

Examine the text assigned to your group and discuss the following questions:

1. Does the author make a good logical argument for his/her position? If yes, how? If no, why not?
2. How does the author understand the changes that have taken place since the time of the Torah?
3. How does living in the contemporary world affect the *svara*, or ethical logic, of the writer?
4. Does the author of your piece directly address either or both of the issues presented by the two traditional interpretations of Leviticus that prohibit homosexuality? How?

Interpreting Leviticus *Part 3: Contemporary Voices*

Example 1

Rabbi Elliot Dorff examines the way the phrase is written: "If a man lies with a man the way one lies with a woman..." The biblical text implies that people have a choice about whether they have sex with partners of the opposite sex or partners of the same sex. Rabbi Dorff suggests that since nowadays many people believe that sexual orientation is hard-wired into people, earlier generations of Jews interpreting the text may have misunderstood what homosexuality is, and therefore, it is permissible to change the law.

Our heterosexual or homosexual orientation... seems to be hard-wired into us. That leads some to say that if sexual orientation is indeed not a choice, homosexuals should, in obedience to the Torah, remain celibate. That response, I think, is both cruel and un-Jewish in character. It is cruel because it makes it impossible for a homosexual ever to have sexual relations, the pleasures that result from them, and the growth that comes from long-term, intimate relationships. It is un-Jewish in character because the Jewish tradition does not generally ask us to deny our instincts altogether, but rather to channel them to good purpose. Hence asceticism is not applauded in the Jewish tradition, and we have scant historical instances of Jewish ascetics. My conclusion was then, and is now, that we should not see homosexuality as an abomination. Leviticus and all subsequent rabbinic literature assume that homosexuality is a choice; otherwise it would make no logical or legal sense to legislate against it, just as it would make no logical or legal sense to require people to stop breathing. We now know, primarily on the basis of what homosexuals tell us about their own experience, that the orientation is not a choice, and so we should revise our stance accordingly.

EXCERPTED FROM: DORFF, RABBI ELLIOT, "LEARNING ABOUT HOMOSEXUALITY AND TAKING A NEW STAND," ALEPH, THE SHALOM CENTER, SPRING 2000.

Interpreting Leviticus

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Example 2

Rabbi Bradley Artson looks at the words of the verse in context, and sees that the verse forbidding two men from lying together is part of a long list of relationships that are coercive or harmful, like incest and adultery. He interprets this to mean that the Torah did not know about loving relationships between people of the same sex, and that if the Torah did know about these relationships it would not have forbidden them. He makes his point in the following quote:

The Torah was not speaking about the constitutional homosexual because it had no awareness of the possibility of such a person. Mention has already been made that sexual orientation is in part dependent upon cultural factors. The idea of two men or two women loving each other, living together, nurturing each other – and in that context making love – became a possible self-identity only with modernity. The Torah did not prohibit what it did not know....The Bible knows of homosexual acts, but not of homosexual orientation or persons. As such, its designation of a homosexual act as a “to’evah” [“abomination”] may be understood as referring to a homosexual act outside of the context of the entire person.... All sexual acts which are coercive, morally degrading, or violent were prohibited by the Torah. That prohibition has not changed at all....The differences between homosexuality (within the narrow range of a monogamous, loving, committed relationship) and the other prohibited sexual relationships flow immediately from the facts presented thus far. Modern science has determined that homosexuality is an orientation, not merely an action.

EXCERPTED FROM: ARTSON, RABBI BRADLEY S., “GAY AND LESBIAN JEWS: A TESHUVAH,” JEWISH SPECTATOR, WINTER 1990.

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Example 3

Dr. Rachel Adler notes that the word “abomination” may be used in the Torah because same-sex couples are unable to conceive children. The “spilling of seed” is not looked upon with favor in the Bible. Dr. Adler argues that this disgust is outdated because gay couples can now reproduce, using modern medical procedures. Since gay couples can have children, she reasons, the prohibition should be lifted.

Let us turn to the controversial verse, Leviticus 18:22: “Do not lie with a male as one lies with a woman, it is a to’evah.” What could that have meant in its earliest context? What ought it to mean to us now? One proposed rationale for the prohibition is the priestly concern with fertility. Homosexual intercourse wastes the precious fluid through which the divine promise is realized: “I will make your seed as numerous as the stars of heaven” (Gen. 22:17)...[Yet] the rabbinic tradition permits sex when women are pregnant or menopausal, when male semen is insufficiently numerous or active to enable procreation, and, in certain cases, when procreation is intentionally prevented. Moreover, modern technologies such as artificial insemination and test-tube fertilization make it possible to procreate without engaging in heterosexual intercourse. Fertility, therefore, is not a credible reason for continuing to prohibit homosexual relations.

EXCERPTED FROM: ADLER, RACHEL, *ENGENDERING JUDAISM*, JEWISH PUBLICATION SOCIETY, 1998.

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Example 4

Thomas Herz points out that the word “to’evah,” or “abomination,” is not only used to describe sex. In the Bible, it applies to many things, including practices of other religions (such as worshipping many gods) and practices such as eating pork or shellfish. Whether or not we observe these Torah laws, we may not be as repulsed today by those practices as earlier generations may have been.

The fact that halakhah and values change with time and with shifts in perspective should spur us to engage in dialogue that challenges the meaning, significance, and force of Biblical abominations (to’evot) in relation to other lasting Jewish principles that guide our communal morality. Those of us who eat non-kosher food commit an abomination on a daily basis and could be deemed in no position to render judgment on our fellow Jews. Likewise, idol worship is an abomination, and one could argue that the rampant fixation on and attention to money and its rapid accumulation in large quantities via stock market profits and prices, coupled with the neglect of family and personal matters that often accompanies this lifestyle, constitute a modern form of idolatry. Not only is this abomination tolerated, it is sanctioned, if not rewarded and glorified, in many quarters today.

EXCERPTED FROM: HERZ, THOMAS, “JUDAISM AND HOMOSEXUALITY: MYTH AND EMETH,”
WWW.JFCS.ORG.

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Example 5

Rabbi Steven Greenberg presents an interpretation of Leviticus that focuses on the nature of the sexual relationship between two males. If the act is coercive, it is prohibited. If it is in the context of a loving, committed relationship, it is not. Read his commentary below.

One of the best avenues for understanding the meaning of any law is an exploration of the stories that provide the law with narrative contexts...Of course, the most overt biblical narrative depicting male-male sexual relations is the story of the destruction of Sodom. Surprisingly, neither the later prophets who use Sodom as a symbol of evil nor the rabbis of the Talmud portray Sodom as a den of sexual iniquity. The city is singled out instead for cruelty, for the refusal to care for the poor, for inhumanity to strangers, inhospitality, and violence. Sodom was no more about sexual license than were the humiliations of the prisoners of Abu Ghraib in our own time. The aim of the people of Sodom, according to the rabbis, was humiliation as punishment or sport, but not sexual fulfillment. Read in this way, the verse in Leviticus 18 might well be prohibiting sex as an expression of power and humiliation while leaving sex between committed and loving partners permitted. Moreover, this understanding of the verse actually fits the chapter well. The chapter is dominated by rules against incest, the violation of which makes the family a dangerous place. Incest is essentially experienced by its victims as a form of violence and abuse made utterly invisible to the outside world. Adultery violates stated commitments, and in pre-modern contexts typically led to violence. Intercourse with a menstruant woman has the look of violence, and the child sacrificial rituals of Molech were pure violence. Understood in this light, the verse in Leviticus 18 might reasonably be prohibiting the use of penetrative sex as a tool of humiliation and domination while leaving open the acceptance of a committed, loving relationship between two men...My proposed, albeit radical, interpretation of Leviticus 18:22 is then: "And a male you shall not sexually penetrate to humiliate; it is abhorrent."

However, this interpretation of the prohibition poses a problem. If the text is condemning power-driven, humiliating, or violent sex then it should surely only punish the penetrating partner of such a dyad. The verse in Chapter 18 works well with this reading since it only prohibits the activity of the penetrating partner and says nothing about the penetrated partner. But Leviticus 20:13 holds both parties liable. "If a man lies with a male the lyings of a woman, the two of them have done an abomination, they shall be put to death - their bloodguilt is upon them." If in prison, for example, the strong and aggressive men take advantage of the weaker of their fellows and enforce sustained relationships of individual or gang rape, how is the victim to be blamed? Remarkably, it is the Talmud itself that asks this question. The rabbis read chapter 18 as the warning and chapter 20 as the punishment. So why, they ask, are both parties punished but only the penetrative party warned? The answer according to Rabbi Ishmael is found in the verse: "There shall not be a kadesh among the children of Israel" (Deuteronomy 23:18). There is considerable debate among biblical scholars as to what a "kadesh" is. Among the more common interpretations is that the male kadesh and the female kedeshah served as prostitutes in pagan temple rituals. According to Rabbi Ishmael, the kadesh is the receptive male who has sex with other males as a part of a pagan rite. Consequently, there are actually two separate prohibitions in regard to male-male sex, one prohibiting aggressive violent power-driven penetrative intercourse and another prohibiting a pagan sexual practice of temple prostitution.

What is left open and unlegislated by these verses then are the sort of sexual relations that occur without violence or humiliation and are not associated with the dramaturgy of pagan rites, but are marked instead by intimacy and love, care and commitment...in other words, holiness.

EXCERPTED FROM: GREENBERG, RABBI STEVEN, "YOU SHALL BE HOLY," AN ESSAY ON AHAREI MOT - KEDOSHIM (LEVITICUS 16:1 - 20:27), MAY 6, 2006, JEWISH MOSAIC WEBSITE, [HTTP://WWW.JEWISHMOSAIC.ORG/TORAH/SHOW_TORAH/18](http://www.jewishmosaic.org/torah/show_torah/18).

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Interpreting Leviticus
Part 3: Contemporary Voices

Example 6

Rabbi David Greenstein, Rosh Yeshivah of the Academy of Jewish Religion, presents a new interpretation that begins with the assumption that we are all, regardless of sexual identity, created in God's image and, as such, we are all invited to be part of the holy community. Beginning with this assumption, Rabbi Greenstein then examines Leviticus 18:22 and 20:13 and provides a radical interpretation based on a new reading of the Hebrew. What do you think of his arguments? How does the belief that we are all created in God's image and are all part of the holy community create an opening for new interpretation?

How do we know whether we have been invited to enter the sphere of holiness or whether we are trespassing and defiling that sphere? Aharei Mot-Kedoshim is very much concerned with this problem. How does Aaron, or any subsequent High Priest, have the guts to enter the sacred sphere? The Torah answers, "B'zot yavo Aharon" / "Aaron shall enter with this" (Leviticus 16:3). The text continues with a list of animals and sacrificial items. But our mystical tradition read the verse differently. "Zot" / "This" is a reference to the Shechinah, the Divine Presence. Aaron can enter to meet the Divine Presence because Aaron carries the Divine Presence with him already. Moreover, the word "zot" is considered an appropriate name for the Shechinah because it connotes indicative awareness. The Divine Presence dwells in our "this-ness" — in who we actually are. We are commanded to enter the sacred sphere when we can carry that conviction with us.

Subsequent tradition added more elements to this ceremony of Yom Kippur. The Mishnah tells us that the Priest would read from a Torah scroll to the people. He would read from this very portion, but he would conclude by saying: "There is more written here than what I have read to you" (Yoma 7:1). There is a double meaning here. One point is that there is more to the Torah than any one portion or any one verse (or two). But another meaning is that there is more to the Torah than the text as written. How we choose to read a story or a verse makes all the difference in the world.

Which brings me to Leviticus 18:22 and 20:13, the two verses which appear in this week's portions and that have been read for millennia as the Torah's condemnation of homosexuality. How should we read these verses as we enter the sacred sphere with "zot," with our conviction that we carry the Divine Presence with us — straight or queer — as we are?

I submit that we may read these verses in a new way, a way that removes them entirely from the topic of homosexuality. The verse in Leviticus (18:22) is comprised of three elements — persons (V'et Zachar), forbidden acts (lo tishkav mishkevei islah), and a term of condemnation (to'evah hi). Let us examine each element in reverse order. What does the Torah mean by the term to'evah — commonly translated as "abomination"? It is not necessary to account for all instances of the use of to'evah through the Bible in order to offer a possible understanding of its use here. In the very first occurrence of the concept, the Torah tells of the meeting of Joseph and his brothers in Egypt. Joseph, Viceroy of Egypt, has ordered that his brothers (who do not as yet recognize him) shall dine with him. The Torah tells us: "And they served him [Joseph] by himself, and for them by themselves, and for the Egyptians, who ate with him, by themselves; because the Egyptians might not eat bread with the Hebrews; for that is an abomination [to'evah] to the Egyptians" (Genesis 43:32).

What was the to'evah for the Egyptians? We are presented with a situation in which all parties are expected to eat a meal. There is nothing offensive about that. What was offensive was the inclusion of alien elements into the acceptable group. Hebrews could eat by themselves without offending Egyptians. But they could not eat along with Egyptians. What was offensive was to ruin a situation that was innocuous in itself by introducing an unwelcome element.

What are the acts that are deemed to'evah by the verses in Leviticus? The strange term mishkevei ishah is used here—the only time this term appears in the Torah. Until now, the term has been understood to refer to homosexual relations. Yet, we may note that in subsequent rabbinic literature, the term for homosexual intercourse is mishkav zachar. While the term mishkevei ishah occurs only once, the term mishkav zachar is found elsewhere in the Torah. Toward the end of Moses's life he is commanded by God to attack Midian in retribution for the plague that the Midianite women inflicted upon Israel by seducing them into idolatry. The army returns victorious, but Moses is angry. They have spared the Midianite women. Moses exclaims, "Now therefore slay every male among the children, and slay also every woman who has known a man carnally. But spare every young woman, who has not had carnal relations with a man" (Numbers 31:17 – 18). In these verses, the term mishkav zachar is used to refer to a woman having sexual relations with a man. If we return to our verses in Leviticus we may understand, by analogy, that the acts forbidden by the Torah are not homosexual acts at all. Rather, some situation involving a man having sexual relations with a woman is proscribed. What is that act?

When we consider the first part of the verse, the part that mentions the persons involved in the forbidden act, we read the phrase "And with a man" / "V'et zachar." Now, the particle et may indicate the object of an action. Until now our verse in Leviticus has been read to mean that a male is prohibited to make another man the object of his sex act. But this word can have another meaning. The first place where it is unambiguous that the word et is being used in another way is in the verse, "And Enoch walked with (et) the Almighty..." (Genesis 5:24). In that verse it is clear that the particle does not signify an object indication. Rather, it means "along with."

Now we may read the verse very differently:

וְאֶת-זָכָר	<i>v'et zachar</i>	And along with another male
לֹא תִשְׁכַּב	<i>lo tishkav</i>	you shall not lie
מִשְׁכְּבֵי אִשָּׁה	<i>mishkevei ishah</i>	in sexual intercourses with a woman
תוֹעֵבָה, הוּא	<i>to'evah hi</i>	it is an abomination.

There is no prohibition of homosexual acts of any kind. Rather, the Torah prohibits two males from joining together to force intercourse upon a woman. This is a to'evah because the introduction of the second man completely transforms the act from a potentially innocent act into a manipulation that degrades the act of intercourse and makes the woman subject to violence and objectification.

Rabbi Steven Greenberg's intuition that what is meant here is some form of coercive sex act was correct. But the act is heterosexual, not homosexual. Thus, we can understand the verse in Leviticus. 20:13 in a simple way. The verse calls for the execution of "both of them." If the verse were dealing with a man forcing himself upon another man, why would the victim be executed? But with our interpretation the law is clear. The death penalty prescribed by the Torah is for the two men who force themselves upon the woman. The perpetrators are guilty; not the victim.

I wish to make clear that this reading does not claim to have uncovered the original intent of the verse. Instead it means to be a new reading, made possible only in our time, based on our newly won conviction that we carry the Divine Presence as we are. It is with "this – zot" that I – or anyone – may dare enter the Holy of Holies.

EXCERPTED FROM: GREENSTEIN, RABBI DAVID, "ON GAINING ACCESS TO THE HOLY, A D'VAR TORAH ON AHAREI MOT – KEDOSHIM (LEVITICUS 16:1 – 20:27), APRIL 28, 2007", JEWISH MOSAIC WEBSITE, [HTTP://WWW.JEWISHMOSAIC.ORG/TORAH/SHOW_TORAH/72](http://WWW.JEWISHMOSAIC.ORG/TORAH/SHOW_TORAH/72).