *molk.*

[26] Schwartz, "Leviticus," 243.

[27] Mays, *Leviticus,* 61. See further discussion below.

[28] William F. Albright, *Archaeology and the Religion of Israel* (Baltimore: John Hopkins Press, 1953), 162ff. Brian Schmidt, "Molech," in *Eerdmans Dictionary of the*

22 וְאֶת־זָכָר לֹא תִשְׁכַּב מִשְׁכְּבֵי אִשָּׁה תּוֹעֵבָה הִוא[29]

The only explicit prohibition of male-male sexual intercourse in the Old Testament or Hebrew Bible is found here and in Lev 20:13 and one must reflect on the possibility that since it is preceded by a cultic transgression (sacrifice to Molech), some link to the cult could also be presumed.[30] This possible link to the cult seems to be affirmed by the noun "abomination" (תּוֹעֵבָה) that is often used in the cultic sphere to express loathing for idolatrous practices (cf. Deut 7:26; 27:15; 32:16; 2 Chron 23:19).[31]

It should be noted that the noun **משכב** has been translated traditionally as a reference to the "act of lying" down" – in this verse "the lying-down of a woman"; but recently Jan Joosten has drawn attention to the possibility that it can also refer to "the place of lying down," i.e. "bed."[32]

In some older commentaries, male–male intercourse and bestiality are considered to be "a violation of nature," defying the presupposed creational order and causing "uncleanness"[33].

23 וּבְכָל־בְּהֵמָה לֹא־תִתֵּן שְׁכָבְתְּךָ לְטָמְאָה־בָּהּ וְאִשָּׁה לֹא־תַעֲמֹד לִפְנֵי בְהֵמָה לְרִבְעָהּ תֶּבֶל הִוא[34]

Bestiality is strongly rejected in all legal collections in the Pentateuch – Exod 22:18 (Covenant Code), Lev 20:15–16 (Holiness Code) and Deut 27:21 (Deuteronomic Code).

Purity and holiness are closely connected with the maintenance of boundaries and in this case the transgression of the boundary between animals and humankind is unacceptable. Wenham suggests that the rationale for rejecting the use of the noun תֶּבֶל (from the verb **בלל***)* is the link with the concept of "confusion," i.e. blurring the boundaries set during the creation and

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Bible (ed. Daniel N. Friedman; Grand Rapids: Eerdmans, 2000), 913, considers the references to the Molech cult in Leviticus as overlapping with the "Yahwistic cult" and not as a non-Israelite religion.

[29] Verse 22: "You shall not lie with a male as with a woman: *it is an abomination*."

[30] Berend Maarsingh, *Leviticus* (POT; Nijkerk: Callenbach, 1974), 157.

[31] Walter Kornfeld, *Leviticus* (Neue Echter Bibel; Würzburg: Echter Verlag), 71–72.

[32] Jan Joosten, "A New Interpretation of Leviticus 18:22 (Par. 20:13) and Its Ethical Implications," *JTS* 71/1 (2020):5.

[33] Porter, *Leviticus*, 148.

[34] Verse 23 "You shall not have sexual relations with any animal *and defile yourself with it*; nor shall any woman give herself to an animal to have sexual relations with it: *it is perversion."*

"condemning various kinds of mixtures regarded as unnatural" (Lev 19:19; Deut 22:5, 9–11).[35]

Kornfeld points out that there was "*kultische Kohabitation*" with animals in Canaan, Egypt and possibly in Babylon; thereby highlighting the possibility of a common cultic frame of reference for these prohibitions including the male-male intercourse in verse 22.[36]

Despite the strong sanctions against several "forbidden sexual relations," it is debatable whether they all can be viewed as "perverse sexuality."[37] For example, the questionable sexual relations with a neighbour's wife might clearly amount to adultery but can hardly be coined as "perverse" in the modern sense of the word. This allows for consideration that "perverse sexuality" had a different semantic field from what is currently presupposed.

All these prohibitions are framed by parenetic references to the disobedience, defiling practices and "abominations" perpetrated by the inhabitants of Egypt and Canaan (vv. 1–5 and vv. 24–30). Martin Noth has pointed out that "in general the Old Testament considered 'the Canaanites' … particularly licentious and promiscuous from a sexual point of view."[38] More recently, Michael Grisanti assumed "that the practices condemned in Leviticus 18 were common in Canaanite society." He then cites several ancient Near Eastern examples (some more convincing that others): Egyptian mythological references to male-male sexual relations between the gods (i.e. Seth with his brother Horus); in Hittite law, certain forms of sodomy were allowed, while Assyrian law made a blanket prohibition against sodomy as a form of rape.[39] There is, however, no concrete evidence that Egyptians or Canaanites were less moral than the Israelites – this fiction has been difficult to counter up to this day.[40]

The prohibitions and their motivations in this chapter have a "strong polemical thrust" and this can be discerned in the sevenfold repetition of the injunction not to behave like the inhabitants of Canaan (and a few times also Egypt) – verses 3 (twice), 24, 26, 27, 29, 30); as well as the sixfold repetition of the phrase "I am the Lord [your God]" (אֲנִי יְהוָה אֱלֹהֵיכֶם)" in verses 2, 4, 5, 6, 21, 30.[41]

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35 Wenham, *Leviticus*, 260.
36 Kornfeld, *Leviticus*, 72.
37 Maarsingh, *Leviticus*, 155.
38 Martin Noth, *Leviticus* (OTL; London: SCM, 1965), 134.
39 Michael A. Grisanti, ""Homosexuality: An Abomination or Purely Irrelevant? Evaluating LGBT Claims in Light of the Old Testament (Gen. 18–19; Lev. 18:22; 20:13)," *TMSJ* 28/2 (2017):115–133.
40 Grabbe, *Leviticus*, 78–79.
41 Wenham, Leviticus, 250.

Taken together, the prohibitions in 18:6–23 "form a series of taboos and firm rules that aim at safeguarding the unity, peace, and clarity of the parts played by each member of the family."[42]

D BRIEF COMMENTS ON LEV 20

Amidst several thematic similarities (i.e. engaging with numerous sexual matters), there are important differences between the priestly instructions in Lev 18 and 20.[43] With regards to literary form, chapter 18 uses the apodictic legal formulation ("you shall / shall not"), but chapter 20 is formulated predominantly as case law or casuistic prohibitions ("if … then…."). In terms of social context, chapter 18 seems to presuppose more extensive (clan?) family relationships, while chapter 20 is applicable within a more limited (extended?) family environment.[44]

In view of its literary characteristics combined with certain thematic clusters, the following structure can be detected in chapter 20:[45]

i) General introduction (vv. 1–2a). As in 18:1–2, the Lord addresses the people of Israel through Moses.

ii) Prohibitions with regards to the Molech cult (vv. 2b–5).[46] In chapter 18, sacrifices to Molech were prohibited unconditionally (18:21) but here in chapter 20, it is formulated conditionally and was considered a capital offence punishable by death.[47] The "people of the land," perhaps those

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[42] Adrian Schenker, "What Connects the Incest Prohibitions with the Other Prohibitions Listed in Leviticus 18 and 20?" in *The Book of Leviticus*: *Composition and Reception* (ed. Rolf Rendtorff and Robert A. Kugler; Atlanta: SBL, 2003), 170.

[43] Porter, *Leviticus*, 164.

[44] Hendrik L. Bosman, *Egbreuk en Tradisie*: *`n Historiese ondersoek van egbreukuitsprake in die Ou Testament, met besondere verwysing na die Dekaloog* (Pretoria: DD dissertation, University of Pretoria, 1983), 44.

[45] Hieke, *Leviticus*, 774.

[46] Of the four references to Molech (an ancient Near Eastern netherworld deity?) in verses 2–5, the first three refer to the inhabitants of Israel (Israelites and resident aliens) that give their offspring or seed to Molech (vv 2–4), reaching a climax with the concluding accusation in verse 5 that this amounts to "prostituting themselves to Molech/playing the harlot after Molech." For further discussion, see John Day, *Molech: A God of Human Sacrifice in the Old Testament* (Cambridge: Cambridge University Press, 1989) and Klaas A.D. Smelik, "Moloch, Molech or Molk-Sacrifice? A Reassessment of the Evidence Concerning the Hebrew Term Molech," *SJOT* 9 (1995):133–192.

[47] Hieke, *Leviticus*, 679–686 argues for the possible reinterpretation of the reference to Molech as being anti-Persian, thus translating not "for Molech" but "for the king." Thus, this instruction becomes a covert call not to allow children to be conscripted into working for the benefit of the Persian Empire. Reflecting on other possible Persian influences, Joosten, "New Interpretation," 4–8 is less convinced that the Persian

who remained in Judah during the Babylonian exile, are held responsible for executing the transgressors. Failure to do so will incur divine wrathful retribution of being "cut off" or exterminated as a clan, indicating the seriousness of the transgression. Punishment by *karet,* that is, being "cut off from" society and death by stoning.

iii) *Prohibition of spirit mediums and wizards = divination and "soothsaying"? (v. 6)*. In both verses 6 and 27, *nefesh* is used instead of *`ish* (as in vv. 1–5) and those who practise soothsaying or necromancy will be put to death by *karet,* i.e. being "cut off" by the Lord in verse 6 and by stoning in verse 27 [similar to Lev 19:31].

iv) *Parenetic instructions to maintain the holiness of YHWH (vv. 7–8)*. These two verses contain no legal instruction but seem to function as a parenetic bridge with the subsequent prohibitions that were punishable by death.[48] There is clear correspondence between the parenetic rhetoric in verses 8 and 22 ("Keep my statutes and observe them…"). The call to be holy can be fulfilled by imitating the Lord (*imitatio Dei*) and this is similar to 19:2.[49] I would like to point out the close connection between being obedient to divine instructions and honouring the divine authority undergirding these instructions.

v) *Apodictic instruction that all who curse their parents must be put to death (v. 9).* At first glance, it is baffling that an apodictic prohibition of the cursing of the parents forms part of a collection of casuistic sexual prohibitions in verses 10–16. The prohibition of dishonouring the parents have both the *mot jumat* punishment and the judgment formula related to blood guilt in common with verses 10–16, indicating a similarity in the seriousness of the transgressions and not that all had a sexual connotation. It would make sense, if the protection of parental honour (v. 9) resonated with the protection of honour of both YHWH and Israel (vv. 10–16). The expression, literally, "his blood will be on his own head" or "his bloodguilt is upon him," is probably a fixed formula when a verdict of guilty was given in the city gate and is found throughout the following prohibitions, i.e. verses 11–13 and 16.[50]

vi) *Casuistic prohibition of sexual transgressions punishable by death (vv. 10–16).* See discussion below (point 5). The prohibition of male-male sexual intimacy in 20:13 forms part of the casuistic prohibition of sexual transgressions in verses 10–16 and is framed by the preceding apodictic instruction on punishing the cursing of parents (maintaining the honour

prohibition of sodomy or "male-male anal sex" impacted on the Leviticus instructions. He proposes that Lev 18:22 and 20:12 both entail "a prohibition of male-male intercourse with a married man."

48 Kurt Elliger, *Leviticus* (HAT; Tübingen: Mohr, 1966), 264.

49 Hieke, *Leviticus*, 775.

50 Porter, *Leviticus*, 164.

of the father and mother) as well as the parenetic instruction to safeguard the holiness (honour) of YHWH (vv. 7–8, 9).

vii) Casuistic prohibitions against "revealing/uncovering the shame" as euphemistic reference to sexual intercourse within the "bet ab" or extended family (vv. 17–21). The prohibition of male-male sexual intimacy in 20:13 is followed by the casuistic prohibitions against sexual intercourse (again euphemistically referred to as "revealing or uncovering the shame" of members of the extended family (vv. 17–21).

viii) Concluding parenetic instructions (vv. 22–26). The prohibition of male-male sexual intimacy in 20:13 is framed by the parenetic instructions (vv. 22–26) that to some extent resonate with the previous parenetic section (vv. 22–23 and 26 correspond with vv. 7–8), leaving verse 25, distinguishing between clean and unclean animals and birds as the odd one out [v. 24?].

ix) Prohibition of spirit mediums and wizards = "soothsaying"? (v. 27). See the discussion of verse 6 above. It is difficult to decide whether verse 27 was merely added on as an updating appendix or whether it forms an inclusion with verse 6 that provides a redactional clue to the ongoing inner-biblical interpretation [similar to Lev 19:31].

If one is focused on thematic correspondence, the following "ring structure" can be detected:[51]

a Idolatry, Necromancy and stoning [vv. 1–6]
  b Holiness [verse 7]
    c Call to command compliance [vv. 8]
      x Sanctioning the prohibitions [vv. 9–21]
    c[1] Call to command compliance [vv. 22–25]
  b[1] Holiness [v. 26]
a[1] Necromancy and stoning [v. 27]

E LEVITICUS 20:13 IN THE CONTEXT OF 20:10–16

To return to the immediate context of verse 13 in verses 10–6,[52] although there is a clear predominance of case law or casuistic formulated prohibitions, "if … both," one can also detect traces of apodictic law (not introduced with conditional particle *`im*/"if" or stating the consequences or the violation of the instruction) and casuistic law (the punishment for the violation is clearly stated) with the use of the participle to express action in the מוֹת־יוּמָת injunction, "shall be put to death." The death penalty is found in verses 10–13 and 15–16 (v. 14

[51] Jacob Milgrom, *Leviticus 17 – 22* (Anchor Bible; New York: Doubleday, 2000), 1728.

[52] William S. Morrow, *Introduction to Biblical Law* (Grand Rapids: Eerdmans, 2017), 75–76.

also entails capital punishment by fire), combined with a formula implying condemnation ("their blood is upon them"/דְּמֵיהֶם בָּם) in verses 11–13 and 16.

10 וְאִישׁ אֲשֶׁר יִנְאַף אֶת־אֵשֶׁת אִישׁ אֲשֶׁר יִנְאַף אֶת־אֵשֶׁת רֵעֵהוּ מוֹת־יוּמַת הַנֹּאֵף וְהַנֹּאָפֶת׃[53]

Although adultery was considered clearly a serious transgression, hence its being punishable by death, it is not viewed as an abomination. It is possible that an existing instruction, only implicating the male participant was expanded in view of Deut 22:22–24 to include the female participant.[54] In Middle Assyrian laws, the husband of the adulteress determined the punishment.[55]

The suggestion made by Jonathan Burnside that the prohibition of "adultery" echoes the Decalogue and is representative of sexual transgressions in general is based on a number of unverifiable presuppositions.[56] The existence of a normative tradition which includes the prohibition formed does not necessarily warrant the existence of the Decalogue as we know it; the metaphoric use of "adultery" to include cultic and sexual transgressions in general is more common in the prophetic literature (especially Jeremiah) but also in the Pentateuch and the Holiness Code.

11 וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־אֵשֶׁת אָבִיו עֶרְוַת אָבִיו גִּלָּה מוֹת־יוּמְתוּ שְׁנֵיהֶם דְּמֵיהֶם בָּם׃[57]

In 20:11–17, prohibitions related to incest within the family is listed. Schenker argues that the incest prohibitions are not only linked to other sexual prohibitions due to overlapping contents but also by rational principles found in ancient oriental law.[58] As with the previous prohibition, the woman is considered a willing participant in the sexual transgression and therefore also punishable by death.[59] In polygamous marriages, the man's wife need not be the mother of the adulterer.[60]

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[53] Verse 10: "If a man commits adultery with the wife of his neighbour, both the adulterer and the adulteress shall be put to death."

[54] Hermann Schultz, *Das Todesrecht im Alten Testament* (BZAW 114; Berlin: Töpelmann, 1969), 34.

[55] Maarsingh, *Leviticus*, 178.

[56] Jonathan P. Burnside, "Strange Flesh: Sex, Semiotics and the Construction of Deviancy in Biblical Law," *JSOT* 30/4 (2006):387–420.

[57] Verse 11: "The man who lies with his father's wife has uncovered his father's nakedness; both of them shall be put to death; their blood is upon them.

[58] Schenker, "Leviticus 18 and 29," 162–184.

[59] Alter, *Five Books*, 632.

[60] Maarsingh, *Leviticus*, 178.

12 וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־כַּלָּתוֹ מוֹת יוּמְתוּ שְׁנֵיהֶם תֵּבֶל עָשׂוּ דְּמֵיהֶם בָּם׃[61]

Besides the double use of the *mot jumat* formula and the judgement formula, it is indicated that both transgressors committed "perversion" (תֵּבֶל). The qualification of the transgression as תֵּבֶל is like 18:23 where it applies to bestiality and according to Hieke is grounded in the presupposition that with creation God established "cosmic order," which prohibited shameful combinations. In this case it probably wants to preclude the mixture of the seed of the father and the son if they had sexual intercourse with the same female.[62] A similar prohibition is found in Amos 2:7 where the divine Name will be dishonoured when both father and son are intimate with the same woman.

13 וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־זָכָר מִשְׁכְּבֵי אִשָּׁה תּוֹעֵבָה עָשׂוּ שְׁנֵיהֶם מוֹת יוּמָתוּ דְּמֵיהֶם בָּם׃[63]

As in the preceding prohibitions, both participants in this sexual transgression, male-male intercourse, will be punished and put to death. The qualification of this sexual transgression as an "abomination" (תּוֹעֵבָה) suggests divine displeasure and wrath, which forms part of priestly parenetical rhetoric, expressing strong displeasure and abhorrence.[64]

This prohibition should not be understood as part of ancient Israelite criminal law but as strongly worded priestly parenesis. Different reasons for rejecting male-male sexual intercourse have been suggested: within the family context offspring is of crucial importance for the inheritance of property; seed or semen is precious and holy and should not be mixed with other bodily fluids;[65] this type of sexual intimacy should not be evaluated as moral deviance or illness nor should it be understood that this prohibition incorporates all sexual transgressions (*pars pro toto* argumentation.) The absence of any prohibition against female-female sexual relationships is significant against the background of stipulating that bestiality was forbidden for both female and male.[66]

Hieke considers verse 13 as a call to responsible sexuality and partnership and concludes that the prohibitions of male-male intercourse can be understood

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[61] Verse 12: "If a man lies with his daughter-in-law, both of them shall be put to death; they have committed perversion, their blood is upon them."

[62] Hieke, *Leviticus*, 797.

[63] Verse 13: "If a male lies with a man as with a woman, both of them have committed an abomination; they shall be put to death; their blood is upon them."

[64] Hieke, *Leviticus*, 797.

[65] Jacob Milgrom, *Leviticus. A Book of Ritual and Ethics* (Continental Commentary. Minneapolis: Fortress, 2004):207, submits that the "common denominator of all the prohibitions" in Lev 18" is that they involve the emission of semen…"

[66] Morrow, *Biblical Law*, 176–177.

as an attempt to safeguard the order and stability in the family.[67] I would like to suggest that it was considered a shaming experience for a man to be penetrated like a woman. Thus, this prohibition can also be interpreted as a protection of the male honour.

14 וְאִישׁ אֲשֶׁר יִקַּח אֶת־אִשָּׁה וְאֶת־אִמָּהּ זִמָּה הִוא בָּאֵשׁ יִשְׂרְפוּ אֹתוֹ וְאֶתְהֶן וְלֹא־
תִהְיֶה זִמָּה בְּתוֹכְכֶם׃[68]

In the discussion of Lev 18, it was speculated that the absence of prohibition to have sexual intercourse with a daughter could be problematic but this prohibition of the sexual intercourse with a wife and her mother includes the prohibition of intercourse with a daughter.[69] The punishment through burning is nowhere adhered to, suggesting again an example of a strongly worded parenesis.

15 וְאִישׁ אֲשֶׁר יִתֵּן שְׁכָבְתּוֹ בִּבְהֵמָה מָוֹת יוּמָת וְאֶת־הַבְּהֵמָה תַּהַרְגוּ׃[70]

16 וְאִשָּׁה אֲשֶׁר תִּקְרַב אֶל־כָּל־בְּהֵמָה לְרִבְעָה אֹתָהּ וְהָרַגְתָּ אֶת־הָאִשָּׁה וְאֶת־הַבְּהֵמָה מָוֹת
יוּמָתוּ דְּמֵיהֶם בָּם׃[71]

In verses 15 and 16, bestiality (intercourse with animals by males or females) is forbidden. Both female and male transgressors must receive capital punishment and found guilty by means of the judgment formula "their blood is upon them." It is often questioned why the animal also must be killed and Alter suggested that the animal "has been associated with a disgusting act and so must be destroyed as a contaminated thing."[72] According to Morrow the male and female intercourse with animals "violates a chain of being in which humans are in a hierarchical relationship over animals (Gen. 1:28; 9:2)."[73]

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67 Hieke, *Leviticus*,

68 Verse 14: "If a man takes a wife and her mother also, it is depravity; they shall be burned to death; it is depravity; they shall be burned to death, both he and they, that there may be no depravity among you."

69 Hieke, *Leviticus*, 798.

70 Verse 15: "If a man has sexual relations with an animal, he shall be put to death; and you shall kill the animal."

71 Verse 16: "If a woman approaches any animal and has sexual relations with it, you shall kill the woman and the animal; they shall be put to death, their blood is upon them."

72 Alter, *Five Books*, 633.

73 Morrow, *Biblical Law*, 176.

F REASONS FOR DEPICTING MALE-MALE SEXUAL RELATIONS AS AN ABOMINATION[74]

Hans Dietrich Preuss points out that "abomination," either as noun or verb, does not occur in the Old Testament's oldest legal collection in Exodus 20–23 ("Covenant Code"), while in the book of Deuteronomy and related Deuteronomistic literature, it is used to "define what is ethically and cultically beyond the pale."[75] It is also striking that תּוֹעֵבָה only appears in priestly literature where it is used in the so-called Holiness Code as part of a "series of apodictic prohibitions of certain sexual offences" in 18:18–23 and in 20:13 where it carries the death penalty.[76] Preuss concludes the "central concern" of the use of "abomination" in the Old Testament "is to preserve and maintain the people of God as a community living correctly in a manner consonant with Yahweh."[77]

In an interesting study of Sumerian taboos as background to biblical abominations, William Hallo establishes that in the millennium separating Sumerian (2nd millennium) and Babylonian (first millennium) references to taboos or abominations, the emphasis "shifted from a principal preoccupation with morals and manners to an at least equal concern with cultic matters." [78]

According to Hallo, there are different references to objectionable sexual activities in the Hebrew Bible such as bestiality, incest and sodomy – without referring to it as "an abomination of the Lord": "aberration" (*tebel* in Lev 18:23; 20:12) or "folly" (*n^{e}bālā* in Deut 22:21 etc.).[79] In the Hebrew Bible abominations related to the Lord, so-called "divine abominations," are predominantly listed in Deuteronomy and Proverbs – often in groups of seven (Prov 6:16–19 etc.). It seems as if dishonesty with weights and measures were often depicted as being abhorrent to the Lord (Lev 19:36–37; Deut 25: 12–16; Amos 8:5; Prov 11:1; 20:10, 23). Against this background, Hallo concludes that "the concept of a divine taboo or abomination, so widespread in the ancient Near East, embraces two widely diverging realms": on the one hand, ethical norms and presuppositions about what constituted "good conduct" in society; on the other

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[74] The noun "abomination" (תּוֹעֵבָה) occurs 117 times in 112 Hebrew Bible passages, while in Lev 18 and 20, six examples can be detected (18:22 = male-male intimacy; 18:26–27, 29–30 = collective references to defiling practices by Egyptians and Canaanites that made the land to spew/vomit them out and caused *karet*/ "social death" punishment = being cut off from their people [mirror punishment for contravening covenant]; 20:13 = male-male intimacy combined with capital punishment and bloodguilt).

[75] Hans Dietrich Preuss, "תּוֹעֵבָה," G. Johannes Botterweck et al, eds. *Theological Dictionary of the Old Testament* (Grand Rapids: Eerdmans, 2006), 594.

[76] Preuss, "תּוֹעֵבָה," 597.

[77] Ibid., 602.

[78] William W. Hallo, "Abominations and Sumerian Taboos," *JQR* 76/1 (1985):21–40.

[79] Hallo, "Abominations,"34.

hand, it was related to the holy or sacred nature of a deity. These acts might be innocent as such but on "unfavourable days" (Akkadian calendars listed specific days on which certain activities were permissible), it became taboo.[80]

Several reasons have been given for rejecting male-male sexual intercourse in the Hebrew Bible, ranging from a deontological argument (it disregards the supposed divine creational order that separated and distinguished male and female) to a teleological argument (the wasting of seed that was intended for procreation). The *deontological argument* for the prohibition of male-male sexual relationships emphasised the transgression of creational order according to scholars such as Michael Grisanti:[81]

> Three passages (Genesis 19:1–11; Leviticus 18:22 and 20:13) provide a consistent message: homosexuality is a violation of God's created order," who then motivated it as "opposed to God's intentions that His people of all ages conduct lives that put his surpassing character on display.

Grisanti considers "the laws of Leviticus to be part of an ongoing relationship between the Israelites and their sovereign God" because these laws "describe what those in covenant with the Creator must do or not do …"[82]

The *teleological argument* is focused on the wasting of the male seed or semen that was essential for procreation and this might explain the absence of any prohibition against sex between women in Leviticus since no reproductive intercourse took place.[83]

This contribution agrees with the teleological argument but will argue that the discernment of male-male sexual intercourse as an abomination (תּוֹעֵבָה) is predicated by cultural and religious presuppositions related to holiness, honour and shame that entailed values undergirding the theological-ethical response expected by the refrain "I am holy" in the so-called Holiness Code:

i) Holiness (being obedient to the Holy Lord entailed more than separation from impurity or pollution).
ii) Honour (glory and reputation bestowed on obedient keepers of divine instruction by the Lord as patron of Israel as a covenant community as well as on one's kinship group).[84]

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[80] Ibid., 38.
[81] Grissanti, "Homosexuality," 115.
[82] Ibid., 126.
[83] Milgrom, *Leviticus*, 1568; John J. Collins, *Introduction to the Hebrew Bible* (Minneapolis: Fortress, 2004) 149–150.
[84] Richard Rohrbaugh, "Honor and Shame" in *The Oxford Encyclopedia of the Bible and Ethics Volume 1 ABD – LYI* (ed. Robert L. Brawley; Oxford: Oxford University Press, 2014), 379, identifies two types of honour: "ascribed honour" that "came from

iii) Shame (disgrace generated by disobedience to divine stipulations and morally grounded in variable social values).

The analysis of "abomination" in Leviticus shows clearly that no single cause or reason for its pronouncement can be identified and the inevitable complexity of discernment in this regard makes the tripartite distinction of William Morrow and Mary Douglas with regards to the analogous organisation of the so-called Holiness Code quite attractive. They claim that this legal discourse is characterised by "relationships between the Body, the Temple and the Community"[85]

1 Abomination due to the protection of holiness

No single definition or doctrine of holiness is found in the Old Testament because holiness requires different responses in different circumstances. According to priestly instruction, the Lord is holy and his people had to be like God. Whereas the prophets consider holiness as a summons "for the purity of social justice… in human relations," wisdom traditions require "individual morality."[86]

Gammie notes that the traditional priestly understanding of holiness "can be summarized by the twin notions of separation and purity" and that the priestly system of holiness was "a vision of a creator, ordering God, transcendent and majestic in holiness" who required "both humanitarian conduct and ritual purity."[87] These two focal points of ritual purity or cultic holiness and loving the neighbour and the stranger as humanitarian conduct occur in Lev 1–15 and 16–26, respectively.

Was holiness almost exclusively applicable within the Jerusalem temple? The food regulations (Lev 11 and Deut 14) as well as some of the sexual taboos

birth-status or position" (like the priests in the OT) and "acquired honour" that accrued to those "who lived in accord with community values" (probably applicable in Lev 18 and 20 where family values are prominent).

[85] Morrow, *Biblical Law*, 171–173; Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 15–20.

[86] John G. Gammie, *Holiness in Israel* (Overtures to Biblical Theology; Minneapolis: Fortress, 1989), 1–2.

[87] Gammie, *Holiness*, 43–44. The traditional understanding of "holiness" can be traced to W.W. Baudissin, "Der Begriff der Heiligkeit im AT," *Studien zur semitischen Religionsgeschichte* (vol. 2; Leipzig: Grunow, 1878), 1–142, who argued that it was derived from the verb "to cut." In the last century, Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution Taboo* (London: Routledge, 1966), suggested that holiness was initially closely linked with "separateness" and eventually evolved to resemble the concept of moral perfection.

(Lev 15; 18; 20) clearly indicate that the "sphere of holiness extended deep into everyday life" – including the extended family.[88]

Recently Julia Rhyder has cautioned against the unqualified positive portrayal of holiness by depicting holiness as a hegemonic phenomenon if interpreted in terms of cult centralisation – a concept that is described in her fourth chapter as a tripartite process—the standardisation of ritual practice, the construction of an authoritative priesthood and the unifying of the Israelites or early Jews in service of the sanctuary and cult.[89] Holiness according to the Holiness Code was not only about the correct participation in the cult; it was also had to do "with how they should interpret their own experience in light of its centrality," amidst competing claims by the Jerusalem and Samaritan temples during the Persian Period.[90]

2 Abomination due to honour and shame as dominant societal values

Special attention should be given to the statement by Julian Pitt-Rivers that the regulation of sexual relationships (including same-sex relationships) "is a political matter, a function of a system of status and power manifest in the idiom of honour." In his later research published in "The Politics of Sex" he re-emphasises that the "code of honour-and-shame" is central to Mediterranean cultures.[91] "Honour," according to Pitt-Rivers, is not just "the value of a person in his own eyes but also in the eyes of his society" and in the case of Israel, one might add, "in the eyes of the Lord." Therefore, it is inevitable that the concept of honour and shame reflect one's "relative social status" and that it changed over time.[92]

It seems as if the theocratic characteristics ("I am the Lord your God" in Leviticus; God as King in the Psalms, etc.) of the early Jewish post-exilic communities reflect the impact of the Second Temple as an important religious and political centre that benefitted from the propagation of obedience to the Lord in all spheres of life, not only on the inhabitants of Yehud but also on the Jews in the Diaspora.

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[88] Erhard Gerstenberger, *Theologies in the Old Testament* (London: T & T Clark, 2002), 222.

[89] Julia Rhyder, *Centralizing the Cult: The Holiness Legislation in Leviticus 17–26* (FAT 134, Tübingen: Mohr Siebeck, 2019), 324, describes holiness as "a form of hegemonic discourse" that "consolidates the central authority of law and sanctuary, along with the interests of those whose place is at the apex of the hierarchy (i.e. the priests)."

[90] Rhyder, *Centralizing the Cult*, 345.

[91] Julian Pitt-Rivers, *The Politics of Sex: Essays in the Anthropology of the Mediterranean* (Cambridge: Cambridge University Press, 1977), 1–2.

[92] Samuel N. Olyan, "Honor, Shame and Covenant Relations in Ancient Israel and Its Environment," *JBL* 115/2 (1996):201–218.

John Pilch considers "biblical culture" as a whole to be "honour-based," since "God possesses honor that is both ascribed (by essence) and achieved (by mighty deeds such as creation and redemption)."[93] This divine honour must be acknowledged and recognised because failure to do so will lead to the punishment or shaming of the transgressor. "When God's creatures disobey, they dishonour or shame God."[94]

Even if Lev 17–26 can loosely be referred to as the "Holiness Code," it is probably significant to note that the concluding promises of blessing and warnings of punishment in chapter 26 can also be explained in terms of honour and shame.[95] Those who honour the Lord by following his statutes, keeping his commandments and observing them faithfully (26:3) will be blessed with rain, abundant harvests, peace, victory over enemies, divine presence (26:4–12) and they will be "slaves no more" because the Lord "have broken the bars of your yoke, and made you walk erect" – posture manifesting honour as a free person and not reflecting the shaming servility of a slave (26:13).

Since the covenant is important in Leviticus, one should also consider that honour and shame are characterised by "notions of reciprocity," –i.e. the covenant love of the Lord must be reciprocated with unwavering obedience and loyalty.[96] This reciprocity is echoed in 1 Sam 2:30: "Those who honour me, I shall honour. Those who will despise me, I shall shame" [97]

In his study of the "the construction of deviancy in biblical law," Jonathan Burnside took a "semiotic approach to Leviticus 20" and argues "that Leviticus 20 expands on narrative typification of idolatry, honouring parents and adultery found in the Ten Commandments."[98] In particular, he considers the prohibitions listed in 20:10–16 as "a more detailed elaboration of what it means to dishonour parents" (v. 9) and adultery (v. 10) "is presented as the narrative typification of sexual wrongdoing, and the offenses in vv. 11–16 are presented as further negations of a normal sexual relationship." In my own research on adultery, caution was expressed about presupposing the existence of the Decalogue when commandments similar to the Decalogue are found in a text; this does not negate the existence of a normative tradition only of the Ten Commandments as we know it.[99] Furthermore, although *na`af* is used in prophetic texts as "a stereotyped expression of Israel's idolatrous and immoral behaviour" (in Jer 9:1–

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[93] John A. Pilch, *Cultural Handbook to the Bible* (Grand Rapids: Eerdmans, 2012), 232.
[94] Pilch, *Cultural Handbook*, 164.
[95] Ibid., 232.
[96] Olyan, "Honor," 217.
[97] Johanna, Stiebert, *The Construction of Shame in the Hebrew Bible: The Prophetic Contribution* (JOSTS 346; Sheffield: Sheffield Academic Press, 2002), 14.
[98] Burnside, "Strange Flesh," 387.
[99] Bosman, *Egbreuk en Tradisie*, 328–329.

8; 13:25–27; 23:9–15; 29: 21–23, adultery/*na`af* is used to express a close connection between idolatry and immorality), it is not the case in priestly material in the Pentateuch.[100]

Brief mention can also be made of the reception of sexual prescriptions in Lev 18 and 20 in early Jewish literature at the beginning of the Common Era (50 BCE–50 BC). In both Philo of Alexandria and Pseudo-Phocylides, commandments of the Decalogue were used as themes for a range of related instructions, that is, Philo utilises the "prohibitions on adultery and coveting one's neighbour's wife as summary or heading" for several examples of unacceptable sexual behaviour mentioned in Lev 18 and 20 (*Dec.* 121–31, 168–69). Whereas Pseudo-Phocylides also connected the prohibitions of adultery and male-male sexual intimacy (*Ps – Phoc.* 3) as well as relating "respectful behaviour towards the parents (Lev 19:3; 20:9)" with many "rules pertaining to sexual behaviour towards relatives of the father and/or the mother."[101] The second half of the Decalogue addresses issues that disrupt and endanger the family in particular and the society as a whole. Therefore, this reception of the prohibition of male-male sexual intimacy seems to be motivated more socially than cultically.

G CONCLUSION

It is most important to note that Lev 18 – 20 must not be interpreted as legal texts that were adhered to in ancient Israelite or early Jewish jurisprudence – there is no evidence in the Old Testament that the transgression of the prohibitions related to male-male sexual intercourse led to the death penalty.[102] The supplementing of sexual transgressions (mentioned in Lev 18) with capital punishment in Lev 20 should be interpreted rather as later parenetic instruction warning the people about the serious implications of sexual transgressions to ensure cohesion within early Jewish families.[103] Martin Leuenberger argues that both Lev 18:22 and 20:13 represent "prescriptive parenesis seeking to ensure the transgenerational survival of the threatened Yahweh-community in the Persian

[100] Ibid., 279–280.
[101] J. Cornelius De Vos, "The Decalogue in Pseudo-Phocylides and Syriac Menander: 'Unwritten Laws' or Decalogue Reception?" in *The Decalogue and Its Cultural Influence* (ed. Dominik Markl; Sheffield: Phoenix Press, 2013), 55–56.
[102] It should be emphasised that allusions to male-male intercourse in Leviticus have not been referred to as "homosexuality" in this discussion because it would be anachronistic to apply it to an ancient text that did not hold presuppositions about sexual orientation prevalent in the 21st century (Meyer, "Sentralisering," 270).
[103] Hieke, *Leviticus*, 808–809. I concur with Joosten, "New Interpretation," 9, that Lev 18 is "not primarily concerned with ritual purity but, as some exegetes have recognized, with the orderly life in the Israelite family" – an order I would like to add that was co-determined by the values of honour and shame.

province of Yehud" and that the "contexts and pragmatics of the texts" must be considered when pondering the implications of male-male intercourse.[104]

Although it is clear that numerous reasons can be argued as rationale for abomination, honour and shame are clearly core values in Mediterranean cultures (such as ancient Israel) where obedience and disobedience with regards to priestly instruction related to sexual relations, within an asymmetrical power relationship such as the covenant, existed parallel to honour and shame.[105]

Discerning abomination with regards to male-male sexual intimacy, according to the tripartite distinction by Mary Douglas and William Morrow, opened up the following levels of significance:[106]

i) *On a bodily level*: male-male sexual intimacy should not mimic female-male intercourse.
ii) *On a temple or cultic level*: the bodily mimicry leads to defilement, etc.
iii) *On a community level*: Israel must behave differently from the inhabitants of Egypt and Canaan.

There can be no doubt that some form of "moral lexicon" shapes our self-understanding and impacts our interaction with "the other."[107] It is crucial to rethink the semantic field and socio-historical contexts associated with the term "abomination," especially if it is used to vilify any sexual orientation diverging from heterosexual normativity.[108] Holiness, honour and shame co-operated to define the borders delineating the Israelite family and the concept of "abomination' assisted in maintaining the stability and integrity of the family by excluding the encroaching "other."

Arguments for depicting male-male sexual intimacy as a form of deviant and abominable sexuality often resort to nostalgic rhetoric recalling some bygone age when Judaeo-Christian morality reigned supreme. However, this

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[104] Martin Leuenberger, "Geschlechterrollen und Homosexualität im Alten Testament," *Evang, Theol* 80/3 (2020):206, 224, describes the survival of the Yahweh community in Yehud as a process in which the religious-ethnic identity was safeguarded by the protection of the progeny ("Sicherung von Nachkommenschaft"). It should be noted also that the protection of progeny was related to the maintenance of family property, a cornerstone of family integrity.
[105] Pilch, *Cultural Handbook*, 164.
[106] Douglas, *Leviticus*, 15–20; Morrow, *Biblical Law*, 171–173.
[107] Timothy P. Jackson, "Restoring the Moral Lexicon: Ethics from Abomination to Liberation," *Soundings* 76/4 (1993):491.
[108] Adrian Thatcher, *God, Sex, and Gender: An Introduction* (Oxford: Wiley-Blackwell, 2011), 167, shows that the presupposition that there are only two sexes and that these two sexes are divinely ordained from creation onwards is simply wrong. Biology and medicine have established various configurations of genitalia that cannot simply be identified as being unnatural or falling outside the scope of creation.

supposed golden age of adherence to Judaeo-Christian morality never existed. Not only was there initially little difference between the morality of ancient Israel and her Canaanite or Egyptian neighbours, no single epoch in Judaeo-Christian history can be cited as an example of this supposed golden age of morality. It is a spectre of the imagination of faith communities that tells us more about those who imagine it than providing evidence about past morality.[109]

Leviticus 18 is read in the synagogue during the afternoon service of the Day of Atonement and several reasons have been suggested for the liturgical practice, reasons that make contextualised sense.[110] Discerning the so-called abomination enables interpretation and appropriation of these texts to be less divisive and more atoning (forensic/satisfaction/ ransom theories etc.). This atoning function is possible when the prohibitions in Lev 18 and 20 related to abomination and the maintenance of holiness, honour and shame are fundamentally transformed by the essence of chapter 19 that connects them – "love thy neighbour as thyself."

The prohibition of male-male sexual intercourse in Lev 18:22 and 20:13 should be read contextually by relating it to its literary and theological-ethical context and not just accepting it as unconditional legal instruction. It is preceded by parenetic calls to guard against incest,[111] followed by the depiction of anal penetration as an abomination;[112] all in all, shaming acts that damage the honour and integrity of a family.[113] However, it also entails the rhetorical appeal to the holiness and honour of YHWH as motivation for regulating sexual relations in the family in terms of procreation. Procreation, not as a timeless creational order but a contextually informed concept that strikes a balance between holiness and honour as well as defilement and shame, is influenced by the introductory focus of the Holiness Code on atonement in chapter 16, the reading of chapter 18 during the celebration of Yom Kippur and the centrality of love for the neighbour and stranger in Lev 19.

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[109] Jason von Ehrenkrook, "The Specter of Judeo-Christianity and the Politics of Gender: Deviancy," *Relegere* 2/2 (2012):253–263.

[110] Schwartz, "Leviticus," 237.

[111] Rhyder, Centralizing,

[112] Leuenberger, "Geschlechterrollen," 229.

[113] Erhard S. Gerstenberger, *Leviticus* (Old Testament Library; Louisville: Westminster John Knox, 1996), 245, is of the opinion that "Leviticus 18–20 deal only marginally with cultic matters… their primary concern is with human daily life and its natural groupings, namely the family and the local residential community."

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