

Introduction

Writing in around 1969, Rabbi Solomon Freehof, perhaps the leading figure in the twentieth century in adopting traditional Jewish law to the Reform Movement, noted, after a survey of the basic texts about homosexuality in Jewish law, that “All in all, considering how much detail there is in the law on every kind of forbidden sexual relationship, the very paucity of biblical and post-biblical law on the matter speaks well for the normalcy and the purity of the Jewish people” (Current Reform Responsa, no. 56).

Writing in 1981, an unnamed student author in, *Bat Kol*, the student magazine of Bar-Ilan University, Israel’s religious university, described sermons at a Gay New York synagogue in which the preacher explained how “lyings with a man” (*mishkevei zakhar!* which the author purported to be a quotation from the Bible), really meant forced ritual copulations in ancient times and that Sodom and Gomorrah were destroyed because of a lack of civility on the part of the residents rather than because of their homosexuality (“Anusim benei zemanenu,” *Bat Kol* 5 (1981), p. 5)

Writing in around 1982, Marcia Freedman, who had served in the Israeli Knesset from 1973-1977 and was then involved in feminist organizing here, wrote: “The Old Testament (and current Israeli law) prohibits male homosexuality, calls it an abomination, and unnatural act. But neither Jewish law nor sacred literature ever mentions love between women” (*Nice Jewish Girls: A Lesbian Anthology*, Evelyn Torten Beck, ed, p. 211).

Our purpose here is to examine the discourse in Jewish literature in order to locate the manner in which male homosexuality and lesbianism played in the development of Jewish mentalitie over the centuries. It is impossible to derive statistical information from Jewish literature or to assume that there is a grain of truth in every written document. It is, nevertheless, possible to gauge not only the different attitudes expressed in them but to see the attitudes expressed as counter-attitudes against ones that may not have been stated explicitly and for behaviors that may have been observed without being described.

In regard to this topic in particular, even a basic superficial literal translation of biblical and rabbinic texts is not easy. Most of the English translations of texts are freighted with meanings beyond those in the original texts and once vague terms are often made to appear clearer than they really are. For this reason I will address issues in translation from the Hebrew, sometimes using new terminology just to rub the conventional understandings of texts against the grain. Hence, this material shows how social reality is constructed and the Other is described by the imposition of meaning on texts as it is about homosexuality itself.

For purposes of convenience I will refer to homosexuality, a term only invented in the nineteenth century (Boswell, p. 92), as the general term for intimate relationships between members of the same sex, and sometimes I will distinguish between male homosexuality and lesbianism. Gay may be used as a synonym for homosexuality based on the usage of recent authors, but the term gay deals more with a collective, public life-style (as in gay pride) rather than simply acts of sex between people. Rather than striving for any great terminological clarity on my part, in the course of the presentation I will unravel the different Hebrew terms used throughout history for these phenomena.

Ultimately, the question of homosexuality, like so many other matters of Jewish social life is a matter of enforcement. The issue of communal control presented a matter of great concern especially when the rabbis do not have it, and honor, which the rabbis often feel obliged to defend even if they do not have the means to do so. This left them no option but to ignore behavior of which they did not approve and to treat it as if it did not happen. The production of rhetoric directed towards an Other therefore provides them with authority that they may lack within it.

What I hope to show is a much richer and more nuanced picture of the discourse on sexuality throughout Jewish history. In particular, while the Bible is often associated with strident prohibitions of homosexuality, it is actually much more subtle, if not downright unclear, a situation reflected in later Jewish and Christian commentaries. Rabbinic Bible commentaries, legal texts, poetry, and other historical sources indicate that, following similar patterns of development among other peoples, a gay Jewish subculture may have flourished in the ancient and medieval period, what is often called the talmudic or rabbinic period, among the rabbis and their students. This was a period in which, despite conventional wisdom to the contrary, the Jewish people flourished. It was only in the late middle ages, beginning in the twelfth and thirteenth centuries, that persecutions of homosexuals seems to coincide with large scale systematic attacks on Jews, heretics, lepers, and Templars; imposition of more limitations on women, and all that went with general consolidation of power in Europe. From the vantage point of Jewish history it is therefore not surprising that the Third Lateran Council in 1179 represented a turning point for both Jews and homosexuals.

Biblical Narrative Texts and Rabbinic Commentaries

The biblical text serves as a basis for an exploration of any trend in Jewish life not only for what it tells us about the biblical period, but the way in which later generations expressed their values in terms of a selective reading and tendentious translations of it.

In terms of the biblical text's relationship to homosexuality there are two opposite trends: in some cases what seems to be either an obvious reference to homosexuality or no explicit reference at all is expanded upon while in other cases a obvious reference is eliminated by later commentators.

Genesis 9:22, : "And Ham, the progenitor of the Canaanites, saw the nakedness of his father and he told his two brothers who were outside," seems on the surface to have no

reference to homosexuality at all. In discussing it, among his other comments, Rabbi Solomon Itzhaki (Rashi, 1040-1105) notes, following the Talmud (Sanhedrin 70a) that “There are those who say that he castrated him and there are those who say that he buggered him.”

In their translation of Rashi, however, Rosenbaum and Silbermann, feel obliged to leave this quotation out of the English in its entirety while reproducing it in the Hebrew (p. 40). The Metzudah translation of Rashi on Genesis, however, sees no problem in preserving the original Rashi in both Hebrew and English (p. 97).

This is an example of what John Boswell showed was a conscious process of concealing references to homosexuality in classical literature. In his definitive work, *Christianity, Social Tolerance, and Homosexuality* (1981), he noted the entertaining effect produced by the efforts of the editors of the Loeb Classics Series to conceal homosexuality. They usually translated the passages into Latin or Italian instead of English, which Boswell noted only made it easier for most readers to find them immediately.

Genesis 19:5 “And they called to Lot and they said to him, ‘Where are the men who came to you tonight? Send them out to us so that we may know them.’”

The common understanding of this passage, as seen above in the Bar-Ilan student journal, is that the Sodomites, as their name came to connote in popular culture, wanted to have homosexual relations with Lot’s guests, the angels who appeared as men, adding a biblical nuance to the verb “to know.” Boswell, however, following Derrick Sherwin Bailey, *Homosexuality and the Western Christian Tradition* (1955), notes that this passage could simply mean that the residents of Sodom simply wanted to know who the unannounced guests were, making them at worst inhospitable, but neither homosexuals nor rapists. They support this reading by noting that in the Bible the verb “to know” appears 943 times, but only ten times does it carry a sexual connotation. Moreover, in all the many other places where Sodom appears in the Bible as a symbol for evil in no place is it associated with homosexuality. The only biblical evidence that may run contrary to such a reading is Lot’s counterproposal: “Here are my two daughters who have not known a man. I will send them out to you and do to them as you see fit, only to these men do not do anything. . . (Gen. 19:8)” While such an offer may bespeak little respect for his daughters, it does not necessarily mean that the Sodomites set out for sexual activity, either with men or with women.

Rabbinic tradition, reflecting the vagaries of the biblical text, is divided on whether the Sodomites had homosexual intentions or not. Midrash Rabba reports that the men came calling for purposes of sexual relations and Rashi comments in the affirmative using the term, *mishkav zakhar*, which will be discussed further, but which in rabbinic literature is associated with homosexuality. Later commentators such as Rabbi Solomon ben Meir (Rashbam, 1080-1160) and Meir of Rothenberg (Maharam, 13th century) connect this story with the story of the Pilegish in Givah from Judges 19-20 to stress its homosexual elements. On the other hand, Rabbi David Kimhi (Radak, c. 1160-1235) reads the passage: “Who are they and why did foreigners not fear to come to our city?” He, too,

connects this passage with the story of the Pilegish in Givah, but he does not stress the sexual component but the fact that the inhospitable townspeople wanted to kill him and that they raped his concubine (Judges 20:5). This lends credence to the preacher at the gay synagogue who was maligned for his forced interpretations by the reporter from Bar-Ilan.

Judges 19-20

The story of the Pilegish in Givah has many important points in common with the story of the visitors in Sodom. A Levite from Ephraim and his concubine from Bethlehem are passing through Givah. They refuse to stop in Jebus or Jerusalem because it was a city of foreigners (so much for it being the eternal undivided capital of the Jewish people). Finally they find hospitality in the home of another sojourner from Ephraim. In the course of the night, the wicked men of the city surrounded the house, beat on the door, and demanded that the host send out his guest so that they may know him (Judges 19:22). As with the story in Genesis, the host then offered not only his own daughter but his guest's concubine as well to the crowd. While at first the men refused, the Levite then took hold of his concubine and threw her out to the crowd which in the course of knowing her, abused her all night, giving a particular sexual meaning to the term. After the Levite found his concubine lying unresponsively with her hand on the doorstep, he mutilated her body.

The text is not clear if it was he or the crowd who killed her. This allows subsequent commentators the opportunity, as they did with the Genesis story based on this one, the opening to attribute either homosexual or murderous intentions to the men of the city, contradictory positions which are again found in Rashi and Radak.

These three stories all involve violent acts of rape and not judgments about homosexuality between consenting, loving men or women.

Genesis 37:2: "These are the generations of Jacob. Joseph, seventeen years old, was tending the flock with his brothers and he was a young boy with the sons of Bilhah and with the sons of Zilpah the wives of his father. And Joseph brought an evil report to his father." The expression "he was a young boy with the sons of Bilhah" Genesis Rabbah (84:7), explained that this meant that "He did things that were childish/girlish," depending on the vocalization, *maaseh naarut/naarot*. As examples, the midrash listed, fixing his hair, walking mincingly (being light in his loafers), and touching up his eyes, so that he would look pretty (*yafeh*). Rashi repeated this commentary, but eliminated his walking mincingly. This commentary does not make Joseph a homosexual, but certainly presents him as effeminate.

2 Samuel 1:26: In David's lament "How the Mighty Have Fallen" for King Saul and Jonathan, the king's son and David's friend, he included the following verse: ". . . very pleasant have you been to me; your love to me was wonderful, passing the love of women."

This biblical verse, which has the potential to cast aspersions on heterosexual love, might be a prime target for rabbinic commentators to undermine such a subversive potential by their stressing the virtues heterosexual love rather than love between men. The rabbis, however, in fact do the opposite, and use this opportunity to extol love between men at the expense of love between men and women. In doing so they are reflecting similar views found going back to Plutarch at the beginning of the second century CE in which he deprecates love between men and women for being effeminate and illegitimate while he extols the true love of men and young boys (Boswell, p. 125).

The Targum, an ancient Aramaic translation and commentary on the text, renders the key phrase in this verse: “Your love is more wonderful to me than the love of two women.”

In his commentary, Rabbi David Kimhi (Radak, c. 1160-1235) notes that the women referred to are David’s two wives, Abigail and Ahinoam. Radak’s father explained to him that the reason that the love of men is preferred is that women love both their husbands and their children and that their love for their children is stronger than for their husbands. Radak notes that in the Hebrew verse there are two words with female endings (the word for wonderful and the word for love) and that this doubling is to strengthen the wonder of the love for men and its concealment, which he said he explained elsewhere.

The most astounding and difficult commentary, that of Rabbi Levi Ben Gershon (Ralbag, 1288-1344), states that the love of Jonathan for David was stronger and more wonderful than the love of women for their lovers. He notes that women’s love for their lovers continues until he hits her and curses her, but she does not diminish anything from her love for him. Ralbag thus offers a stunning indictment of heterosexual love which he indicates has an intrinsic element of violence in it.

This sentiment is echoed by Rabbis David and Hillel Altschuler in their seventeenth and eighteenth century commentaries, *Metzudat David* and *Metzudat Tzion*. In the former, they assert that David’s love for Jonathan was greater than the love of women because women fall passionately in love with whomever falls in love with them.

The Yiddish translation-commentary found in some editions of the Bible shifts the love from the love of man and women to the love of mother and child in an apparent effort to make the passage less homosexual.

“You were so sweet to me (Du bist mir geven zeyr ziss) . . . Your love is wonderful for me (Dein Liebschaft iz geven wunderlich zu mir) . . . This means that love of women is towards their children (Mein fun dem Liebschaft von Weiber zu zeyere Kinder).”

Biblical Legal Texts and Rabbinic Commentaries:

The crux of all subsequent thinking about homosexual relations, however, is based not on these stories but on three passages in Leviticus.

Leviticus 18:3: “Like the deed of the land of Egypt where you dwell, do not do; and like the deed of the land of Canaan which I will bring you to, do not do; and in their laws do not go.”

This simple commandment seems to have nothing to do with homosexual relations. Many generations of rabbinic commentary, however, added such a dimension to the text. Sifra (Aharei 9:8), a midrash on the book of Leviticus, Maimonides (Issurei Biah 21:8), Nahmanides (here), and the Shulhan Arukh (see below) identify the deed of the land of Egypt as either same sex relations or marriage. This means either men marrying men and women marrying women as well as a woman marrying two men.

What is significant here is that homosexual relationships are seen in the context of a marriage between two consenting, loving adults. The attempt to project such behavior on to the Other, the Egyptians, is usually an indication that it took place among Jews as well. Only Nahmanides uses stronger language (*zakhur*) by identifying the behavior with the more strident prohibitions of the Mishnah (see below). These interpretations of this verse echo some of the commentaries on 2 Samuel 1:26 and what we shall see below concerning discussion of same-sex marriages in rabbinic Judaism.

Lev. 18:22: This text has many grammatical problems connected with it that make an easy understanding of it impossible. Several years ago, when I taught at Smith College, I encountered one attempt to simplify it. An alumna wrote into the Alumnae Quarterly against what she saw as a contradiction between lesbianism and the Spirit of Evangelical Christian Religion: “The Bible condemns all homosexual activity. ‘Homosexuality is absolutely forbidden for it is an enormous sin.’ Leviticus 18:22, *The Living Bible*.” The more conventional translation of the verse, however, is “You shall not lie with a male as with a woman; it is an abomination (RSV).” I indicated that because of some of the grammatical features of the verse it could be translated, “You shall not lie with a male as with a woman; he is an abomination.” The verse is actually even more complicated because the first word, *ve-et*, which is usually translated as “and with,” really is the sign of the direct object: “And a man you shall not lay the lyings of a woman (*mishkevei ishah*), it is an abomination.” [In order to capture the full nuances of the biblical term *mishkevei* I will use the English word *lyings* throughout.] This was the phrase that the student from Bar-Ilan quoted as “lyings of a man,” “*mishkevei zakhar*,” consciously or unconsciously misrepresenting the Bible. Either way, the literal meaning of this verse seems less clear in terms of a prohibition of lying with men than lying with them in the manner that a woman would lay with a man. In other words, this verse seems to condemn passive homosexuality rather than all homosexuality, adding the biblical prohibitions of passive homosexuality to those also found among the Greeks, the Romans, and the Arabs (Boswell, pp. 53 ff and 74ff).

Taking this point one step further, the term used by the peripatetic reporter from Bar-Ilan writing about the gay synagogue scene in New York, as mentioned above, was *mishkav zakhar*, the lying of a man. As I mentioned earlier, the term in the Bible is the exact opposite, *mishkavei ishah*, the lying of a woman. In fact, the term *mishkav zakhar* does appear in the Bible five times but each time the situation is clearly and exclusively

heterosexual. Three of the times it refers to a policy of mass murder of Midianite women who were no longer virgins, male children, and men, as opposed to female virgins, who could be taken as booty by the Israelites (Numbers 31: 17, 18, 35) and twice it refers the mass murder of the men and sexually active women of Jabesh Gilead by the Israelites so that the remaining virgins could be taken as wives for the men of the tribe of Benjamin (Judges 21: 21). In rabbinic literature, however, this term, *mishkav zakhar*, can take on the meaning of homosexual relations between men or between men and little boys (Sota 13b). The term is therefore used at times to describe some of the homosexual aspects of not only the above mentioned biblical stories but also other stories such as Potiphar the Egyptian prince who took Joseph for such purposes (Rashi on Genesis 41:45); the abominations listed in Moses' final song, *Ha-azinu* (Rashi following *Yalkut Shimoni* no. 945 on Dt. 32:16), a view emphatically dismissed by Ramban and ignored by *ibn Ezra*; and the abomination mentioned in Ezekiel 18:12 (*Yalkut Shimoni* no. 373; Rashi has *zakhur*, see below), a view ignored by other commentators such as Radak as usual. And at the same time the term is used to describe heterosexual relationships. The use of this term by the rabbis heightens ambiguities about sexual definitions.

Using this term, rabbis, especially Rashi, usually following the Midrash, identify even more homosexual episodes and references in the biblical text. Examples include Dt. 23:18, Ezek. 28:7, Ezek. 32:26.

Lev. 20:13: This verse presents many of the same issues as Leviticus 18:22, only in this verse explicit reference is made to a death penalty, the ultimate disincentive, for both of them. "And a man who will lay the lyings of a woman (*mishkevei islah*), the two of them have done an abomination, they will surely die, their blood is upon them."

The Mishnah (*Sanhadrin* 7: 4), reads the biblical passage in the most austere manner, requiring death for the active male who had intercourse with another man (*haba al hazekhur*). Elsewhere the Mishnah lists the same expression as one of the thirty-six instances found in the Torah of *karet*, punishment at the hands of heaven. This list of sexual and ritual violations seems to represent a change in jurisdiction from earthly courts to a heavenly one (*Keritot* 1:1). The subsequent Gemara on this passage, which we will examine in more depth, discusses the number and the kind of sacrifices brought for such violations, indicating that the death penalty was no longer applicable (*Keritot* 3a). Hence there seems to be a softening of the biblical text by the rabbis.

I could also make a nice case against the severity of rabbinical tradition towards homosexuality by relying on the Soncino English translation of the Gemara (*Sanhedrin* 54a), which seems to limit the crime of Leviticus to such acts which are committed incestuously (p. 367). This radical nuance, as explained in the English note, is based on the fact that the phrase "the lyings of a woman" is redundant, is however, not found in the Gemara itself (54b) nor does it appear in Rashi or in Tosafot.

The Gemara continues with a distinction between the active and the passive homosexual partner based on these verses in Leviticus, *hashokhev vehanishkav*. At first the Gemara advances the view of Rabbi Ishmael that Leviticus 18:22 refers to the active partner and

Deuteronomy 23:18, when speaking about a kadesh, refers to the passive partner. The Gemara then brings in Rabbi Akiba's view that Leviticus 18:22 refers to both the active and the passive partner. He does this by reading the consonants of the verb there both in the active and the passive form (lo tishkav vs. lo tishakhev), the second reading requiring the particle at the beginning of the sentence (ve-et) to be read differently or ignored. After a discussion on bestiality which need not detain us now, the Gemara returns to the distinction between active and passive partners in a homosexual relationship (haba al hazekhur vs. hamevi alav zakhar).

Elsewhere in the Talmud, though the text is slightly garbled, similar nuances are associated with Leviticus 18:22 (Yevamot 83b). Here the Gemara asks what man can have two different kinds of lyings and answers that it is the hermaphrodite. It then invokes rabbinic tradition to argue that use of the word for male in the singular precludes sex with another male (zakhar). Then to preclude sex between a male and another male it invokes the particle "and" (ve), and then to preclude unnatural intercourse between a man and a woman it invokes the word for woman (isha). [The Hebrew text of the Gemara has instead zakhar, isha, and ve-isha, the last of which does not appear in the biblical verse and repeats the word isha, a problem that the English editors resolved based on traditional commentators.]

The complexities of these verses are enhanced rather than simplified in subsequent medieval biblical commentary. For example, Abraham ibn Ezra (1092-1167), integrates many of these talmudic aspects into his commentary on Leviticus 18:22. He starts his comments by referring to Genesis 19:34, where Lot's oldest daughter reports to her sister about having had sex with her drunken father: "Behold I lay (shakhavti) last night with my father." Ibn Ezra connects this to the verse in Leviticus as a warning against both the active and the passive partner. The crux of the matter is that in the verse the word for lyings is in the plural but the word for woman is in the singular. Based on such a grammatical point, he too makes a distinction between the active and the passive partner and notes that man is active (la-asot) and woman is passive (lehe-asot), raising the association between the passive partner and a woman. The purpose of this commandment, therefore, is not to overturn what God has ordained. As an example of different types of lyings he cites Rav Hananel who described men who attach something to their bodies that resembles the flesh of a woman and notes that such attachments cannot result in biological reproduction. He also mentions that this passage may refer to hermaphrodite with the organs of both sexes. And he talks about intercourse where seed is produced, meaning here, it seems, offspring (rather than simply sperm). He concludes (though because his text seems scrambled, his conclusion is actually at the beginning) vaguely that the simplest meaning is the best and notes that the wise men had declared a death sentence on such behavior. He finishes his comments by noting that it would not be appropriate to dwell on this subject and even where it involves biological reproduction it is loathsome, an abomination, for holy people to discuss it.

My reading of ibn Ezra is based on the standard Hebrew text. It is important to point out that the recent English translation by Jay F. Shachter seems to contain several radical additions. In his introductory acknowledgements he indicates that he relied on

Mehokekei Yehudah of “the late” Rabbi Yehudah Krinsky and the commentary of “the late” Shelom Zalman Netter. Both commentators have been “the late” for the past 150 years. In his translation of ibn Ezra on Leviticus 18:22, Shachter freely inserted without attribution comments from Krinsky’s Yahel Or, part of his Mehokekei Yehudah, thus grafting a 19th century sensibility on to ibn Ezra’s medieval point of view. In fact, however, by doing this selectively and by adding his own comments, Shachter gives an excellent example of how an alleged translation reflects an accretion of values to the text. For example, Shachter indeed may be offering a very restricted, negative reading of the text by associating it with a “pederast” and a “catamite,” the young boy kept by a pederast, perhaps aware of the implications of such a reading which would undermine using it as a basis against homosexuality, he then feels the need to insert the view “therefore, homosexual intercourse is forbidden, whether it is done in the standard way, or a nonstandard way,” adding a ban on homosexuality from Yahel Or not found in the biblical text or in ibn Ezra. In adding this reading he also transposed rabbinic discussions of heterosexual natural and unnatural sex to homosexual sex which seems to make little sense. Or raising, perhaps for the first time, what will be a startling innovation for later rabbis, that homosexual relationships can be natural. Moreover, he changes the sexual terminology of active and passive to general characterizations of each gender, making it seem as if ibn Ezra had declared that man is dominant and woman is submissive.

Nahmainides follows ibn Ezra’s arguments and uses them as the basis to explain why having relations with men and with animals is well known, because not only is it disgusting but does not contribute to the physical continuity of humanity. Hence, it does not seem that the biblical text provides a sufficient enough basis for explaining itself. He takes exception, however, to ibn Ezra’s treatment of Lot’s daughters in Genesis. In the case of Lot’s daughters he associates them with being the active partners in a rather graphic description that need not detain us here, perhaps illustrating for us what it means for a man to be the passive partner in sex.

Further evidence that my readings of these texts are not merely the attempt of an academic trying to impose a provocative and politically correct reading on traditional texts, but rather that such readings were consciously part of the tradition, is found in the Commentary on the Torah by Judah ben Samuel the Pious (1150-1217), the leader of Hasidei Ashkenaz, the medieval German Jewish pietistic movement (a passage brought to my attention by David Frankel). His commentary to the Torah was preserved in several Hebrew manuscripts by his son Moses Zaltman and in diffuse comments in the works of others, but it was only gathered and published by Isaac Samson Lange in 1975. On this verse, Leviticus 20:13, his son reported him as saying: “That the Torah forbade to lay with a male or to buggery an animal, it is all in order so that they will marry women and be fruitful and multiply, although if the prohibition is stoning, and this the Torah only did because it was required to make a greater barrier (sayyag).” It seems that this interpretation indicates that there is nothing intrinsically wrong with homosexual relations. His only concern seems to be that such relations would distract men from marrying and procreating with women. The excessive punishment was not an expressing of the gravity of the sin but of the need to compel men to marry women, a glimpse that

homosexuality may have constituted a wide-spread social phenomenon among rabbinic Jews during the middle ages.

My reading of Judah ben Samuel is confirmed by Rabbi Moshe Feinstein in his *Iggerot Moshe*. Here he denounces this commentary in the most strident terms. After having been alerted to this work, Rav Moshe accused the editor of this work of forgery and of promulgating heresy concerning the divine origin of the Torah (Y.D. 3: 114-115) and ultimately ordered that the book be burned. The problem, however, with his position is that the editor of this book collected the comments of Judah the Pious from the major Hebrew manuscript collections of Moscow, Cambridge, the Vatican, and a long published collection of responsa, *Moshav Zekenim*, all of which contained the comment on homosexuality.

Rav Moshe launched into an attack on this passage in particular (YD 3: 115) by which wicked people tried to weaken the ban on homosexuality. By even asking why the Torah prohibited it was in itself great evil that undermined the ban for those with what he categorized as a disgusting appetite for one of the great abominations. Rav Moshe does not tell us how among all the abominations he is able to rank some higher than others except by noting that even the nations of the world know that these abominations have no equal. So it seems that one of the great rabbinic authorities must rely on gentile taste for determining Jewish values. Rav Moshe explains the error of this text by saying that there is no need for a reason for such an abomination that is loathed by the entire world which considers those addicted to this deviation to be perverse and uncivilized. He goes on to say that those who question the reason for this prohibition remove from it all shame, disgrace, and reproach that is attached to it and make a mockery of the ban. By rationalizing that the purpose of the ban is to encourage marriage and fertility they further diminish and greatly weaken it by removing from it any association with sexual lewdness (*ervah*).

Boswell also shows that medieval Christian exegesis at this time, the *Glossa ordinaria*, offers a spiritual approach to these verses in Leviticus which removes them from their original sexual context: “Spiritually we must beware of weaking someone who is strong and masculine mentally . . .” (Boswell, p. 205).

Deuteronomy 23:18: The text of this verse presents what many translators and commentators see as references to cultic prostitutes, both male and female, among the Israelites and is often invoked in discussion about homosexuality. Many versions read something like this: “There shall not be female cultic prostitutes (*kedeshah*) among the daughters of Israel and neither will there be a male cultic prostitute (*kadesh*) among the sons of Israel.” The book of Kings abounds with references to *kedeshim* and women in the land, in the Temple, doing non-Jewish abominations, including weaving for Astarte, and being expelled from the land (1 Kings 14:24, 15:12, 22:47, 2 Kings 23:7). In *The Bible without Theology*, Robert Oden sees such condemnations as part of a biblical exercise in drawing boundaries between the Israelites and other peoples which may have been accusations rather than accurate descriptions of behavior. While Oden tries to probe the grain of historical truth behind the biblical text, there is a more serious criticism that

can be leveled against the conventional wisdom concerning the prevalence of cultic prostitution in the biblical text. The astounding fact is that most traditional Jewish commentators do not read these texts as having anything to do with homosexuality. The Targum translates the text into Aramaic: “A woman from the daughters of Israel shall not marry a slave and a man from the sons of Israel shall not marry a bondman.” Rashi saw a kedeshah as a woman promiscuous, betrothed, and available for sex (mufkeret, mekudeshet, umezumenet liznot), but in the text as it presently stands, he defines kadesh as available for sex with men (mezuman lemishkav zakhar), a reading that may be corrupt (see below). Indeed, Rashi’s grandson, Rashbam, who usually follows him defined a kedeshah somewhat contradictorily as a whore, a single woman, adulterer (a contradiction picked up by Ramban), but he removed all homosexual associations from the text by defining a kadesh as a man who had or was available to have promiscuous sex with single women with whom he had no contractual understanding either in the form of a ketubah and marriage or even a special relationship of concubinage (pilegesh). This distancing from homosexual and cultic associations is heightened in Ramban’s quotation of Rashi’s interpretation in which he drops out the word for male leaving only the expression “ready for intercourse,” heightening the possibility that the whole verse refers to heterosexual relations (a nuance missed by the standard English translation of Ramban which uses the word pederasty rather than simply intercourse). Ramban then seems to read kadesh as the passive partner in a secret sexual relationship (hanival) or a man who pursues promiscuous women. In rabbinic commentators to all the verses in the Books of Kings cited above the terms kadesh and kedeshah refer to the sexually promiscuous and the adulterous and not to homosexuals or to cult prostitutes.

Homosexuality among the Jews

On the one hand, these medieval Jewish commentators strive to diminish the prevalence of homosexuality in the biblical text and, on the other hand, they also remove some of the stridency against homosexuality often attributed to the biblical text. There are two other lines of rabbinic discourse that will highlight the possibilities that existed in the field. On the one hand, there is a strong tradition of denying that Jews practice homosexuality at all, ever. On the other hand, is a paper trail demonstrating the existence of what might be called gay sub-culture among the Jews. While not approved at all by the rabbinic authorities, their assorted condemnations only serve as concrete evidence of some of the phenomena that may have existed in their midst.

Denial

A difficult mishnah in Kiddushin (4:13) basically says that neither a bachelor, a woman, nor a man without a wife may be a school teacher, a bachelor may also not tend cattle, and two bachelors may not sleep under the same cover (talit). It would seem that such a mishnah has singled out many of the categories of people at sexual risk who may seek to relieve their sexual frustration on their defenseless, innocent charges. The Gemara discusses such implications and seeks to negate them entirely by invoking twice the maxim that Jews are not suspected of homosexuality (mishkav zakhur) or bestiality (Kiddushin 82a). Instead they express concern that the bachelor would be attracted to the

students' mothers and the woman to their fathers. Not relevant to our study here, but nevertheless significant, is the fact that while the text suspects all women of uncontrollable sexual urges it only suspects single men. Similar sentiments are found in a baraita in the Gemara which allows two brothers to bathe together, except in the city of Kabul (Pesahim 51a). Rashi, with his usual discernment for homosexual tendencies explains that there is no concern here for sexual promiscuity where, on seeing each other naked, the brothers might become involved sexually (mishkav zakhur).

This talmudic view is maintained throughout the generations, almost in splendid isolation from all the other traditions about homosexuality (cf. Tos. Kidd. 81b). The Shulhan Arukh, repeats it, but with some reservations:

Jews are not suspected of mishkav zakhar or bestiality, therefore there is no ban on being isolated with them, to distance ourselves even from isolation with a man and a beast, this is praiseworthy. . . (EH 24:1)

Gay Sub-culture

Hints of a tradition that reflects what almost could be called a gay sub-culture among the Jews. As always, what the rabbis saw as a deleterious phenomenon they tried to attribute to pernicious external influences, but the fact remains that they were well aware of the practices of Jews.

Gay tendencies among the disciples of the rabbis themselves are found in a baraita in Berakhot 43b about six qualities that are unbecoming of a sage (talmid hakham): wearing perfume to the market, going out alone at night, having torn shoes, talking with a woman in the market place, dining with peasants, and arriving late for the beit midrash. Of these, one of the rabbis of the Gemara, Rabbi Abba the son of Rabbi Hiyya Bar Abba in the name of Rabbi Jonathan, notes that wearing perfume to the market could lead one to be suspected of being a homosexual. Rabbi Sheshet, however, limits the suspicions to only one who put perfume on his clothing since to put it on ones body was done normally to remove perspiration. Rav Papa then introduces a further discussion of whether putting perfume on one's hair was a sign of homosexuality or good grooming, a question that was not resolved. Rashi, as usual, sees the perfuming as a way for the men to stimulate desire in other men.

In a baraita, one of the virtues attributed to those who follow the Noachite commandments, what the rabbis consider the minimal requirements for a civilized person, was that they do not write ketubahot, marriage contracts, for males. As is often the case, when the rabbis excoriate a practice among the Other, their intended audience, especially given the narrow prerequisites of those who engaged in talmudic study and those who would have the rabbis write for them a ketubah, are their disciples themselves. What emerges here is a peek at the fact that in the first few centuries of the common era the rabbis were aware of the fact that there were what would we would now call same-sex commitment ceremonies that that they may have been entered into by Jewish men with rabbinic ketubot, information that parallels the above mentioned commentaries on 2

Samuel 1:26 and Leviticus 18:3 (Hullin 92b; Yalkut Shimoni, Zekhariah, no. 578; Vayikra Rabbah 18:13). John Boswell, who wrote a book on same-sex commitment ceremonies in the ancient world, noted that at least until the year 342 gay marriages had been performed and continued despite a ban which may have been issued in that year. Rashi, with his keen critical sense, is aware, perhaps painfully, of the intimate implications of this talmudic passage. He therefore tries to turn it on its head by interpreting it that although the Noachites are suspected of homosexuality they certainly would not take such a serious commandment lightly and actually write ketubot for them, not really being clear who was writing them for whom.

The continued acknowledgement in rabbinic texts of homosexuality as a vital force among the Jews is seen in the comments on Nedarim 51a by both the Tosafot and Ran, Rabbenu Nissim ben Reuben Gerondi (c. 1310-1375), whose commentary appears instead of Rashi's in published editions of the tractate. In the Gemara itself there is a story about the meaning of the word toevah, abomination, and the meaning offered there involves adultery. The Tosafot, however, explain that the word refers to men who leave their wives and pursue relationships with men, mishkav zakhur. The comments of Ran are particularly instructive on the changes that the rabbis wrought in the terminology concerning homosexuality. Following the basic idea of the Tosafists, he writes about a man who gives up lyings of a woman (Leviticus 18:22; 20:13), a term which in the Bible itself refers to a man lying with another man as a woman would, and instead going to a man.

As was often the case, Rashi was able to detect homosexuality in many cases where it is not readily apparent to others. In commenting on Niddah 34a, where the purity and impurity of the bodily fluids of Jews and non-Jews is discussed, Rashi adds that the house of Shammai extended the range of impurity to include a broad range of gentile fluids, including basic contact, spittle, and urine, so that Jews would not get in the habit of having homosexual relationships with them. Rashi seems to assume that homosexual Jews would be concerned with matters of ritual purity, thus heightening the connection between traditional Jews and homosexual practice.

Similarly, while the Mishnah does not allow women, slaves, or minors to form their own group for the consumption of the (no longer extant) Passover sacrifice, the Gemara attributes the exclusion of slaves and minors to peritzut, which can mean licentiousness, obscenity, or lawlessness, insolence, or violence. Rashi, always on the look out for gay behavior, then identifies peritzut with homosexuality, mishkav zekhur. Since according to the biblical text non-Jews are not allowed to eat from the Passover sacrifice, Rashi's concern seems to reflect the fact that even at a major, solemn religious festival Jews will resort to homosexuality heightening the sense that there may have been a trace of such a sub-culture in his own day (Pesahim 91a-b). Finally, Maimonides writing in medieval Egypt, affirmed that homosexual relations between two men did not disqualify them from the priesthood (Terumot 7:15).

As we saw already, the Bible commentator Abraham ibn Ezra cited Rav Hananel who describes men who simulated female vaginas so that they could have intercourse with each other.

Several rabbinic responsa from Spain that describe homosexual relationships. Rabbi Solomon ibn Adret (Rashba, 1235-1310) describes a case of a two boys, 11 and 12 years old, debauching each other (mekalkelim) which was witnessed by many non-Jews, raising the question if their testimony was acceptable or not. Rashba, posturing as if the Jews could still execute offenders, dismissed the case because the boys were both younger than 13 years old (5:176). Another case, perhaps from Joseph ibn Abitur (10th-11th centuries), also from Spain, or from Yom Tov Elam, describe a priestly visitor who functioned as prayer leader (shaliah tzibbor) who among his sexual adventures, according to non-Jewish witnesses, included both a Christian woman, a Jewish women whom he accosted until he realized who she was, and a young boy whom he fondled (mekalkel). The rabbi's responsa which cast much opprobrium on reports about the cantor's behavior, but did not single out his pederasty for special condemnation (Teshuvot geonei mizrah umaarav, no. 171). Archival findings from Christian Spain also show homosexual behavior among the Jews there during the thirteenth and fourteenth centuries, some were freed by the king and at least one was burned (Yom Tov Asis, "Sexual Behavior in Medieval Hispano-Jewish Society," in *Jewish History: Essays in Honor of Chimen Abramsky*, pp. 50-51).

The poetry of the rabbis of medieval Muslim Spain may be a reflection of homosexual behavior or the pronounced trends among their medieval neighbors to describe such activities.

Such as potential was described in an article by Jepheth Schirmann, the dean of scholars of medieval Hebrew poetry, in 1955, not exactly a period of gay consciousness raising and certainly not in Israel where he taught ("The Ephebe in Medieval Hebrew Poetry," *Sefarad* 15; see also a French version, "L'amour spirituel dans la poesie hebraique du moyen age," *Les Lettres Romanes* 15 (1961): 315-326). Schirmann marshaled all the relevant poetry, drawing particular attention to what he identified as homosexual love poems addressed to a tzvi, the word for a deer, but which here refers to a beloved boy, as well as the voices from the medieval period that tried to negate the homosexual implications of these works. Schirmann identified these poems originating in the period 1000-1300, in Arab-Moslem lands, mostly Spain, especially in the work of the leading rabbi-poets Issac ibn Mar Shaul, Isaac ibn Khafon, Samuel Ha-nagid, Solomon ibn Gabirol, Moses ibn Ezra, Judah Halevi, Abraham ibn Ezra, Judah Alharizi, and Todros Abulafia. Also among Muslims the leading producers of homosexual erotic poetry were Muslim religious leaders, teachers, and judges. Schirmann quoted passages from the Hebrew poets that supported his assertion. (Examples can most easily be found in the *Penquin book of Hebrew Verse*, edited by T. Carmi, pp. 298, 302, 325, 344, 346, 356.)

For example, Todros Abulafia wrote a poem for R. Solomon ben Abudrarham describing the advantages of loving young boys rather than women. Joseph ibn Hisdai wrote a poem in tribute to R. Samuel Hanagid in which he described kissing a young boy while he slept

in his arms. When he awoke in the morning all he found was a wet spot on the bed which he likened to Rabbi Samuel Hanagid.

Schirmann wrestled with the question of whether these poems reflected mere literary influence from Arabic models or showed aspects of Jewish life during the period, poetic reality and the poet's actual experiences. Before going into some of the poems themselves, Schirmann adduces textual evidence of homosexuality (what he called pederasty) among Jews. His evidence includes two Jerusalem Karaites Daniel al-Qumsi and Sahl ben Masliah, from the ninth and the tenth centuries who both attribute Jewish male homosexuality to the imitation of non-Jewish practices. Also from the east, he brings an admonition against homosexuality from Hai Gaon: "If you show your teeth to a boy in sensual lust, he will laughingly uncover his genitals (shet ve-ervah)." Schirmann also mentions a rhymed Hebrew text about a cantor who sold off his library to support his passion for young boys (today it is a rock star selling off his copyright holdings). Finally he mentions the poetic travel diary of Judah al-Harizi who describes what he calls a Jew addicted to homosexuality. Schirmann also draws on studies of Arabic homosexuality which described relations with Jewish partners.

Schirmann also identified the voices from the medieval period that tried to negate the homosexual implications of these works. For example, Yehoseph the son of Samuel Hanagid who edited his father's collection of poetry, his *Divan*, tried to explain away the love as between God and the Community of Israel. Todros Abulafia wrote about love for beautiful young boys and then tried to present his intentions as totally innocent and without sinful purposes.

Schirmann noted that most scholars have refused to accept that these poems represented such relationships of love between men or a man and a boy and gave some examples in his notes of attempts to explain such poems as mere statements of friendship.

One of the most interesting aspects of Schirmann's article beyond his balanced presentation of the data was the reactions it produced. One of the most extreme was offered by Nehemiah Allony, also an Israeli scholar of medieval Hebrew literature ("Hatzvi vehagamal beshirat Sefarad," *Otzar yehudei sefarad* 4 (1961): 16-42). Utterly shocked that the unnatural practice as love between men could be found among the Jews, Allony seeks to undermine systematically every one of Schirmann's citations. Moreover, Schirmann presented such findings, which Allony calls innovations, accusations, and slander, before international conferences, including those of scholars at Cambridge University, at Jewish studies conferences, and at the Hebrew University. I think, and I will develop this view further, that, referring once to "our fathers in Spain," and "the family purity that our people preserved," Allony's main concern is that Schirmann, presenting his findings in English (and later in French) and before non-Jewish scholars besmirched Jewish honor. He also felt, erroneously, that Schirmann was relying only on poetry, Karaite texts, and works by apostates, and writings about Christians rather than Jews or at least not about Spanish Jews which he found easy to invalidate. Most telling of Allony's panic concerning Schirmann's presentation is his attempt to undermine the homosexual aspects of the quotation from Hai Gaon. Allony draws on a baulderized

1922 British translation by Herman Golencz, “Show thy teeth to a child, and in a mocking mood he will treat thee with sheer rudeness.” Feeling that this resolved the issue, Allony concludes that he could not see where Schirmann found any reference to homosexuality in Hai Gaon. The problem is that in Hebrew the expressions “shet” and especially “ervah” have particularly pronounced sexual meanings, I would dare say exclusively. Other aspects of his article show a desperate attempt at protecting Jewish honor rather than rational scholarship by trying to undermine any notion that the Hebrew national poets of Spain could have been homosexuals, something which Schirmann never claimed.

Schirmann’s findings, however, were accepted by subsequent scholars of the Jews in Spain. In 1982, Norman Roth, professor of medieval Jewish history at the University of Wisconsin entered the fray with an article in *Speculum*, the journal of medieval studies.

Roth noted that in none of the poetry does the sexual activity go past kissing. He may have pushed the boundaries of social history by challenging, without evidence, Schirmann’s assertion that there is no evidence that these verses reflect the personal experiences of the poet.

In his discussion on Moses ibn Ezra, Roth contributed several fascinating aspects to the methodological discussion of using the poetry as social history. First he mentioned the nineteenth century German scholar of Hebrew literature, Gustav Karpeles, who described how ibn Ezra fell in love with his niece. Karpeles’ only evidence for this according to Roth was the fact that in his translating a poem ibn Ezra wrote to a man, Karpeles changed the gender of the beloved from masculine to feminine then identified it with a niece. Second, he mentioned that David Yellin, a scholar in whose honor a teacher’s college in Jerusalem is now named, noted that ibn Ezra wrote love poems only to boys and never to women. Roth noted that this infuriated the scholar and poet Dan Pagis who countered this observation with the fact that ibn Ezra was married and had children. For Roth, this was not sufficient evidence to preclude ibn Ezra from also from loving boys, for me this is not sufficient evidence to prove anything about ibn Ezra through his poetry other than maybe this was a theme that interested his audience. (Can we learn anything about the sexual preferences of Schirmann, Roth, Allony, or even me from our writing on the subject of homosexuality?)

Raymond Scheindlin’s few pages sensibly touches on all the issues of the relationship between poetry and life. On the one hand, Scheindlin rightly stresses that much of the poetry of the Spanish courtier-rabbis uses stock images; on the other hand, he notes the paradox of trying to express personal uniqueness through cliches. In particular Scheindlin places the issue of homosexuality into the larger question of the relationship between the personal life of the rabbis and the poetry they wrote in other matters such as wine parties, heterosexual love, and war. He notes that such poetry reflects Arabic genres devoted to forbidden endeavors, such as wine drinking and homosexuality. He notes that just as there was a social reality behind Arabic poems on wine and homosexuality, there is some evidence of social realities in the Jewish community. Thus the Hebrew poetry is not simply an artistic imitation of Arab poetry. Even if such poetry only reflects such

literary conventions or flights into fantasy on the part of the Jews, the question must be asked why they fantasized about this subject. (R. Scheindlin, *War, Women, and Death* (Philadelphia, 1986), pp. 86-87; See also, David Biale, *Eros and the Jews*, for modern citations; see also David Aberbach, "Fantasies of Deviance in Mendele and Agnon," *AJS Review* 19 (1994): 45-60)

References to what could have been homosexual behavior are found later in Jewish history. Leon Modena (1571-1648), an Italian rabbi who wrote one of the first Hebrew autobiographies, reported that he sent his thirteen year old son into exile in the Greek Islands. The reason he gave was *maaseh naarut/naarot* which could be translated either childish escapades/escapades with young girls or, following Rashi on Genesis 37:2, effeminate or gay. His son spent most of his life wandering the Levant and did not marry until late in life (Modena, *Life*, p. 105).

Homosexuality as Reproach or Reality

In several controversies in Jewish communities over the centuries, it is often found, especially in manuscripts and obscure texts, Jews referred to their opponents as homosexuals. Most histories of the Jews do not include these accusations of homosexuality. Of course, there is no connection between an accusation hurled in the heat of a controversy and an accurate, objective description of behavior. The only thing that we can learn from these epithets is that Jews were well aware of homosexuality and even at the highest levels of rabbinic authority they did not shy away from using them.

In keeping with our methodological consideration that there is no correlation between documentation and the frequency of a phenomenon, one tentative, preliminary observation about the following incidents is necessary. In the course of my reading, usually about unrelated matters, I collected these citations which spanned centuries. However, as I sat to study each document carefully and record my findings here, I see a pattern in phraseology and events, and perhaps even a common source. All this requires further investigation.

In Babylonia, as part of a struggle between the Exilarch, David ben Zakkai, and the Gaon of Sura, Saadia Gaon (882-942), Chalaf ibn Sarjado, according to an incomplete text in which Hebrew and Arabic are mixed, accused Saadia of violating the Sabbath to bribe a governmental official and of being the passive recipient of a homosexual act (*tahat hanaarim*) in the presence of holy writings and that the Jewish youth of Nehardea panted after him. Saadia never refuted the charges, as he did all others against him. In his philosophical magnum opus, *The Book of Beliefs and Opinions*, he did dismiss the notion that the influence of the constellations determines erotic attractions, but used as an example the case of two men in love with each other. Chalaf also referred to Saadia's followers with epithets such as *Rat Face* (*penei akhbar*), *guzzlers of pork and camel meat*, *sex obsessed* (*hamatzliah betashmish; melakhlekh kol hayom be-avirot metunaf kol halaylah beshikutzehem megolal shenotav beshikvat zera*), and at the same referred to them castrated. The two eventually reconciled, Chalaf ibn Sarjado became the Gaon of Pumbedita, and Saadia ended up raising the Exilarch's orphaned grandson (Ellis Rivkin, "The Saadia-David ben Zakkai Controversy: A Structural Analysis," *Studies and Essays*

in Honor of Abraham A. Neuman (Philadelphia, 1962), p. 418; Abraham Halevi Harkabi, *Zikaron Ierishonim 5* (St. Petersburg, 1891), pp. 225-228). One of the words in this text that needs further elucidation is “vayithaber,” he joined.

Moses ben Elijah Capsali (1420-1496), was a major Turkish rabbi who, born in Crete, studied in Italy and Germany, and lived in Constantinople, where he held significant authority in the court of Mehmed the Conqueror (1451-1481), which he often used to impose his will on the Jews there. During a plague in Istanbul, the king authorized him to investigate the cause. One matter he found, according to several contemporary chronicles, involved sexual coupling (mithabrim; mishkav zakhor) between Jews and Janissaries, Ottoman troops comprised of war captives and Christian children who served as the Sultan’s bodyguards. His punishment included authority to use physical punishment, including killing the offenders, Jewish or Janissary. As a result they made his life miserable. He responded in kind which further enraged and Janissaries (Seder Eliahu Zuta, I:16, 35; cf. *Likutim shonim*, p. ; *Rosanes 1*, p. 43; *Graetz 6*, note 7, p. 433; *Meoraot Olam*; *Likutei mi-divrei yosef*, R. yosef ben yitzhak sabari, in *Seder Hehakhmim vekorot hayamim* (Oxford, 1888), p. 138). In another controversy Capsali was engaged in a fierce controversy with Joseph Colon (1420-1480) an Italian rabbi. When the letters defending Capsali reached Colon, he regretted his hasty action against Capsali and was furious at those who led him to do so, described as informers who deserved dire punishments. By this time, however, Colon had become sick and his days were numbered. He therefore called his oldest son Peretz and made him vow that he would travel to Istanbul to make peace with Capsali. Capsali received him well and enlisted his aid in his own controversy with Elia Mizrahi (Noam hovalim, p. 39; Freimann, “Shelihim ve-olim,” *Zion 1* (19xx), pp. 189, 200-201, attributed to R. Michael of Candia). There are several common motifs and terms in these two stories that also draw on common sources.

In about 1510 in Rome, Doninah, the daughter of Samuel Tzarfati, the papal physician, was engaged by her father to Judah Crabito (Craboto, Carvito) of Bologna. At the time her father made the engagement (Jer. 8* 194, no. 62) she was already an adult and considered by the rabbis writing on her behalf to be reliable.

Two witnesses, Aaron Parentino (Parotino) and a Joseph, testified in two courts that when Yehudah gave Doninah a gift and pledged his troth to her. She wanted to sever any relationship she had with Judah. A great controversy broke out between the rabbis of Italy about the validity of her engagement. On tactic used was to question the credibility of the witnesses. Other witnesses, some drawing on memories going back several years, but able to identify the exact day on which the events took place, came forward and testified that Aaron blasphemed the name of the Lord, spoke insolently against heaven, mocked the commandments and prayers. He denied that the messiah would come again, a denial that caused him to be accused of removing himself from consensus and being a Jew in name only. Aaron was accused of not being a good Jew, a member of the people of the book (am hasefer), because he was a peasant, an ignoramous (am ha-aretz). He did not know Bible, Mishnah, Mitzvot, and Derekh Eretz. Aaron was also accused of being

sexually promiscuous and committing most of the other sins in the Torah. In particular, he was accused of being suspected of having sexual relations with men, (mishkav zakhar), hugging and kissing (mehabek umenashek), with three men (im ken hare sheloshah). Here the charges of homosexuality are leveled with contempt as one of three types of charges to disqualify Aaron from serving as a witness. Nevertheless, despite the seriousness of the charges to those who invoked them, he had already nevertheless been used as a witness by Judah, either because Judah was not aware of such behavior, such behavior did not bother him, or the charges were totally invented afterwards. Nevertheless, these charges, even if invented, reflect the realistic possibility of such behavior taking place in the Jewish community.

Yet other rabbis discredited such attacks on Aaron, not by asserting his innocence from the charges, but by insisting that he had repented from such behavior. In particular, Yehiel ben Azriel Trabot cited a report by Rabbi Israel of Bologna who reported the testimony of the elders of the city, tuvei ha-ir, concerning Aaron. He had returned to the straight path, despising empty words. The leaders from Bologna noted that even if he had been all that he was chalked up to have been, now his heart has taken a new turn and his thoughts are demonstrated by his deeds which are dedicated to service of the Lord. His thoughts of repentance transcended any earlier bad behavior of his. The example was given of a man who betrothed a woman on the condition that he was a righteous man, but he was a complete evil doer. The betrothal nevertheless stood because he might have thoughts of repentance. In this case also, Rabbi Israel of Ferrara, as reported by Yehiel Trabot, viewed Aaron as one who had changed his ways and therefore accepted his testimony. (185)

Lesbianism

Contrary to the view mentioned above that traditional Jewish literature never mentions love between women, there are three basic texts on lesbianism in rabbinic Judaism: the Talmud, Maimonides, and the Shulhan Arukh. Once, in keeping with the thesis that there is no correlation between a social phenomenon and the documentation available to historians, I noted to a seminar once that this does not mean that there were three lesbians in Jewish history, at which point one student corrected me and said: "Six." The Talmud actually records two different attitudes towards the lesbianism. A true test of the integrity of later rabbinic authorities is whether they mention both of them, which is not always the case. In the Talmud, the word mesolelot is used for lesbians. It is from the root salal which means to rub or pave, as in the name of Israel's largest construction company, Solel Boneh. On the one hand, the more austere view, that of Rav Huna, is that women who commit acts of lewdness together are unfit to marry into the priesthood since their sexual purity has been compromised. For different reasons, Samuel's father did not let his daughters sleep together; he did not want them to get used to a foreign body in their beds, a recognition that the concerns reflect intimate, loving relations rather than casual sex (Shabbat 65a). On the other hand, Raba said that the law is not in accordance with Rav Huna (Yevamot 76a). In later generations, Rashi, commenting on these two passages sees such women rubbing each other's genitals together in the way that men and women do during the passion of sexual intercourse or a mother stimulates her son's genitals so that he excites her (hearah bah, the Soncino Talmud says that he has the first

stage of intercourse with her, Sanhedrin 69b). Rashi seems to accept Rav Huna's view that lesbians are not suitable to marry a high priest, although there is no longer a high priesthood, because they were not complete virgins because what they did should be considered as sexual promiscuity and not natural (*orha ara*). He also does not want women, such as Samuel's sisters, whom he adds are still single, to get used to sleeping with other women in order that they will yearn passionately to sleep with men (*yitavu lishkav im ish*), apparently something that may not come naturally to women.

Subsequently, further attempts are made by rabbinic authorities to explain lesbian activity. Tosafot (on the passages in *Yevamot*) report the view of Rabbi Yehudah ben Natan, one of Rashi's pupils, that, in opposition to the view found in tractate *Shabbat*, they are single women, he identifies lesbianism as affecting married women. They remove from themselves the sperm that they received from their husbands. He also undermines Rashi's view that they are not suitable for the high priests for physiological reasons but because what they did was unseemly and promiscuous; for this reason they should not only be prohibited from the high priest but from all priests.

Maimonides, as always, integrates all the themes in earlier rabbinical literature and adds a nuance of his own. In this case he rules that lesbians are forbidden to their husbands—making the assumption that they are married—and identifies them as practicing the deeds of Egypt (*Leviticus 18:3*). As described above, these deeds were depicted in rabbinic literature as same-sex marriages and forbidden, but not in violation of any specific negative commandment because it does not involve any sexual intercourse. Hence it is not a reason for lashes (*malkin*) and the women are not forbidden from association with the priesthood or from their husbands for reasons of promiscuity. Nevertheless, he concludes, it is suitable to hit them for their rebelliousness because they did something forbidden and men should be vigilant to insure that their wives do not associate with known lesbians. Here he makes the assumption that lesbians are married or that they want to be. Thus for Maimonides lesbianism is not a sexual violation but a threat to male honor, that women could satisfy women more than men could (*Issurei Biah 21:8*).

The *Shulhan Arukh* (*EH 20:2*) dramatically copies Maimonides phrasing but excises much of it. It states that lesbians are forbidden, identifying them as practicing the deeds of Egypt (*Leviticus 18:3*). It does not state that it is not a reason for lashes (*malkin*) and that the women are not forbidden from the priesthood or from their husbands for reasons of promiscuity. It then concludes that it is suitable to hit them for their rebelliousness because they did something forbidden and men should be vigilant to insure that their wives do not associate with known lesbians. The *Shulhan Arukh* thus shares Maimonides' fears of lesbianism, but does not follow him in granting that there is no explicit prohibition against it.

As for evidence about lesbian activities beyond the legal texts, in examining the text by Daniel al-Qumsi mentioned above by Schirmann concerning male homosexuality, in reading it a little further it seems to also make mention to lesbian activities:

“ . . . because fathers and mothers will call non-Jewish women to their houses to prepare the coifs of their women with curls to decorate them with gold and silver ornaments and necklaces for women. Then the women of Israel will isolate themselves, separating themselves with the promiscuous non-Jewish women to drink and to get drunk with them” (Mann, *Texts and Studies* 2, p. 77).

Contemporary Discourse on homosexuality and honor

The seminal article on Judaism and homosexuality, the article that tells more about contemporary constructions of Judaism than homosexuality, is Norman Lamm’s “Judaism and the Modern Attitude to Homosexuality,” which appeared in the 1974 *Yearbook of the Encyclopedia Judaica* (pp. 194-205). The article, written by an Orthodox rabbi and president of Yeshiva University in New York, constitutes a milestone for many reasons: 1) Its strident polemic and sermonic tone represents a departure in the scholarly tone of the *Encyclopedia Judaica*. He begins: “Popular wisdom has it that our society is wildly hedonistic, with the breakdown of family life, rampant immorality, and the world, led by the United States, in the throes of a sexual revolution.” At one point he gives vent to his rage against contemporary morality with the following sentence: “And if consent is obtained before death of one partner, why not necrophilia or cannibalism? Surely, if we declare pederasty to be merely idiosyncratic and not an ‘abomination,’ what right have we to condemn sexually motivated cannibalism—merely because most people would react with revulsion and disgust?” 2) Its attempt to see homosexuals as sick, sexual deviants, whom he regularly identifies as pederasts, rather than sinners, represents a major change in the policy of Orthodox rabbis. 3) It shows a glaring concern not with private sexuality, but with the politicization of sexuality by gay militants and vocal activists, what he calls the Sexual Left and will later in the article associate with Reform Judaism. In other words, Lamm is responding to assaults on Jewish honor and Orthodox rabbinic authority, not morality. 4) He does include a recognition that rabbinic legislation may have made a distinction between the active and the passive partner.

Key to Lamm’s analysis is that these sexual patterns are new, that the 1960s produced the first adolescent subculture, and that homosexuals are rare among Orthodox Jews, a fact that he bases on the paucity of rabbinic discourse and the findings of Professor Kinsey in the 1940s. His arguments against homosexuality rely on the traditional prohibitions of biblical and rabbinic texts, on the nature of anatomical structures-- which he calls facts of the sexes that were obviously designed only for heterosexual activity and biological reproduction-- and on a visceral, intuitive revulsion of the act that cannot be rationalized.

Lamm establishes a taxonomy of Jewish responses where the central variable is still his own prejudice against homosexuality and concern with its punishment, despite some recognition of rabbinic inability to do so: 1) complete repression for moral reasons, 2) practical disregard, 3) permissive acceptance, 4) psychological recognition of homosexuality as a sickness.

Lamm recognizes that the repressive view, especially when capital punishment or jail is involved (at one point he mentions that he prefers flogging as less cruel and more

enlightened), is inconsistent with other biblical or civil sins for which the severe penalties are called for. Moreover, he concedes that in the absence of a Sanhedrin, it is impossible to implement the full range of halakhic punishments including the death penalty. From this he makes the leap to the conclusion that it is unnecessary to impose such strict punishments. He also concedes that imprisonment will not cure most homosexuals, on the contrary!

He so wants to use the law to repress what he considers to be immoral behavior and to base a modern morality on the insights of harsh disapproval of halakhah while recognizing that the rabbis no longer have the authority to enforce the halakhah. He therefore searches for an understanding of halakhah that will give him a face saving option to confront it without punishing it—because he can't. He dismisses a biological origin to homosexuality and instead blames developmental issues as part of a warped family constellation, apparently without considering the fact that if this is the case he has offered a stunning indictment of the Jewish family. Homosexuality as a sickness fits into his presentation by offering him an opportunity to highlight his superior moral world view, to protect the world from pederasts, to work towards finding a cure for homosexuality, and to not punish something which he cannot punish. Lamm therefore pleads to keep anti-homosexual laws on the books in order to educate young people not to act on their homosexual tendencies while at the same time calling for the judiciary and the police not to enforce them. Hence he is lenient basically because he has no choice but wraps such a decision in the mantle enlightened thought. He is therefore trying to direct rabbinic attention away from something over which he knows that they can not deal. This avoidance mechanism is a way of saving rabbinic and Jewish honor.

The headline of an unsigned editorial in the Jewish Spectator from the fall of 1985 urges "Please 'Stay in the Closet.'" The author's arguments, probably Trude-Weiss Rosmarin, all speak to homosexuality as a threat to an honor code and include the fact that people are embarrassed to learn of gay sexuality, Gay-Lesbian synagogues are a travesty, homosexuality is a disgrace and a sickness due to an aberrant nature. While she does not want gays to be punished, she does want to heap insult and ignominy on them. Hence the rhetoric of gay and lesbian pride, especially as seen at parades, is in bad taste and people in such a position should not make such a fuss about it.

Homosexuals as Rodef

To bring this discussion to a close and to bring many related materials full circle, I would like to describe an article that focuses on homosexuality in the matrix of some contemporary Jewish religious thinkers. The article, it must be said up front appeared in Kol Ha-ir, which is a popular Jerusalem local weekend tabloid. It purports to be based on a series of articles that appeared in the journal Assia: A Journal of Jewish Medical Ethics and Halacha, in the Halachic Medical Encyclopedia (Hebrew), and in the book Emek Hahalakhah, which of course will have to be examined in their full, original context before reaching definitive conclusions. The authors of the articles teach medical ethics at the Hebrew University of Jerusalem or are on the staff of the Schlessinger Institute at Shaarei Tzedek Hospital, an institute of Jewish medical ethics at Jerusalem's religious hospital.

The heading of the article, published on October 18, 1996 is that the law of the *rodef* applies to homosexuals. These statements were made less than a year after the assassination of Prime Minister Yitzhak Rabin because in the eyes of his killer and his supporters he also constituted the threat of a *rodef*. Beyond the use of the term, the proposal of these doctors and rabbis was more modest: if they cannot be cured of their sickness, homosexuals should overcome their impulses and control their behavior. Because Aids sufferers brought the sickness on themselves, they can be punished and their rights can be limited. Of particular interest to us is the idea that homosexual relations are seen as a blot on human honor and a danger to the natural order because such relationships are non-procreative and not based on the basic feelings of love that can exist only between a man and a woman—no matter what western humanistic, pluralistic attitudes may say.

In an entry on sexual deviance, the history of homosexuality is traced from the generation of the flood, to Sodom and Gemorrah, to the ways of the ancient Egyptians and the Canaanites, and to Nebuchadnezzar. It shows that it was a widespread phenomenon among all the nations of the earth—except among the Jews for whom it was a rare occurrence which hardly ever appeared in rabbinic literature. The rabbis used punishments to impose an absolute prohibition on something that is disgusting to all reasonable people. The author asserts that these views are based on facts found in obvious textual sources, from rabbinic decisions to the *Encyclopedia Judaica* and do not represent personal opinions, presumably Rabbi Lamm's presentation in the *Encyclopedia Judaica* represents objective scholarship and not his own opinion.

As so many others argue, he asserts that homosexuality only recently appeared among the Jews under foreign influence, in this case the unbridled sexual license of the United States.

These views on homosexuality fit into a larger matrix which involves many other topics. When writing about women, these works claim that medical ethics determined that at the time of an accident where there were limited medical resources, the men should be saved over the women. When writing about the transfer of organs from a Jew to a non-Jew, particularly an Arab, such a decision should also take into consideration the sensitivities of the community. Homosexuality is presented as grounds for allowing a married woman to remarry even if her gay husband would not grant her a divorce. Because of his overwhelming lust for men, his marriage was made in error and is considered null and void, something very few rabbis will concede to women married to abusive or derelict men. Other articles published by this institute include admonitions to psychologists not to discuss the contribution of parents to their patients' problems less the patient transgress the commandment to honor one's parents, a departure from Lamm's placing the blame on the warped family constellation.

In commenting on these views on homosexuality, Yael Dyan, a leftist member of the Israeli Knesset, asks why these views are any more relevant today than biblical

provisions for stoning adulterers, perhaps overstating the biblical punishment, many of whom now enjoy many distinguished public offices.

In response, the head of the organization for protecting the rights of homosexuals, lesbians, and bi-sexuals in Israel, Avi Sopher asserted that he sees no purpose attempting a discussion with the rabbis since it is clear that the gap between halakhah and homosexuals cannot be bridged. I hope that these remarks show that this is not the case with halakhah.

These rabbis and doctors urge, in addition to repressing any homosexual tendencies, that an academic discussion will take place and that no voices will be silenced. I hope that these comments have contributed to such a discussion.