

Recent Scholarship and the Quest to Understand Leviticus 18:22 and 20:13¹

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This article analyzes Leviticus 18:22 and 20:13. One of the most debated parts of these prohibitions is the phrase “as one lies with a female” (מִשְׁכְּבֵי אִשָּׁה). Although many modern scholars have attempted to explain this phrase as a technical phrase referring to incest or specific homosexual behavior, this phrase should be understood as a general reference to sexual activity. Thus, Leviticus 18:22 and 20:13 should be read as general prohibitions against sex between homosexual partners.

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Introduction

In the last thirty years, the United States has undergone a moral revolution. This revolution has exponentially accelerated in recent years, during which time there has been an increasing acceptance of erotic liberty. Any form of sexual expression has been accepted. What was once considered taboo is now promoted as a positive expression of sexuality.

This ethical revolution has been marked by an overwhelming acceptance and celebration of the homosexual lifestyle. This moral revolution, which would have been unimaginable in the past, has now attained mainstream acceptance. Although the battle for cultural acceptance and approval is all but over in the eyes of society, the same battle now rages within evangelicalism. The question has now come to the church—is homosexuality a valid lifestyle for those who claim the name of Christ?

The past two decades have seen a significant amount of material published on this issue.² As such, Leviticus 18:22 and 20:13 have become the subject of much

¹ This article is an adaptation of the second chapter from my dissertation, Peter J. Goeman, “The Law and Homosexuality: Should Leviticus 18:22 and 20:13 Influence the Church’s Understanding of Homosexuality?” Ph.D. diss. (The Master’s Seminary, Sun Valley, CA, 2017).

² In defense of homosexuality as a valid biblical alternative, see Matthew Vines, *God and the Gay Christian: The Biblical Case in Support of Same-Sex Relationships* (New York: Convergent Books, 2014);

debate. Although some attempt to downplay the application of these Levitical prohibitions because of their placement in the Old Testament,³ the primary means of dismissing these prohibitions is to argue at an academic level for a non-traditional understanding of these texts. Therefore, it is the goal of this article to provide an interpretation of Leviticus 18:22 and 20:13, while also interacting with recent scholarship on these prohibitions.⁴

Mark Achtemeier, *The Bible's Yes to Same-Sex Marriage: An Evangelical's Change of Heart* (Louisville, KY: Westminster John Knox Press, 2014); David P. Gushee, *Changing Our Mind* (Canton, MI: David Crumm Media, 2014); Ken Wilson, *A Letter to My Congregation* (Canton, MI: David Crumm Media, 2014); Michael B. Regele, *Science, Scripture, and Same-Sex Love* (Nashville: Abingdon, 2014); James V. Brownson, *Bible, Gender, Sexuality: Reframing the Church's Debate on Same-Sex Relationships* (Grand Rapids: Eerdmans, 2013); K. Renato Lings, *Love Lost in Translation: Homosexuality and the Bible* (Bloomington, IN: Trafford, 2013); Justin Lee, *Torn: Rescuing the Gospel from the Gays-vs.-Christians Debate* (New York: Jericho Books, 2012); Dale B. Martin, *Sex and the Single Savior: Gender and Sexuality in Biblical Interpretation* (Louisville, KY: Westminster John Knox, 2006); Jack Rogers, *Jesus, the Bible, and Homosexuality: Explode the Myths, Heal the Church* (Louisville, KY: Westminster John Knox, 2006); Letha Dawson Scanzoni and Virginia Ramey Mollenkott, *Is the Homosexual My Neighbor? A Positive Christian Response*, rev. ed. (New York: HarperCollins, 1994); Robin Scroggs, *The New Testament and Homosexuality* (Philadelphia: Fortress, 1984); John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* (Chicago: University of Chicago Press, 1981).

In defense of the traditional view, see S. Donald Fortson III and Rollin G. Grams, *Unchanging Witness: The Consistent Christian Teaching on Homosexuality in Scripture and Tradition* (Nashville: B&H, 2016); R. Albert Mohler, Jr., *We Cannot Be Silent: Speaking Truth to a Culture Redefining Sex, Marriage, and the Very Meaning of Right and Wrong* (Nashville: Thomas Nelson, 2015); Denny Burk and Heath Lambert, *Transforming Homosexuality: What the Bible Says About Sexual Orientation and Change* (Phillipsburg, NJ: Crossway, 2015); Kevin DeYoung, *What Does the Bible Really Teach about Homosexuality?* (Wheaton, IL: Crossway, 2015); Ed Shaw, *Same-Sex Attraction and the Church: The Surprising Plausibility of the Celibate Life* (Downers Grove, IL: InterVarsity Press, 2015); Preston Sprinkle, *People to Be Loved: Why Homosexuality Is Not Just an Issue* (Grand Rapids: Zondervan, 2015); Michael L. Brown, *Can You Be Gay and Christian? Responding with Love and Truth to Questions About Homosexuality* (Lake Mary, FL: Frontline, 2014); Sean McDowell and John Stonestreet, *Same-Sex Marriage: A Thoughtful Approach to God's Design for Marriage* (Grand Rapids: Baker, 2014); Wesley Hill, *Washed and Waiting: Reflections on Christian Faithfulness and Homosexuality* (Grand Rapids: Zondervan, 2010); James B. DeYoung, *Homosexuality: Contemporary Claims Examined in Light of the Biblical and Other Ancient Literature and Law* (Grand Rapids: Kregel, 2008); Mark Christopher, *Same-Sex Marriage: Is It Really the Same?* (Constantia, RSA: Voice of Hope, 2007); D. James Kennedy and Jerry Newcombe, *What's Wrong with Same-Sex Marriage?* (Wheaton, IL: Crossway, 2004); James White and Jeff Niell, *The Same Sex Controversy: Defending and Clarifying the Bible's Message about Homosexuality* (Bloomington, MN: Bethany House, 2002); Robert A. J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon, 2001); Neil Whitehead and Briar Whitehead, *My Genes Made Me Do It! A Scientific Look at Sexual Orientation* (Lafayette, LA: Huntington House, 1999); Thomas E. Schmidt, *Straight & Narrow? Compassion & Clarity in the Homosexuality Debate* (Downers Grove, IL: InterVarsity Press, 1995).

³ For example, see Boswell, *Christianity, Social Tolerance, and Homosexuality*, 91. Boswell writes, "It would simply not have occurred to most early Christians to invoke the authority of the old law to justify the morality of the new: *the Levitical regulations had no hold on Christians and are manifestly irrelevant in explaining Christian hostility to gay sexuality*" (emphasis added). Similarly, Brownson, *Bible, Gender, Sexuality*, 273. Brownson writes, "It is simply inadequate, from a Christian perspective, to attempt to build an ethic based on the prohibitions of Leviticus alone. This is important material to reflect on, but *it cannot stand at the center of a responsible Christian moral position on committed gay or lesbian relationships*" (emphasis added).

⁴ In a previous article in *TMSJ*, Grisanti surveyed the Old Testament's teaching on homosexuality. As part of that article, Grisanti surveyed the various positions on Leviticus 18:22 and 20:13, but could not

Structure of Leviticus 18–20

Leviticus 18–20 is routinely viewed as a special unit within Leviticus 17–27 due to its similar subject matter.⁵ The phrase, “I am the LORD your God” occurs almost fifty times within these three chapters, making clear that the purpose of these chapters is to direct Israel to live in light of this reality.⁶ Leviticus 18 and 20 are similar in content, guiding and directing Israelite life through lists of prohibitions. Leviticus 19, on the other hand, is largely positive in the injunctions given. The way these three chapters are coordinated highlights the importance of Leviticus 19 to Israelite life.⁷

Leviticus 18:1–5 begins the section as a general introduction, warning the Israelites not to follow the practices of the Canaanites and Egyptians. Israel is to be distinct and not to imitate the pagan practices of the surrounding nations.⁸ Leviticus 18:6–18 addresses sexual prohibitions which are incestuous by nature. Leviticus 18:19–23 forbids other Canaanite customs (all except v. 21 are sexual in nature). Concluding the chapter, Leviticus 18:24–30 warns Israel of the consequences of following in the ways of the surrounding pagans. Thus, the outline of Leviticus 18 is as follows:⁹

- I. Introduction and Exhortation to Israel (vv. 1–5)
- II. Prohibitions of Incestuous Unions (vv. 6–18)
- III. Prohibitions of Other Canaanite Customs (vv. 19–23)
- IV. Warning and Consequences (vv. 24–30)

In contrast to the previous chapter, Leviticus 19 positively emphasizes what Israel is to be known for. Several commentators have noted that the Ten Commandments seem to be embodied in Leviticus 19 (both in direct reference as well as in principle).¹⁰ Although a thorough discussion of Leviticus 19 is beyond the scope of this article, it is necessary to mention the significance that the structure of

go into detail about the arguments. Cf. Michael A. Grisanti, “Homosexuality—An Abomination or Purely Irrelevant? Evaluating LGBT Claims in Light of the Old Testament (Gen 18–19; Lev 18:22; 20:13),” *TMSJ* 28, no. 2 (Fall 2017): 125–32. This article picks up where Grisanti left off and discusses some of the viewpoints in detail.

⁵ Johnson M. Kimuhu, *Leviticus: The Priestly Laws and Prohibitions from the Perspective of Ancient Near East and Africa* (New York: Peter Lang, 2008), 59.

⁶ Mark F. Rooker, *Leviticus: An Exegetical and Theological Exposition of Holy Scripture* (Nashville: B&H, 2000), 239.

⁷ L. Michael Morales, *Who Shall Ascend the Mountain of the Lord? A Biblical Theology of the Book of Leviticus* (Downers Grove, IL: InterVarsity Press, 2015), 208. “Chapters 18 and 20 are written in parallel so as to frame chapter 19, both dealing with prohibitions against various sexual offences and idolatry. By contrast, chapter 19 offers positive rules and is unified by the Decalogue, with all ten commandments being either alluded to or quoted. This central chapter may be summarized by its own centre, the admonition to ‘Love your neighbor as yourself’ in 19:18.”

⁸ Rooker, *Leviticus*, 240.

⁹ Adapted from Gordon J. Wenham, *The Book of Leviticus* (Grand Rapids: Eerdmans, 1979), 249.

¹⁰ Morales, *Mountain of the Lord*, 208; Rooker, *Leviticus*, 251–52; Baruch A. Levine, *The JPS Torah Commentary: Leviticus* (Philadelphia: Jewish Publication Society, 1989), 124.

Leviticus 18 and 20 places upon Leviticus 19. The structure reveals how crucial this chapter is to Israelite conduct.

Leviticus 20 recapitulates much of the same material from Leviticus 18. However, there are several significant differences between the chapters. The primary difference is that Leviticus 18 is formulated in an apodictic nature (“Do not,” “You shall”), whereas Leviticus 20 is formulated casuistically as case law (“If someone/a man/a woman . . .”).¹¹ Furthermore, whereas Leviticus 18 does not mention penalties for infractions, Leviticus 20 is filled with the penalties for transgression. These observations point to the likelihood that the chapters, though similar in content, are different in purpose. Leviticus 18 likely targets the individual Israelite as a potential transgressor and warns him of the dangers of acting like those from the pagan nations. On the other hand, Leviticus 20 seems to target the Israelites as a community, thus making them accountable for ensuring that penalties are enacted against law breakers.¹²

With the foregoing thoughts in mind, a simple outline of Leviticus 20 would be as follows:¹³

- I. Call to Avoid Pagan Practices (vv. 1–8)
- II. Call to Protect the Family (vv. 9–21)
- III. Call to Be Holy in the Land (vv. 22–27)

Having discussed the purpose and structure of Leviticus, we will now turn to examine the specific prohibitions found in Leviticus 18:22 and 20:13.

Leviticus 18:22

In our current culture, Leviticus 18 has vaulted from the hidden recesses of the Bible to being one of the most well-known chapters in the Old Testament because of the prohibition in Leviticus 18:22. Radner writes, “Leviticus 18 has gained a certain amount of contemporary interest—perhaps beyond any other text in the book—due to its single notation of homosexual sex as ‘an abomination’ (18:22). This verse has become a battleground in the controversy over sexuality.”¹⁴

Leviticus 18:22 states: “You shall not lie with a male as one lies with a female; it is an abomination” (וְאִת־זָכָר לֹא תִשְׁכַּב מִשְׁכַּב־אִשָּׁה תוֹעֵבָה הִוא).¹⁵ Although seemingly straightforward, much of this prohibition has been embroiled in controversy due to recent reinterpretations.

Although English changes the word order, in Hebrew the actual prohibition “you shall not lie” (לֹא תִשְׁכַּב) comes after the object “with a male” (וְאִת־זָכָר). This construction seems to put emphasis on the identity of the object (i.e., the maleness of the object). This emphasis likely is confirmed by the word “male” (זָכָר) rather than the normal word for “man” (אִישׁ). The word זָכָר is used 82 times in the Hebrew

¹¹ Levine, *Leviticus*, 135.

¹² Rooker, *Leviticus*, 265. This would account for the difference in imperatival structures as well as the stress of the death penalty in Leviticus 20. We will revisit this in the discussion on Leviticus 20:13.

¹³ Adapted from *ibid.*, 266.

¹⁴ Ephraim Radner, *Leviticus* (Grand Rapids: Brazos Press, 2008), 186.

¹⁵ Unless otherwise noted, all translations are given from the NASB.

Bible as a designation to stress the maleness of an individual or an animal over against a female.¹⁶ The LXX supports this technical depiction of maleness by using the translation ἄρσενος, the Greek word corresponding to the Hebrew designation for male.¹⁷ Thus, the prohibition is concerned specifically with the lying down with a male.

The specific prohibition reads, “You shall not lie” (לֹא תִשָּׁכַב). The Hebrew term שָׁכַב is the standard word for lying down, which can communicate lying down as a result of sickness, rest, or sexual activity.¹⁸ The context clearly indicates that sexual activity is in view. The use of לֹא with the imperfect signals a more emphatic prohibition than the jussive with אַל.¹⁹ Since this prohibition is masculine singular, another male is the immediate target of this prohibition. Thus, the apparent point of the prohibition is that a male must never engage in sexual activity with another male. The verse states that this sexual activity is an abomination.²⁰

If that were all the verse read, there would likely be little room for debate. However, the construct phrase מִשְׁכַּבְי אִשָּׁה (“as one lies with a woman”) functions to modify the prohibition לֹא תִשָּׁכַב (“you shall not lie”). Exactly how this construct phrase modifies the verb has been the subject of much debate. This phrase has received significant scholarly attention in recent years. Therefore, we must examine it in detail in order to determine how this phrase contributes to our understanding of this prohibition.

Traditional Interpretation of מִשְׁכַּבְי אִשָּׁה

A survey of major English Bible translations gives the following translations of Leviticus 18:22:

¹⁶ This is further demonstrated by observing the coupling together of זָכָר and נְקֵבָה in fifteen occurrences in the Hebrew Bible (Gen 1:27; 5:2; 6:19; 7:3, 9, 16; Lev 3:1, 6; 12:7; 15:33; 27:5, 6, 7; Num 5:3; Deut 4:16).

¹⁷ In other words, the sexual identity is being stressed with this specific language.

¹⁸ For more, see the following discussion on the term מִשְׁכַּבְי.

¹⁹ E. Kautzsch, *Gesenius' Hebrew Grammar*, trans. A. E. Cowley, 2nd ed. (Oxford: Clarendon, 1910) §107o (hereafter, *GKC*). “Thus לֹא with the imperfect is especially used in enforcing the divine commands, e.g. thou shalt not steal Ex 20:15; cf. verses 3, 4, 5, 7, 10 ff.” Cf. Paul Joüon and T. Muraoka, *A Grammar of Biblical Hebrew* (Roma: Pontificio Istituto Biblico, 2006) §113m (hereafter, Joüon). The fact that verses 19–23 all use לֹא with the imperfect signals their similarity and appropriate grouping.

Importantly, Waltke and O'Connor state, “[The volitional use of the non-perfect] approximates the imperative mood and is, in fact, frequently found in conjunction with an imperative form. The force with which the speaker is able to make the imposition depends on the social distance between speaker and addressee. If an inferior addresses a superior the obligation takes the force of a request, but if the communication proceeds from a superior to an inferior it has the force of a command. ... *These forms emphasize the will of the speaker, whereas the non-perfectives to be treated here emphasize the action enjoined or forbidden*” (*IBHS* §31.5a.). Thus, in this context, the prohibition is emphasizing the action that is forbidden. Waltke and O'Connor go on to say that the non-perfective with the לֹא is common in legislative contexts.

²⁰ For more on the significance of the term “abomination” (תועבה), see Goeman, “The Law and Homosexuality,” 124–31.

Table 1: English translations of Lev. 18:22

ESV	You shall not lie with a male <i>as with a woman</i> ; it is an abomination.
NASB95	You shall not lie with a male <i>as one lies with a female</i> ; it is an abomination.
NIV84	Do not lie with a man <i>as one lies with a woman</i> ; that is detestable.
NRSV	You shall not lie with a male <i>as with a woman</i> ; it is an abomination.
HCSB	You are not to sleep with a man <i>as with a woman</i> ; it is detestable.
NET	You must not have sexual intercourse with a male <i>as one has sexual intercourse with a woman</i> ; it is a detestable act.
KJV	Thou shalt not lie with mankind, <i>as with womankind</i> : it is abomination.
NLT	Do not practice homosexuality, having sex with another man <i>as with a woman</i> . It is a detestable sin. ²¹

As is evident from the various English translations listed, the predominant understanding of the phrase *מִשְׁכְּבֵי אִשָּׁה* has been of sexual intercourse that transpires between two men as if one of the men was a woman. It is unfortunate that defenses of this traditional translation have been “few and far between.”²²

To be fair, only recently has this traditional interpretation been challenged, thus necessitating a defense. Previous to this challenge, scholars apparently felt no need to perform a thorough analysis of this construct phrase. In recent years, however, there has been an influx of contention about this phrase, and scholarly work has been put forward to advance alternative understandings of this phrase.

Recent Scholarly Interpretations of *מִשְׁכְּבֵי אִשָּׁה*

Saul Olyan (1994)

Probably the most referenced study of this phrase came out in 1994 when Saul Olyan wrote an article which investigated this phrase in detail.²³ In his article, Olyan takes the position that this phrase refers to specific homosexual behavior²⁴ by a male Israelite with another male Israelite.²⁵ In his article Olyan argues that the application of this law *only* extends to specific homosexual behavior, and not to other sexual acts.

²¹ All italics mine.

²² Bruce Wells, “The Grammar and Meaning of the Leviticus Texts on Same-Sex Relations Reconsidered” (presented at the Society of Biblical Literature Annual Meeting, San Diego, CA, November 2014), 2. Cf. Saul M. Olyan, “‘And with a Male You Shall Not Lie the Lying Down of a Woman’: On the Meaning and Significance of Leviticus 18:22 and 20:13,” *JHS* 5 (1994): 184. Olyan writes, “Virtually without exception the difficult ‘lying down of a woman’ is rendered ‘as with a woman’ or something similar.”

²³ Olyan, “And with a Male You Shall Not Lie,” 179–206.

²⁴ Many scholars believe this phrase refers to anal penetration. Hereafter, it will be referred to as “specific homosexual behavior.”

²⁵ Olyan, “And with a Male You Shall Not Lie,” 204.

To support this thesis, Olyan discusses the use of a similar construct phrase (משכב זכר) which is used in Numbers 31:17–18, 35, and Judges 21:11–12. These passages are listed in Table 2 below:

Table 2: Uses of משכב זכר

Numbers 31:17–18	Now therefore, kill every male among the little ones, and kill every woman <i>who has known man intimately</i> . But all the girls <i>who have not known man intimately</i> , spare for yourselves.	וְעַתָּה הָרְגוּ כָּל־זָכָר בְּטוֹף וְכָל־ אִשָּׁה יָדָעַת אִישׁ לְמִשְׁכַּב זָכָר :הָרְגוּ וְכָל־הַטּוֹף בְּנָשִׁים אֲשֶׁר לֹא־יָדְעוּ :הַטּוֹף לָקֵם לְמִשְׁכַּב זָכָר
Numbers 31:35	and of human beings, of the women <i>who had not known man intimately</i> , all the persons were 32,000.	וּבְנֵי־אָדָם מִן־הַבְּנָשִׁים כָּל־אִשָּׁר לֹא־יָדְעוּ מִשְׁכַּב זָכָר :בְּנֵי־אָדָם שְׁלֹשִׁים אֶלֶף
Judges 21:11–12	“This is the thing that you shall do: you shall utterly destroy every man and every woman <i>who has lain with a man</i> .” And they found among the inhabitants of Jabesh-gilead 400 young virgins who had not known a man <i>by lying with him</i> ; and they brought them to the camp at Shiloh, which is in the land of Canaan. ²⁶	וְזֶה הַדָּבָר אֲשֶׁר תַּעֲשׂוּ כָּל־זָכָר וְכָל־אִשָּׁה יָדָעַת מִשְׁכַּב־זָכָר :תַּחֲרִימוּ וַיִּמְצְאוּ מִיּוֹשְׁבֵי־יָבֵשׁ גִּלְעָד אַרְבַּע מֵאוֹת נַעֲרָה כְּתוּלָה אֲשֶׁר לֹא־יָדְעָה אִישׁ לְמִשְׁכַּב זָכָר וַיָּבִיאוּ אוֹתָם אֶל־הַמַּחֲנֶה שִׁלֹּה :אֲשֶׁר בְּאֶרֶץ כְּנָעַן

These passages focus on a similar phrase (משכב זכר), the main difference being that משכב is in the singular and not the plural in these passages (משכבי). Olyan notes that in Judges 21:12, a virgin is defined as one who has not known a man “with respect to the lying down of a male,”²⁷ while the non-virgin mentioned in verse 11 knows the “lying down of a male.”²⁸ Likewise, Numbers 31 uses this phrase to distinguish between virgins and non-virgins. Olyan summarizes,

The idiom miškab zākār, literally “the lying down of a male,” must mean specifically male vaginal penetration in these contexts: the experience of miškab zākār defines a nonvirgin over against a virgin, who lacks such experience specifically. The expression “to know the lying down of a male” seems to mean the same thing as the more commonplace idiom “to know a man”; texts such as Judg. 21:12 and Num. 31:17 use two equivalent expressions to make the same point, where either alone would be sufficient, as Judg. 21:11 and Num. 31:18, 35 indicate.²⁹

²⁶ All italics mine.

²⁷ Olyan’s translation of זכר משכב.

²⁸ Olyan, “And with a Male You Shall Not Lie,” 184.

²⁹ Ibid.

Olyan next addresses whether the phrase *משכב אשה* (Lev 18:22) is equivalent to the phrase *משכב זכר*. Although recognizing the difficulties—such as why *אשה* is used instead of *נקבה* (which would be the expected counterpart to *זכר*)—he concludes that if *משכב זכר* means “male vaginal penetration,” then the corresponding phrase *משכב אשה* should mean “the act or condition of a woman’s being penetrated.”³⁰

Anal receptivity is compared by implication to vaginal receptivity through the use of the idiom *miškēbê ’iššâ*, but the laws make clear that vaginal receptivity has no acceptable analogue among men: Lev 18:22 and 20:13 imply that a male must experience (“lie”) “the lying down of a woman” with women only. Receptivity is bounded on the basis of biological sex; it is constructed as appropriate exclusively to females; it is gendered as feminine.³¹

Olyan asserts that it is likely the “insertive partner” rather than the “receptive partner” who is the target of the prohibition in Leviticus 18:22.³² However, Olyan also notes that the law in Leviticus 20:13 seems to target both parties (the “insertive” and “receptive”).³³ Thus, he concludes that there must have been redaction involved which changed the law in Leviticus 20:13 from its original form, which originally would have read the same as Leviticus 18:22.³⁴

David Tabb Stewart (2000)

Six years after Olyan’s seminal study, David Tabb Stewart finished his dissertation in 2000, in which he dealt at length with this phrase.³⁵ Although appreciative of Olyan’s work, Stewart’s main disagreement with Olyan’s study is the lack of consideration for the difference between the plural (*משכב*) found in the Levitical passages and the singular (*משכב*) found in Numbers 31 and Judges 21. Stewart claims this difference is shown most significantly by considering Genesis 49:4.³⁶

Genesis 49:4 uses a similar phrase to the Levitical passages, “Because you went up to your father’s bed” (*כי עלית משכבי אביך*). The phrase “father’s bed” (*משכבי אביך*) refers to Reuben’s sexual sin with his father’s concubine in Genesis 35:22. Stewart sees this verse as problematic to Olyan’s understanding. According to Olyan’s interpretation, what Reuben would have experienced is described as *משכבי אביך*, which would be the “vaginal receptivity” of a man (his father). However, that is

³⁰ Olyan, “And with a Male You Shall Not Lie,” 185.

³¹ *Ibid.*, 188.

³² *Ibid.*, 186.

³³ Olyan notes that the reason for these prohibitions in their “initial form” was either (1) to condemn a man who caused the feminization of his partner, or perhaps (2) due to the active partner not conforming to his own social class in his choice of a sexual partner. See *ibid.*, 204.

³⁴ *Ibid.*, 186–87. The idea of redaction will be further discussed in the section on Leviticus 20:13.

³⁵ David Tabb Stewart, “Ancient Sexual Laws: Text and Intertext of the Biblical Holiness Code and Hittite Law” Ph.D. diss. (University of California, Berkeley, 2000), 66–95. This work also appears in an abbreviated form in David Tabb Stewart, “Leviticus,” in *The Queer Bible Commentary*, ed. Deryn Guest et al. (London: SCM Press, 2006), 77–104.

³⁶ Stewart, “Ancient Sexual Laws,” 72.

problematic since Reuben has intercourse with a female in Genesis 35. Commenting on this passage, Stewart notes, “Reuben’s incest with his stepmother is put in terms of the men, as if it were incest between son and father.”³⁷ Stewart concludes that this phrase in Genesis 49:4 (משקבי אביך) demonstrates the plural משקבי can refer to either illicit male-female relations, or to illicit male-male relations.³⁸

By comparing the plural use of משקבי in Genesis 49:4 and Leviticus 18:22, 20:13 with Numbers 31 and Judges 21 (singular use of משקב), Stewart proposes that the plural use takes on a technical meaning of illicit sex, specifically with reference to incest.³⁹ This viewpoint also tries to take into consideration the context of the first part of Leviticus 18, which often speaks of incest with female relatives in terms of the male (e.g., exposing your father’s nakedness by lying with your mother, Lev 18:7). Thus, given the context of incest, and the technical use of the plural משקבי, it would make sense that male-male incest is the target of the prohibition in Leviticus 18:22.

Just as the plural construct משקבי אביך [Gen 49:4] speaks of incest, so also משקבי אשה [Lev 18:22; 20:13] speaks of incest. The former speaks of incest with a female relative in terms of a male relative; the latter speaks of incest with male kin in terms of female kin. What female kin? Kin of all the same degrees of relation already spoken of in Lev 18:7–18.⁴⁰

Jerome T. Walsh (2001)⁴¹

Following closely on the heels of Stewart’s work in 2000, Jerome T. Walsh published an article in 2001, “Leviticus 18:22 and 20:13: Who is Doing What to Whom?”⁴² Walsh’s work was published so closely to Stewart’s that he does not interact with it. However, Walsh positively affirms Olyan’s contributions to the discussion of the Levitical prohibitions.⁴³

Like Olyan, Walsh argues that to understand the phrase משקבי אשה, one must understand the correlative phrase משקב זכר in Numbers 31:17–18 (cf. v. 35) and Judges 21:11–12. Thus, the phrase משקב זכר to Olyan and Walsh clearly refers to vaginal penetration, and the correlating phrase משקבי אשה refers to the act of being penetrated like a woman.

³⁷ Stewart, “Ancient Sexual Laws,” 72–73.

³⁸ Ibid., 73.

³⁹ Ibid., 73–74; Stewart, “Leviticus,” 97.

⁴⁰ Stewart, “Ancient Sexual Laws,” 74.

⁴¹ It should be noted that in 2017, a new article was published on this issue: George M. Hollenback, “Who Is Doing What to Whom Revisited: Another Look at Leviticus 18:22 and 20:13,” *Journal of Biblical Literature* 136, no. 3 (2017): 529–537. Hollenback took Walsh’s conclusions and attempted to validate them by analyzing the surrounding prohibitions in Leviticus. Although an interesting contribution, since Hollenback’s article assumes Walsh’s arguments to be true, and since he does not directly contribute to our understanding of the Hebrew phrase משקבי אשה, we will not address his arguments in this article.

⁴² Jerome T. Walsh, “Leviticus 18:22 and 20:13: Who Is Doing What to Whom?,” *Journal of Biblical Literature* 120, no. 2 (Summer 2001): 201–209.

⁴³ Ibid., 201. “First, he [Olyan] demonstrated by a convincing philological analysis that the laws refer specifically to male–male anal intercourse, not to male–male sexual contact in general. Second, he showed that the redaction history of this legislation is essential to its interpretation.”

A significant area in which Olyan and Walsh differ is with regard to the target of the prohibition. Whereas Olyan argues that the “insertive partner” was the original recipient of the Levitical prohibitions and Leviticus 22:13 was redacted to include both parties, Walsh argues that it is the “receptive partner” who was the original target of the prohibitions.⁴⁴

As evidence for this, Walsh uses a multi-step argument. First, since the phrase זָכַר מִשְׁכַּב אִשָּׁה refers to the activity of vaginal penetration (Num 31 and Judg 21), then the phrase מִשְׁכַּב מִשְׁכַּבֵי אִשָּׁה must refer to the act of being passively penetrated.⁴⁵ Second, since the Levitical texts utilize a cognate accusative construction (“lie ... the lying down of a woman,” תִּשְׁכַּב מִשְׁכַּבֵי אִשָּׁה), then the one being addressed by the imperative must also be the one who lies down as a woman.⁴⁶ In other words, the cognate accusative, according to Walsh, shows that Leviticus 18:22 is forbidding a man from actively presenting himself in a passive way to another male.

Having significantly modified Olyan’s conclusion, Walsh argues that Israel’s cultural understanding of sexuality is “fully consonant with what we know of other contemporary Mediterranean societies in which an honor/shame dynamic was central to social and sexual behavior.”⁴⁷ The central issue for Walsh is that since the free Israelite is the target of the Levitical prohibitions, it is an issue of social status. A free male citizen is not to be shamed by taking on the female role of passivity in the sexual encounter.⁴⁸

K. Renato Lings (2009)

In 2009, K. Renato Lings wrote an article on this issue in the journal *Theology and Sexuality*.⁴⁹ In Lings’ article, he argues that Leviticus 18:22 and 20:13 pose significant challenges to the English translator, so much so that Lings claims that the difficulties of these verses render it nearly “untranslatable.”⁵⁰ Despite these

⁴⁴ Walsh, “Who Is Doing What to Whom?,” 205–6. With regard to the redactional edits proposed by Olyan, Walsh posits that, contra Olyan, the prohibition is expanded to include the active partner by a later hand. “In the original law, a free adult male citizen who took the receptive role in an act of male–male anal intercourse would have been condemned as transgressing the boundary between male and female, just as he would have been in Greece, Rome, and, apparently, Assyria. Such a law alone would not have made Israelite practice noticeably different from that of other cultures in the Mediterranean basin or the ancient Near East. But by extending the condemnation to include the active party, the redactor of H strives to differentiate between Israelite practice and that of “Egypt” and “Canaan” and “the nation that was before you” (18:3, 24–28), and thereby to protect the holiness of Israel from the תועבה of confusion with other nations” (208). A similar understanding is put forward by Theodore W. Jennings, *Jacob’s Wound: Homoerotic Narrative in the Literature of Ancient Israel* (New York: T&T Clark, 2005), 208.

⁴⁵ Walsh, “Who Is Doing What to Whom?,” 204.

⁴⁶ *Ibid.*, 205. Walsh states that “this [cognate accusative] construction regularly describes an action performed by the subject, not the subject’s experience of someone else’s action.” In support of this understanding, Walsh points to 2 Sam 4:5b where a non-sexual reference of this cognate accusative is used (וְהָיָה שִׁכְבָּךְ אֶת מִשְׁכַּב הַצִּדְוֹנִים). Walsh also points to Waltke and O’Connor, *An Introduction to Biblical Hebrew Syntax* §10.2.1f.

⁴⁷ Walsh, “Who Is Doing What to Whom?,” 206.

⁴⁸ *Ibid.*, 207–8.

⁴⁹ K. Renato Lings, “The ‘Lyings’ of a Woman: Male-Male Incest in Leviticus 18.22?” *TS* 15, no. 2 (2009): 231–50.

⁵⁰ *Ibid.*, 232. Contrast this statement with Roy Gane, *Leviticus, Numbers* (Grand Rapids: Zondervan, 2004), 321. “The language is devastatingly untechnical, leaving no room for ambiguity.”

difficulties, Lings writes in an attempt to verify and supplement Stewart's work from 2000.⁵¹

Lings states that although most English versions share a similar rendering of מִשְׁכְּבֵי אִשָּׁה, one should be skeptical of its common translation.⁵² He uniquely argues, against the traditional translation, that to translate the phrase מִשְׁכְּבֵי אִשָּׁה with a comparative preposition in English is inaccurate. In his argument, Lings notes that the Hebrew prepositions אֶל (as) and אִתּוֹ (with) are both missing from the phrase מִשְׁכְּבֵי אִשָּׁה. Thus, according to Lings, the absence of these prepositions in Hebrew renders as faulty the English translation “as one lies with a woman.” For Lings, because this rendition includes *both* of those prepositions within the translation of מִשְׁכְּבֵי אִשָּׁה, it is an inadvisable translation.⁵³

Similar to Stewart, Lings emphasizes Genesis 49:4 as a potential key to unlocking the meaning of מִשְׁכְּבֵי אִשָּׁה. Lings argues that it is likely significant that there are two references to the “bed” on which Reuben's transgression took place.⁵⁴ For Lings, the singular use of צוּעֵי refers to the place of iniquity, and the אֶרֶץ מִשְׁכְּבֵי אִשָּׁה refers to the “illicit nature of Reuben's relationship with Bilhah.”⁵⁵

Lings concludes his argument by applying his observations from Genesis 49:4 and drawing from the incestuous context of Leviticus 18. Therefore, drawing heavily upon Stewart, Lings concludes the context of incest a more appropriate translation of the phrase מִשְׁכְּבֵי אִשָּׁה should contextually be limited to the incestuous relationships put forward in Leviticus 18.⁵⁶

Bruce Wells (2014)

In 2014, Bruce Wells presented a paper at the Society of Biblical Literature conference entitled, “The Grammar and Meaning of the Leviticus Texts on Same-Sex Relations Reconsidered.”⁵⁷ In his extensive treatment of the issue, Wells contests the standard translation of מִשְׁכְּבֵי אִשָּׁה (“as one lies with a woman”) and proposes that this phrase specifically forbids “sexual relations between married men, though certain other males may be included in the prohibition as well.”⁵⁸

Although appreciative of prior scholarship on the passage, namely that of Olyan and Stewart, Wells purports that both scholars ultimately fall short in their treatment of מִשְׁכְּבֵי אִשָּׁה. Wells argues that Olyan does not take Genesis 49:4 into proper consideration, while Stewart likewise fails to consider an important parallel in the

⁵¹ Lings, “‘Lyings’ of a Woman,” 233.

⁵² *Ibid.*, 236.

⁵³ *Ibid.*, 238.

⁵⁴ *Ibid.*, 240. “One way of interpreting Gen 49:4 could be that the singular *yātsūa*’ refers to the physical location where the sexual act took place, while the plural *miškevē* perhaps focuses on the arguably illicit nature of Reuben's relationship with Bilhah.”

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, 246. For a full response to Lings' article, see David Casas, “The Clarity of the ‘Lyings of a Woman’: Homosexuality in Levitical Law” (presented at the Southeastern Regional Meeting of the Evangelical Theological Society, Lithonia, GA, 2015), 1–22.

⁵⁷ Wells, “Texts on Same-Sex Relations Reconsidered,” 1–23.

⁵⁸ *Ibid.*, 2.

Qumran text 1QSa.⁵⁹ The passage from 1QSa⁶⁰ is an important part of the discussion, and although Olyan notes the passage in a footnote, he also does not adequately discuss it. To his credit, Wells spends considerable time on this text. 1QSa 1.8–10 reads as follows:⁶¹

Table 3: Text and translation of 1QSa 1.8–10

At the age of twenty years, he will transfer to those enrolled, to enter the lot amongst his family and join the holy community. He shall not approach a woman to know her <i>through carnal intercourse</i> until he is fully twenty years old, when he knows good [11] and evil. ⁶²	וב[ן] עשרים שנה יעבר[ו] [על] הפקודים לבוא בגורל בתוך משפ[ח]תו ליחד בעד[ת] קודש. ולוא י[קרב] אל אשה לדעתה למשכבי זכר כיאם לפי מילואת לו עש[ר]י[ם] שנה בדעתו [טוב]
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Wells argues that this text cannot fit with Olyan or Stewart’s interpretations.⁶³ Within Olyan’s interpretation, this text would refer to a young man experiencing vaginal penetration, which is entirely acontextual.⁶⁴ Likewise, contra Stewart, in this context the plural למשכבי is used, and it is clear that incest is not in view. Thus, the plural term cannot be a technical term for incestuous relations.

Although differing significantly from Olyan and Stewart in regard to the above, Wells does agree that the term משכבי must refer to illicit sexual activity. Citing Genesis 49:4, Leviticus 18:22, 20:13, and 1QSa 1.10 as evidence, Wells observes the following: “First, each instance refers to a sexual act that is clearly illicit. Second, in each case, the masculine plural form of *miškab* is in construct to a noun that represents the opposite gender of the person being slept with.”⁶⁵

In contrast to Olyan, Wells argues that the singular occurrences of משכב should not factor into the discussion of how to translate the phrase משכבי אשה, and thus does not discuss them in detail. Wells explains:

All occurrences of singular construct forms of *miškab* that are used in the context of sexual activity are in construct to a noun that has the same gender as the person being slept with (Num 31:17, 18, 35; Judg 21:11, 12). They come in the texts of

⁵⁹ Olyan briefly mentioned this text but did not pursue it, stating, “The use of this idiom at Qumran at the end of the first millennium is at odds with its use in Num 31 and Judg 21; here, it refers not to what a woman experiences in intercourse with a man but to what a man experiences with a woman.” Olyan, “And with a Male You Shall Not Lie,” 185n14.

⁶⁰ The 1QSa scroll is referred to as the “Community Rule” and was one of the first scrolls discovered in 1947 by Bedouin shepherds. The script can be dated to 100–75 B.C., thus pushing the initial composition of the *Rule* to the second century B.C. For more information, see J. Murphy-O’Connor, “Community, Rule of the (1QS),” in *The Anchor Yale Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 1:1110–12.

⁶¹ Transcription and translation provided by Florentino García Martínez and Eibert J. C. Tigchelaar, eds., *The Dead Sea Scrolls Study Edition*, vol. 1 (New York: Brill, 1999), 101.

⁶² Italics mine.

⁶³ Wells, “Texts on Same-Sex Relations Reconsidered,” 12.

⁶⁴ It is clear from the context that the woman is supposed to experience sexual relations.

⁶⁵ Wells, “Texts on Same-Sex Relations Reconsidered,” 12.

Numbers 31 and Judges 21 and identify virgins as those who have not known the bed of a male, a very intelligible euphemism for sexual intercourse. All of this, to my mind, makes the use of the masculine plural form distinctly different from that of the singular. It does not seem that the two uses should be combined into one semantic category.⁶⁶

The most unique contribution given by Wells is in relation to the technicality of the term *משקב*. Wells argues that the use of *משקב* identifies the “sexual domain” or guardianship of the following absolute noun.⁶⁷ For example, in Genesis 49:4, Reuben transgressed the sexual domain (*משקב*) of his father (*אביו*) by having sex with his father’s concubine. Only Jacob was to have sexual privileges with his concubine. Thus, in the words of Wells, “Reuben’s transgression, therefore, lay in the act of crossing over into his father’s sexual domain and lying with a woman who belonged to that domain.”⁶⁸

This understanding of *משקב* is then imported into the Levitical prohibitions by Wells. Since the phrase *משקב אשה* (Lev 18:22; 20:13) has *אשה* as the absolute noun, according to Wells, it is a woman whose rights would be violated by a male-male sexual relationship.⁶⁹ Thus, the Levitical prohibitions are specifically targeting males who are “off limits” because of their marital relationship to a woman. At its core then, according to Wells, this prohibition is intended to prohibit male-male sexual activity by men who are married to women since the men are in the sexual domain of their wives.

Wells does note the generic use of male (*זכר*) and hypothesizes that this term must argue for the expansion of this prohibition beyond married men to include incest. His reasoning is based on the context of Leviticus 18 and the forbidden relationships given there.⁷⁰ Although leaving open the possibility of certain homosexual relationships within Israel’s community, Wells notes that, “most of the men within the community of the laws’ addressee would be removed from being possible sexual partners for him.”⁷¹

⁶⁶ Wells, “Texts on Same-Sex Relations Reconsidered,” 12–13.

⁶⁷ *Ibid.*, 13–15. Esp. 14: “What I propose is that *miškēbē* (the masculine plural construct form of *miškab*) is an abstract plural that communicates the notion of someone’s lying-down area or zone. We might even say that it stands for an individual’s sexual domain.” Wells goes on to note that the sexual domain is either one of “ownership” (e.g., the husband’s conjugal rights) or of “guardianship” (e.g., the father’s protection of his daughter until she is given to her husband).

⁶⁸ *Ibid.*, 14.

⁶⁹ *Ibid.*, 16.

⁷⁰ *Ibid.*, 17–18.

⁷¹ *Ibid.*, 19.

A Contextual Analysis of מִשְׁקָבִי אִשָּׁה

Having examined some of the recent scholarship on מִשְׁקָבִי אִשָּׁה, this paper will now turn to an analysis and response.⁷² The writings of Olyan, Stewart, and Wells are most pertinent to this discussion and merit the greatest response.⁷³

At the outset, I agree that Wells accurately reveals some of the flaws in Olyan and Stewart's work. Namely, (1) that Olyan does not discuss Genesis 49:4 and gives inadequate attention to 1QSa 1.10, and (2) that Stewart completely ignores 1QSa 1.10. Indeed, if 1QSa 1.10 is properly accounted for, the proposal that מִשְׁקָבִי is a technical term referring to incest cannot stand. Additionally, 1QSa 1.10 negates Wells' statement that all uses of מִשְׁקָבִי are illicit.

When examining the context of 1QSa 1.10, the implication seems to be that after reaching the age of twenty years old, the young man can then have sexual relations with a woman (presumably in marriage according to the community rules).⁷⁴ The context demands that illicit sexual activity is not in view, but a completely legitimate sexual relationship in which this young man could participate after the age of twenty. Thus, it seems inaccurate to argue that מִשְׁקָבִי refers only to illicit sexual activity.

Although the context seems to indicate legitimate sexual activity, Stewart, Lings, and Wells all argue that מִשְׁקָבִי is a term for illicit sexual activity. In addition, they all also argue that מִשְׁקָבִי is in some sense a technical term.⁷⁵ Stewart and Lings argue the word is used as a technical term for incest. Wells, on the other hand, argues that it is a technical term identifying the sexual domain or guardianship of the absolute noun which is in the construct phrase. The view that the plural noun מִשְׁקָבִי always refers to incest is incompatible with the evidence found in 1QSa 1.10, where incest is clearly not in view.⁷⁶

On the other hand, Wells' argument also appears inconsistent. As noted previously, according to Wells, the term מִשְׁקָבִי is used in a way that always communicates illicit sex; but, at the same time, he argues that it is a technical term for one who has the right of sexual domain over an individual. It seems evident that the term cannot simultaneously refer to illicit sexual activity as well as function as a technical term referring to sexual domain (which need not be illicit). These categories

⁷² Due to page limitations, it is not possible to respond to the details of each author's argument in full. Thus, I will limit my response to addressing the most significant points of discussion and detailed analysis.

⁷³ As noted above, there are more scholars who discuss this issue. However, these three have the most important contributions to make and will thus be addressed in more detail. Others have made notable contributions to peripheral issues that reach beyond the scope of this article. One such example is Daniel Boyarin, "Are There Any Jews in 'The History of Sexuality'?" *JHS* 5, no. 3 (January 1995): 333–55.

⁷⁴ The English translation provided above notes this point, "He shall not approach a woman to know her through carnal intercourse *until he is fully twenty years old*" (emphasis added).

⁷⁵ Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary* (New York: Doubleday, 2000), 1569. Similarly, Milgrom believes the plural is a technical term, and writes that the plural is "always found in the context of illicit carnal relations" (cf. Gen 49:4; Lev 18:22; 20:13).

⁷⁶ It is worth noting at this point that although there is a significant difference in time from the writing of Leviticus (ca. ~1400 B.C.) and 1QSa (pre-100 B.C.), there does not appear to be a significant difference in the usage of מִשְׁקָבִי between biblical literature and the Qumran literature. See David J. A. Clines, ed., "מִשְׁקָבִי," in *The Dictionary of Classical Hebrew* (Sheffield, UK: Sheffield Academic Press, 2001), 5:526–27. Further evidence for the non-technical nature of the term will be given in the discussion of Genesis 49:4.

given by Wells seem to be mutually exclusive (especially in IQSa 1.10 where the context seems to defy both categories of illicit sex and sexual domain).

There are other reasons to doubt the technical nuance of מְשַׁכְּבֵי as proposed by Wells. One significant reason is that the definition of the category does not match the evidence. For example, with regard to sexual dominion, Wells argues for two separate categories. On the one hand is sexual domain (e.g., the right of a husband/wife for sole sexual possession of their spouse). On the other hand, Wells argues for another category of sexual dominion—that of guardianship (a father’s protection of his daughter, etc.). The latter category is proposed by Wells in an effort to make sense of IQSa 1.10. This text speaks about a woman who is unmarried (a virgin), and so she does not have anyone to whom she owes sexual fidelity. Wells explains this passage by a new category of guardianship that focuses on parental guardianship as a temporary substitute until she is under the domain of a husband.

Methodologically, it seems improper to expand the meaning of a technical term to include multiple categorical distinctions when the evidence does not clearly support even one distinction, let alone two different categories. Further, with regard to the text itself, the category of sexual guardianship seems unnecessary in IQSa since the passage can be explained with the traditional understanding of sexual euphemism. Therefore, Wells’ proposition that מְשַׁכְּבֵי is a technical term of sexual domain appears not only to be unnecessary, but also forced onto passages with simpler explanations.

Another significant reason to refrain from labeling מְשַׁכְּבֵי as a technical term is its non-technical use in another Qumran document, 4Q184 f1:5–6.⁷⁷

Table 4: Text and translation of 4Q184 f1:5–6

<p>Her veils are shadows of the twilight and her adornments diseases of the pit. Her beds {her couches}⁷⁸ are couches of the pit, [...] [6] (are) deep ditches. Her lodgings are <i>couches of darkness</i> and in the heart of the nigh[t] are her tents.⁷⁹</p>	<p>מכסיה אפלות נשף ועדיה נגיעי שהת. ערשיה {יצועיה} יצועי שאול מעמקי בור. מלונותיה משכבי חושך ובאישני ליל[ה מ]משלותיה.</p>
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The context of this passage is a discussion of the wicked woman. Although her exact identity is a matter of debate,⁸⁰ she is clearly depicted as an evil seductress who seduces in order to destroy. The phrase, “Her lodgings are couches of darkness” (מלונותיה משכבי חושך) is relevant to this discussion. It is impossible to see the plural משכבי being used as a technical term in the way Wells describes. Wells argues that משכבי is an abstract plural which is a technical term describing the sexual domain of the word which is the absolute noun following the construct. However, we have here

⁷⁷ Transcription and translation provided by Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition*, 1:376–77. For a history of poetic analysis of this document, see Eigbert J. Tigchelaar, “The Poetry of the Wiles of the Wicked Woman (4Q184),” *Revue de Qumran* 23, no. 3 (2012): 621–33.

⁷⁸ The portion of the text marked out by { } indicates legible text that has been corrected by the manuscript copyist.

⁷⁹ Italics mine.

⁸⁰ Scott C. Jones, “Wisdom’s Pedagogy: A Comparison of Proverbs 7 and 4Q184,” *Vetus Testamentus* 53, no. 1 (January 2003): 68–80.

in 4Q184 an example which appears in construct with the absolute noun “darkness” (חושך). We would be hard pressed to say that darkness is the one who is supposed to have sexual privileges (or guardianship) with the young man addressed.

Additionally, the noun “couches/beds” (משכבי) is used as a predicate nominative of “her lodgings” (מלונותיה), thus equating the ideas of lodgings and places she lays down. This grammatical concept demonstrates again that the technicality of the term is nonexistent in this context. It is also notable that the narrator of 4Q184 uses two other terms for bedding/couches in the earlier line, “her beds” (ערשיה) and “couches” (יצועי), both of which are plural. The use of these terms in the same context argues for a contextual use of משכבי in line with the normal metaphoric use of “a place of lying down,” rather than some technical term indicative of sexual domain. Based on the foregoing argument, it seems best to reject the idea that מִשְׁכָּבִי is a technical term and broaden the search for a better understanding of the term.

Another issue on which I disagree with Wells is his belief that the singular uses of מִשְׁכָּב are unhelpful to this discussion. He believes they are unhelpful because they are in construct with a noun that has the same gender as the person being slept with (Num 31:17–18, 35; Judg 21:11–12), thus showing a slight difference.⁸¹ However, methodologically, it seems far better to seek an explanation that accounts for all the evidence present in similar contexts of sexual activity. In fact, if one meaning can fit both the singular and plural uses, then there is no need to attempt an alternative, technical meaning of מִשְׁכָּבִי. Therefore, this article now moves to examine these passages in question to determine if they can contribute to our understanding of the Levitical prohibitions.

Numbers 31:17–18 (cf. v. 35) and Judges 21:12 provide examples of the singular use of מִשְׁכָּב in construct phrases that appear similar to the plural usage that has already been discussed.

⁸¹ Wells, “Texts on Same-Sex Relations Reconsidered,” 12.

Table 5: Text and translation of Num 31:17–18 and Judg 21:11–12

<p>Numbers 31:17–18 Now therefore, kill every male among the little ones, and kill every woman who has known man <i>intimately</i>. But all the girls who have not known man <i>intimately</i>, spare for yourselves.</p>	<p>וְעַתָּה הֲרִגוּ כָּל־זָכָר בַּטָּף וְכָל־אִשָּׁה יָדְעַת אִישׁ לְמִשְׁכַּב זָכָר הֲרִגוּ: וְכָל־הַטָּף בְּנָשִׁים אֲשֶׁר לֹא־ יָדְעוּ מִשְׁכַּב זָכָר הַחַיּוּ לָקֵם:</p>
<p>Judges 21:11–12 This is the thing that you shall do: you shall utterly destroy every man and every woman who has <i>lain with a man</i>. And they found among the inhabitants of Jabesh-gilead 400 young virgins who had not known a man <i>by lying with him</i>; and they brought them to the camp at Shiloh, which is in the land of Canaan.⁸²</p>	<p>וְזֶה הַדָּבָר אֲשֶׁר תַּעֲשׂוּ כָּל־ זָכָר וְכָל־אִשָּׁה יָדְעַת מִשְׁכַּב־ :מִתְהַרְיָמוּ זָכָר וַיִּמְצְאוּ מִיּוֹשְׁבֵי יַבִּישׁ גִּלְעָד אַרְבַּע מֵאוֹת נַעֲרָה בְּתוּלָה אֲשֶׁר לֹא־יָדְעָה אִישׁ וַיָּבִיאוּ אוֹתָם לְמִשְׁכַּב זָכָר אֶל־הַמַּחֲנֶה שִׁלֹּה אֲשֶׁר בְּאֶרֶץ :כְּנָעַן:</p>

In Numbers 31:17–18 (cf. v. 35), the context is Israel’s vengeance on Midian for their part in leading Israel astray from God at Baal Peor (Num 25). Since a significant component of Israel’s transgression in Numbers 25 involved the women from Midian seducing and leading the Israelite men astray, Moses commanded the people to put to death any woman who had known man.⁸³

Judges 21:11–12, on the other hand, occurs after Israel had almost completely wiped out the tribe of Benjamin. Since Jabesh-gilead had not helped in the fight against Benjamin, the other tribes wiped out Jabesh-gilead except for 400 virgins who had not known man. These women were taken and given to Benjamin to help repopulate the tribe.

Interestingly, both passages utilize the phrase *מִשְׁכַּב זָכָר* twice. In each passage it occurs once with the preposition *ל*, and once without. Further, in each passage the women are described once by a participle (*יָדְעַת*) which functions attributively to set off a relative clause,⁸⁴ and then by a relative pronoun (*אֲשֶׁר*) which functions to set off another relative clause.⁸⁵ Thus syntactically, each occurrence of *מִשְׁכַּב זָכָר* is in a relative clause. Further, the phrase *מִשְׁכַּב זָכָר* is used as the object of *יָדַע* in Numbers 31:18 and Judges 21:11 in ways that parallel the use of *אִישׁ* as the object (Num 31:17; Judg 21:12). Therefore, upon close examination, the differences in these clauses indicate no noticeable difference between the use of the preposition *ל*, and the use without. Since the phrases *מִשְׁכַּב זָכָר ל* and *מִשְׁכַּב זָכָר* appear to function in a parallel syntactical manner, our hypothesis must allow for that similarity in function.

⁸² All italics mine.
⁸³ R. Dennis Cole, *Numbers* (Nashville: B&H, 2000), 498.
⁸⁴ Frederic Clarke Putnam, *Hebrew Bible Inset: A Student’s Guide to the Syntax of Biblical Hebrew* (Quakertown, PA: Stylus Publishing, 2002) §2.2.5a.
⁸⁵ Bill T. Arnold and John H. Choi, *A Guide to Biblical Syntax* (Cambridge, UK: Cambridge University Press, 2003) §5.2.13a (hereafter, AC).

In light of the ל preposition, the two main grammatical options for these phrases are either a focus on location or a manner of action. Olyan believes that the ל preposition in these passages should be translated, “with respect to,” indicating the manner in which the action is carried out.⁸⁶ This seems to be the best choice, putting the emphasis on the manner of action rather than on a location.⁸⁷

Olyan contends that these passages show that vaginal penetration is the specific kind of action described in these verses. However, that is likely too specific for these passages. The noun מִשְׁכַּב is etymologically related to the verb שָׁכַב, which can communicate the simple act of lying down, but it also can communicate sexual intercourse.⁸⁸ With reference to sexual activity, שָׁכַב appears to be a general term for sexual activity and is used to reference sexual activity between a man and a woman (Gen 19:32, 33, 35; 30:16; 34:2; 35:22; Deut 22:22, 29; 1 Sam 2:22; 2 Sam 11:4; 12:24; 13:14, etc.), between a man and a man (Lev 18:22; 20:13), or between anyone⁸⁹ and an animal (Exod 22:18[19]; cf. Lev 18:23). Some, like Stewart, have argued that שָׁכַב is the Hebrew term for illicit sexual unions.⁹⁰ Although many of the contexts are illicit, not all of them are (cf. Gen 30:15, 16; 2 Sam 11:11). Although the emphasis of שָׁכַב may involve less intimacy than נָדַע, it is nevertheless a typical term for sexual encounters. Given all the ways this term is used, it seems too specific to say that שָׁכַב is describing the penetrative act in particular.

Additionally, the Hebrew language may already have had a metaphor for the act of insertion. The Old Testament consistently uses the phrase, “He went in to [her]” (אָל + נִיבָא) to describe this activity of sexual union (Gen 16:4; 29:23, 30; 30:4; 38:2, 9, 18; Judg 16:1; Ruth 4:13; 2 Sam 12:24; 16:22; 17:25; 1 Chr 2:21; 7:23; Ezek 23:44).⁹¹ Thus, to force שָׁכַב or its cognate מִשְׁכַּב into a meaning that deals strictly with penetration seems unwise. Rather, in contexts of sexual activity, it is best to allow שָׁכַב and מִשְׁכַּב to communicate general sexual activity.⁹² Therefore, having examined the contribution of the singular phrase, we move now to compare the plural occurrences of מִשְׁכַּבִּי with observations we have gleaned from Numbers 31 and Judges 21.

⁸⁶ Olyan, “And with a Male You Shall Not Lie,” 184. Cf. *GKC* §119u; Joüon §133d; AC §4.1.10j.

⁸⁷ There are significant problems in trying to have the phrase זָכַר מִשְׁכַּבִּי refer to location. For example, in Judg 21:11 the translation, “Any woman who knows the bed [location] of a male” (my translation) seems to flow well, but the location “bed” must be understood as a metaphor for sex (i.e., a metaphor of manner of action) anyway. Additionally, the next verse (v. 12) says, “[a virgin] who has not known a man at the bed of a male” (my translation). This becomes a rather redundant use of a metaphoric expression of the bed as a place of sexual activity. It seems much simpler to see both phrases (with and without the preposition) as focusing on the act of lying as the manner of action involved.

⁸⁸ “שָׁכַב,” *HALOT*, 1486–87.

⁸⁹ Exod 22:18 uses a masculine participle (קֹלֵי־שֹׁכֵב), but it occurs in an apodictic section of laws which has impact on the whole community of Israelites, not just the males. For example, if a woman were to steal (cf. Exod 22:1–4) she would not be exempt from that legislation.

⁹⁰ Stewart, “Ancient Sexual Laws,” 72–73; Victor P. Hamilton, “שָׁכַב,” in *Theological Wordbook of the Old Testament*, ed. R. Laird Harris, Gleason Archer, Jr., and Bruce K. Waltke (Chicago: Moody Publishers, 1999), 921–22.

⁹¹ In 2 Samuel 12:24 there may be a distinction made between “going in” to Bathsheba (וַיִּבְּא אֶל־יָהּ) and lying with her (וַיִּשְׁכַּב עִמָּהּ). But, given that the context is David comforting Bathsheba and the birth of her child, it is perhaps more likely that both are general references to sexual activity.

⁹² Wells also adds that on the basis of Gen 49:4 the plural מִשְׁכַּבִּי cannot be thought of as “vaginal receptivity” since it refers to Reuben’s father in that passage. See Wells, “Texts on Same-Sex Relations Reconsidered,” 9–10. See following comments on Gen 49.

Some scholars, like Wells, ignore the singular uses of מִשְׁכָּב because, unlike the uses of מִשְׁכָּבִי, the singular construct occurs with nouns that are the same gender as the person being slept with.⁹³ However, this seems to be selectivity for the sake of convenience rather than a fair consideration of the evidence. Therefore, in an effort to account for all the evidence, we move to examine the use of the plural.

The question that must be answered is whether or not there is a distinction between the singular and plural of מִשְׁכָּב.⁹⁴ As a noun, מִשְׁכָּב appears mostly in the singular with the meaning of bed, but it can also mean lying down for the purpose of sleep, because of sickness, or for sex.⁹⁵ Hebrew nouns will often use plural forms for reasons that do not translate well into English. For example, abstract nouns frequently appear in the plural, perhaps to emphasize quality or state.⁹⁶ Hebrew will also often use plurals to communicate a singular idea that may include conditions, habitual behavior, or honorific titles.⁹⁷ That being said, given that the plural מִשְׁכָּבִי occurs in similar contexts to the singular, it is difficult to see a significant distinction.

According to Joüon-Muraoka, when a noun has both a masculine and feminine plural ending (as is the case with מִשְׁכָּב), one is often used frequently, and the other is reserved “for special or poetic usages.”⁹⁸ If we look at the usages of מִשְׁכָּבִי that we have access to, we note that each occurrence is either in poetry (Gen 49:4, 4Q184) or in legal literature (Lev 18:22; 20:13; 1QSa 1.10). It may be that these contexts provide a background for why the plural masculine form is used. However, the plural feminine form appears in poetic contexts as well (Isa 57:2; Hos 7:14; Micah 2:1; Ps 149:5), so it seems unwise to press for special exegetical distinction.⁹⁹ Overall, it seems best to conclude that there is no appreciable difference in meaning between

⁹³ Wells, “Texts on Same-Sex Relations Reconsidered,” 12. The plural phrase in Gen 49:4; Lev 18:22; 20:13; 1QSa 1.10 occurs with opposite gender of person being slept with.

⁹⁴ Interestingly, this word appears in the plural both as a feminine ending וֹת (Isa 57:2; Hos 7:14; Micah 2:1; Ps 149:5) as well as a plural construct form וֹתֵי (Gen 49:4; Lev 18:22; 20:13). One might be tempted to say that the Hebrew word מִשְׁכָּב evolved from a masculine ending ים (Gen and Lev) to a feminine plural ending וֹת in later times (Isa, Hos, Micah, and Ps). A problem with this theory is that, as noted earlier, the wisdom literature of 4Q184 uses the masculine plural, thus indicating the time of writing is likely not the determining factor.

⁹⁵ Wilhelm Gesenius, “מִשְׁכָּב,” *Gesenius' Hebrew-Chaldee Lexicon to the Old Testament*, trans. Samuel Prideaux Tregelles (Bellingham, WA: Logos Bible Software, 2003), 517.

⁹⁶ Waltke and O'Connor give the following list of abstract plurals: אֹנִיָּה ‘strength’ (Isa 40:26), בְּשׂוּחַת ‘security’ (Job 12:6), מְבִטְחָיִם ‘security’ (Isa 32:18, Jer 2:37; sing. frequent), הַיָּוִד ‘evil, destruction’ (Ps 5:10), תְּמוּדוֹת ‘excellence’ (Dan 9:23), טְהוֹמֵי ‘charm’ (Cant 5:16), תְּרַפּוֹת ‘shame’ (Dan 12:2), דַּעוֹת ‘knowledge’ (1 Sam 2:3, Job 36:4; sing. דָּעָה four times), יְשׁוּעָה ‘salvation’ (Isa 26:18; Ps 18:51, 28:8, 42:6, 44:5; sing. frequent), מִישְׁרָיִם ‘uprightness’ (Isa 33:15), מְרִירִים ‘bitterness’ (Job 9:18), מְמַתְקִים ‘sweetness’ (Cant 5:16), שְׂעֻשְׁעִים ‘delight’ (Prov 8:30). *IBHS* §7.4.2.

⁹⁷ *Ibid.* §7.4.2. Examples of these include: קְלוּלָה ‘engagement’ (Jer 2:2), נְעוּרִים ‘youth’ (Isa 54:6), סְגוּרִים ‘diminishedness’ (Gen 19:11), עֲלוּמִים ‘youth’ (Ps 89:46), שְׁכָלִים ‘childlessness’ (Isa 49:20), פְּרִיָּה ‘formication,’ תְּגִיטִים ‘embalming,’ כְּפָרִים ‘atonement,’ מְלֵאִים ‘installation,’ פְּתוּחָיִם ‘engraving.’ Waltke and O’Conner actually classify מִשְׁכָּבִי as a “complex inanimate noun” (120).

⁹⁸ Joüon §90e. As examples of this, Joüon-Muraoka lists the following: “עָבָה cloud, normal pl. || עָבָה, || pl. עָבוֹת only 2 x, in texts of elevated poetry: 2Sm 23.4; Ps 77.18; עָבָה rope, bond, normal pl. עָבֹתָם, but in texts of elevated poetry: Ho 11.4, also for artistic cords, cordage-work Ex 28.14, etc.”

⁹⁹ It is interesting though, that in the four passages where the feminine plural is used, it occurs in the exact same phrase each time (עַל־מִשְׁכָּבוֹתָם), not only with the same preposition and spelling, but also at the end of the clause with the same accentuation. In contrast, the plural masculine (מִשְׁכָּבִי) is used in poetic contexts in parallelism with synonyms (cf. Gen 49:4, 4Q184). This may indicate simply a colloquial way of referring to something in specific contexts. But that seems as far as we can press these observations.

the singular and plural when used in construct. If there is any difference, it is likely more colloquial than technical. Therefore, assuming no appreciable difference between the singular and plural, both must be examined in their respective contexts.

Table 6: Comparison of construct use of משכב and משכביו

Passage	English Translation	Abs. Noun in Const. Phrase	Hebrew
Numbers 31:17	Kill every woman <i>who has known man intimately</i>	זָכָר = male	וְכָל־אִשָּׁה יָדַעַת אִישׁ יְהָרְגוּ לְמִשְׁכַּב זָכָר
Numbers 31:18	But all the girls <i>who have not known man intimately</i> , spare for yourselves	זָכָר = male	וְכָל־הַטַּף בְּנָשִׁים אֲשֶׁר הִתְיָזוּ לֹא־יָדְעוּ מִשְׁכַּב זָכָר לָקֶם
Numbers 31:35	of the women <i>who had not known man intimately</i>	זָכָר = male	מִן־הַנְּשִׁים אֲשֶׁר לֹא־ יָדְעוּ מִשְׁכַּב זָכָר
Judges 21:11	This is the thing that you shall do: you shall utterly destroy every man and every woman <i>who has lain with a man</i>	זָכָר = male	וְזֶה הַדְּבָר אֲשֶׁר תַּעֲשׂוּ כָּל־זָכָר וְכָל־אִשָּׁה יָדַעַת מִשְׁכַּב־זָכָר
Judges 21:12	young virgins who had not known a man <i>by lying with him</i>	זָכָר = male	בַּעֲרָה כְּתוּלָה אֲשֶׁר לֹא־ יָדְעָה אִישׁ לְמִשְׁכַּב זָכָר
Leviticus 18:22	You shall not lie with a male <i>as one lies with a female</i>	אִשָּׁה = woman	וְאִת־זָכָר לֹא תִשְׁכַּב מִשְׁכַּב־אִשָּׁה
Leviticus 20:13	If there is a man who lies with a male <i>as those who lie with a woman</i>	אִשָּׁה = woman	וְאִישׁ אֲשֶׁר יִשְׁכַּב אִת־זָכָר מִשְׁכַּב־אִשָּׁה
1QSa 1.10	He shall not approach a woman to know her <i>through carnal intercourse</i>	זָכָר = male	ולוא י[קרבו] אל אשה לדעתה למשכב זכר
Gen 49:4	Because you went up <i>to your father's bed</i> ¹⁰⁰	אָבִיךָ = your father	כִּי עָלִיתָ מִשְׁכַּב־אָבִיךָ

In the singular phrases, it is clear that the target of the phrases is women who have lain with males. In other words, the phrase (משכב זָכָר) (למשכב זָכָר) is an objective genitival phrase where the construct noun (משכב) communicates verbal action, acting upon the absolute noun (i.e., the genitive).¹⁰¹ In this natural understanding of the

¹⁰⁰ All italics mine.

¹⁰¹ AC §2.2.4.

phrase, it is the woman who is the focus, specifically her experience of whether or not she has lain (משכב) with a male (זכר).

If this understanding is imported into Leviticus 18:22 and 20:13, then the phrase משכבי אשה, if treated as an objective genitive, would qualify the previous prohibition of not lying with a male. Thus, the translation would be, “You shall not lie with a male in the manner of lying with a woman.”¹⁰²

On the other hand, some, like Walsh, contend that the plural phrase in Leviticus has more of a subjective genitive nuance. This would forbid the man taking the role of a woman.¹⁰³ If the construct phrase in Leviticus 18:22 is a subjective genitive, then the command would be that man is not to lie with a man as a woman behaves in sexual relations. Walsh translates the phrase as “to lie with a male as a woman would.”¹⁰⁴

There are good reasons to reject the subjective genitive idea in Leviticus 18:22 and 20:13. First, the singular occurrences of זכר משכב clearly indicate an objective relationship and are an obvious precedent for our discussion of the phrase משכבי אשה. Second, historically the phrase has been interpreted predominantly as an objective genitive and has made sense with that understanding. Third, combining the context of both Levitical prohibitions (18:22; 20:13), it becomes apparent that it is the act of lying with a male that is condemned, not simply taking the role of a woman.¹⁰⁵ Thus, it seems most natural to see the construct phrase (משכבי אשה) as having an objective rather than subjective nuance.

It is important to note that 1QSa 1.10 uses the phrase למשכבי זכר in what appears to be a subjective role. In context, a young man is being addressed and is told not to approach a woman, to know her (לדעתה), “by the lying of a male” (למשכבי זכר).¹⁰⁶ This appears to be a clear example contextually of the construct relationship functioning as a subjective genitive.

This example in 1QSa reminds us of what grammarians refer to as the elasticity of the genitive construction.¹⁰⁷ This is another indication of why context is the necessary determiner of the nuance of a genitive construction. The exact same phrase

¹⁰² The phrase משכבי אשה functions as an adverbial accusative qualifying the manner of action, and not location. With Levine, *Leviticus*, 123. Contra Wells, “Texts on Same-Sex Relations Reconsidered,” 2–5. Wells believes these occurrences refer to location and not manner.

¹⁰³ Walsh argues that in cognate accusative constructions, such as Lev 18:22 and 20:13, “This construction regularly describes an action performed by the subject, not the subject’s experience of someone else’s action.” Walsh, “Who Is Doing What to Whom?,” 205. In other words, the man is not to perform the lyings of a woman. For discussion on the issue of cognate accusatives and meaning, see *IBHS* §10.2.1f.

¹⁰⁴ Walsh, “Who Is Doing What to Whom?,” 205.

¹⁰⁵ For example, the prohibition in Lev 18:22 clearly targets lying with a male (that is the main emphasis of the grammatical structure by fronting the direct object). Cf. Donald J. Wold, *Out of Order: Homosexuality in the Bible and the Ancient Near East*, 2nd ed. (San Antonio: Cedar Leaf Press, 2009), 105–6. Additionally, both active and passive roles are condemned in Lev 20:13, which indicates it is not taking the role of woman which is important to the author. More will be written on this in the discussion of Lev 20:13.

¹⁰⁶ My translation.

¹⁰⁷ To borrow a phrase from the grammarian Daniel B. Wallace, *Greek Grammar Beyond the Basics: An Exegetical Syntax of the New Testament* (Grand Rapids: Zondervan, 1996), 74.

can often carry different meanings in a different context.¹⁰⁸ In each instance, it is clear contextually whether the phrase in question is being used objectively or subjectively, and the context must be allowed to determine its nuance. Below is a list of the passages in question along with their classification.

Table 7: Genitive identification of absolute noun

Passage	Author's Translation	Genitive	Hebrew
Numbers 31:17	Kill every woman <i>who has known man by lying with a male</i>	Objective	וְכָל־אִשָּׁה יָדַעַת אִישׁ :הָלְגוּ לְמִשְׁכַּב זָכָר
Numbers 31:18	But all the girls <i>who have not experienced lying with a male</i> , spare for yourselves	Objective	וְכָל־הַטַּף בְּנָשִׁים אֲשֶׁר לֹא־יָדְעוּ מִשְׁכַּב זָכָר הַחַיּוֹ לָקֵם
Numbers 31:35	of the women <i>who had not experienced lying with a male</i>	Objective	מִן־הַנְּשִׁים אֲשֶׁר לֹא־ יָדְעוּ מִשְׁכַּב זָכָר
Judges 21:11	This is the thing that you shall do: you shall utterly destroy every male and every woman <i>who has experienced lying with a male</i>	Objective	וְזֶה הַדָּבָר אֲשֶׁר תַּעֲשׂוּ כָּל־זָכָר וְכָל־אִשָּׁה יָדַעַת :תַּחַרְיִמוּ מִשְׁכַּב־זָכָר
Judges 21:12	young virgins who had not known a man by <i>lying with a male</i>	Objective	בַּעֲרָה כְּתוּלָה אֲשֶׁר לֹא־ יָדְעָה אִישׁ לְמִשְׁכַּב זָכָר
Leviticus 18:22	You shall not lie with a male <i>in the manner of lying with a woman</i>	Objective	וְאִת־זָכָר לֹא תִשְׁכַּב מִשְׁכַּב־אִשָּׁה
Leviticus 20:13	If there is a man who lies with a male <i>in the manner of lying with a woman</i>	Objective	וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־ זָכָר מִשְׁכַּב־אִשָּׁה
1QSa 1.10	He shall not approach a woman to know her <i>by the lying of a male</i> ¹⁰⁹	Subjective	ולוא יִ[קרב] אל אשה לדעתה למשכבי זכר

¹⁰⁸ The famous example for grammarians is the phrase “love of God.” This phrase can refer in certain contexts to God’s love for someone, or in other contexts it can refer to love *for* God. Another example is the sentence, “Fear of man can be exploited.” In one instance, that phrase may refer to man’s fear of something—an opportunity to gain advantage of them. On the other hand, the phrase can also refer to someone (or an animal) being afraid of man. Thus, the old adage proves tested and true once more, context is king.

¹⁰⁹ All italics mine.

One passage not listed in the chart above is Genesis 49:4. This passage requires particular attention because of the stress placed upon it in recent scholarship. The following is the passage in its English translation alongside the Hebrew.

Table 8: Text and translation of Gen 49:4

<p>Uncontrolled as water, you shall not have preeminence, Because you went up to <i>your father's bed</i>; Then you defiled it—he went up to my couch.¹¹⁰</p>	<p>פָּהוּ כַמַּיִם אֶל-תּוֹמֵר כִּי עָלִיתָ מִשְׁכְּבֵי אָבִיךָ אָז חִלַּלְתָּ יְצוּעֵי עֲלֵהָ:</p>
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The setting for this verse is presumably the death bed of Jacob when he gathered his sons together to pronounce his official blessing upon them.¹¹¹ The blessing for Reuben comprises 49:3–4. Verse 3 describes Reuben’s character as firstborn of Jacob’s sons, a man of strength and preeminence (יָתֵר). However, verse 4 describes how that dignity and preeminence were forfeited because of his transgression against his father.

Jacob is clear that it was because (כִּי) Reuben went up to his father’s bed that he has forfeited his preeminence among his brothers. Although Sarna believes the phrase “bed of your father” (מִשְׁכְּבֵי אָבִיךָ) is probably elliptical for “bed of your father’s wife,”¹¹² it seems more natural in poetry to depict this transgression as sleeping in the father’s bed.

As has been noted, some have used this passage to try to explain the meaning of the Levitical prohibitions. However, the passage uses poetic parallelism between bed (מִשְׁכְּבֵי) and couch (יְצוּעֵי), indicating that it is not the verbal action of lying down that is in view, but rather, the place of lying (a bed).¹¹³ Just because the plural form is used in this passage does not mean that a singular concept is not in view.¹¹⁴ In fact, in Chronicles Reuben’s sin is that “he defiled the couch of his father” (וְהִחֲלִיל יְצוּעֵי אָבִיו) (1 Chr 5:1). It is the couch and not the bed that is defiled. More importantly, the plural is used in 1 Chronicles 5:1 for couch (יְצוּעֵי), but it should not be understood as a technical term in that context. All of these considerations lead to the conclusion that Genesis 49:4 uses the plural מִשְׁכְּבֵי to refer to the actual location of a bed. Hence, its use is significantly different than the other uses of מִשְׁכְּבֵי that have been examined in this article. Therefore, although it is a necessary passage to deal with, since it is being used locatively and in poetic parallelism, it does not help explain the Levitical prohibitions.

¹¹⁰ Italics mine.

¹¹¹ Kenneth A. Mathews, *Genesis 11:27–50:26: An Exegetical and Theological Exposition of Holy Scripture* (Nashville: B&H, 2005), 885.

¹¹² Nahum M. Sarna, *The JPS Torah Commentary: Genesis* (Philadelphia: Jewish Publications Society, 1989), 333.

¹¹³ Mathews, *Genesis 11:27–50:26*, 886.

¹¹⁴ Additionally, it appears significant that the DSS 4Q252 Col. iv:5, a commentary on Genesis found at Qumran, uses the plural for couch (יְצוּעֵי) instead of the singular, thus showing that it is unlikely the plural concept of מִשְׁכְּבֵי is technical in any true sense. Rather, it seems the two terms are meant to be viewed in parallel.

Summary of Evidence on משקב אשה

In summary, recent scholars have proposed revised interpretations of משקב אשה. These interpretations hypothesize that this phrase refers to (1) only male-male intercourse as (a) the active partner, or (b) the passive partner; (2) incestuous male-male intercourse; or (3) male-male intercourse when one (or both) of the males has an obligation to a wife. However, when the evidence is examined, these theories do not appear to be the best explanation of the evidence.

There are numerous reasons to reject the recent scholarly theories. First, when examining the word משקב itself, it is not clear that it is a technical term in the singular or the plural. It likely has the simple connotation of the act of lying down, which has to be contextually determined.¹¹⁵ Second, when examining the use of the singular phrase משקב זכר with the use of the plural, משקב אשה, there seems to be no significant difference. Third, when examining the nuance of the construct phrase, it makes most sense to see the construct phrase functioning objectively with an adverbial nuance, thus allowing for the traditional translation “as one lies with a woman.” Therefore, there is no reason to revise the traditional translation of this construct phrase as it seems to communicate the intended nuance of the phrase.

Leviticus 20:13

Having already examined Leviticus 18:22 in detail, most of the previous discussion readily applies to Leviticus 20:13. However, it is important to acknowledge that these two prohibitions are not identical. There are significant differences worth examining.

Table 10: Comparison between Lev. 18:22 and Lev. 20:13

<p>You shall not lie with a male as one lies with a female; it is an abomination. (Lev 18:22)</p>	<p>וְאִת־זָכָר לֹא תִשְׁכַּב מִשְׁכַּבִּי אִשָּׁה תוֹעֵבָה הִוא</p>
<p>If there is a man who lies with a male as those who lie with a woman, both of them have committed a detestable act; they shall surely be put to death. Their bloodguiltiness is upon them. (Lev 20:13)</p>	<p>וְאִישׁ אִשָּׁר יִשְׁכַּב אִת־זָכָר מִשְׁכַּבִּי אִשָּׁה תוֹעֵבָה עָשׂוּ שְׁנֵיהֶם מוֹת יוֹמָתוֹ דְּמֵיהֶם בָּם</p>

There are at least three noteworthy differences between the two laws. First, Leviticus 20:13 does not actually take the form of a prohibition. Second, whereas the prohibition in Leviticus 18:22 focuses on the active party, 20:13 stresses the culpability of both parties. Third, the death penalty is included in Leviticus 20:13 but is not found in Leviticus 18:22.

¹¹⁵ The English word “bed” might provide a helpful example with similar uses to משקב. The word bed can refer to a location of sleeping, but it also can refer to the act of sleeping (“bedding down for the night”), or even sexual activity (“he went to bed with her”).

As noted in our previous discussion of the phrase מְשַׁכְּבֵי אִשָּׁה, these differences have caused some scholars to assume redactional activity.¹¹⁶ For example, Olyan claims that the awkward switch from singular (אִשָּׁה) to plural (אִשֹּׁתָא) “suggests redactional activity.”¹¹⁷ Additionally, he believes that there is further evidence for editorial activity in the culpability being widened to include both parties in Leviticus 20:13.¹¹⁸ This leads Olyan to believe that in its original form the laws focused on the insertive partner and only punished him, while Walsh assumes the law has been redacted from a focus on the passive partner.¹¹⁹ Thus, many interpreters view Leviticus 18:22 as the earlier law, which is adapted in 20:13 by later redactional activity.

Evangelicals typically and rightfully proceed under the assumption that the Law is not a compilation of multiple sources, but a unified whole, given by God through Moses.¹²⁰ However, it is beneficial to discuss the evidence that Olyan and others put forward because it has direct bearing on the discussion.

At its core, Olyan’s theory of redaction is not strong. But it is also important to note that *even if* Olyan’s theory of redaction were true, it would not prove that *only* the insertive partner was targeted in the original law. Gagnon’s lengthy quote addresses this point:

First, even if 20:13 were a later formulation, it would represent the earliest commentary on the meaning 18:22; namely, that both partners in homosexual intercourse were liable to the death penalty. Presumably, 20:13 would have been formulated by the same priestly circles as those that formulated 18:22. Is this not the best evidence we have of how the formulators of 18:22 would have understood their own proscriptions? Second, *all* of the proscriptions in Leviticus 18 (minus 18:21 which does not deal with intercourse) address only the dominant, active partner (usually the male). The only proscription directed specifically to both males and female is the law concerning bestiality in 18:23, an exception easily explained on the assumption that women were regarded as the initiators in any intercourse with animals. By Olyan’s reasoning, the authors

¹¹⁶ Others see different traditions underlying Lev 18:22 and 20:13. For example, Carmichael sees Gen 19 as the tradition which underlies Lev 18:22, while he sees Tamar (Gen 38) as the tradition underlying Lev 20:13. See Calum M. Carmichael, *Law, Legend, and Incest in the Bible: Leviticus 18–20* (Ithaca, NY: Cornell University Press, 1997), 162. Although it is axiomatic that Moses was well aware of these stories, having written them, there is little evidence these stories are the reason for the prohibitions given.

¹¹⁷ Olyan, “And with a Male You Shall Not Lie,” 186–87.

¹¹⁸ Olyan, 187.

¹¹⁹ Walsh, “Who Is Doing What to Whom?,” 206–8.

¹²⁰ Rooker, *Leviticus*, 38. Rooker writes, “Mosaic authorship is clearly affirmed by a straightforward reading of the biblical text. Large amounts of the Pentateuch are attributed to Moses (Exod 24:4; 30:11, 17; 33:1, 5; 39:1, 5, 29; Lev 1:1; 4:1; 6:1; Num 4:1; Deut 1:1, 5; 5:1; 31:22, 30; 33:1). His authorship of the Pentateuch is assumed later by Jews in the postexilic community (1 Chr 15:15; 22:13; 2 Chr 23:18; 24:6; 25:4; 30:16; 35:12; Ezra 3:2; 7:6; Neh 1:7; 8:1; 13:1; Mal 4:4) and by the New Testament writers (Matt 8:4; Mark 12:26; Luke 16:31; 24:27, 44; John 1:17; Acts 3:22). In John 5:46–47 Jesus responds to his own Jewish critics who question his practices by saying: ‘If you believed Moses, you would believe me, for he wrote about me. But since you do not believe what he wrote, how are you going to believe what I say?’ Could it be any clearer that Jesus and the Jews of his day had no doubts about who wrote the Pentateuch?”

of the laws against incest would have held only the men accountable for incest, even in cases where the woman was a willing participant or even prime instigator (in contradistinction to penalties prescribed for both participants in 20:11–21). We would also have to assume that the formulators of the prohibition against having sex with “your neighbor’s wife” in 18:20 never intended to penalize the wife in an adulterous affair. Yet all the evidence we have from ancient Israelite law indicates that women involved in adulterous affairs were punished with death, if they were willing participants in the act (Num 5:11–30; Deut 22:13–27; Lev 20:10; Ezek 16:38–41; 23:45–48). The reason why Lev 18:22 focuses on the active male partner is because the passive male partner, the one penetrated, takes the place of the female and the female is not directly addressed in the prohibitions of ch. 18.¹²¹

As Gagnon notes, even if there was redaction, there is little evidence from that fact that the insertive partner would be the only one addressed by the prohibition. But that is not to say these differences should be ignored or are insignificant. Rather, there is great benefit to be had in examining the differences between Leviticus 18:22 and 20:13.

The first observation to be made is that there are different macro-structures. Although Leviticus 18 and 20 deal with nearly identical material, the context makes clear that Leviticus 18 addresses the would-be offender of the Law, while Leviticus 20 addresses the Israelite community as a whole, establishing their responsibility to deal with sin in their midst.¹²² This point also explains why incest is not addressed in as much detail in Leviticus 20, and why there is such an emphasis on the punishment of transgressors.¹²³

This understanding of the difference in the primary addressee of Leviticus 20 also clarifies why the prohibition begins differently. Leviticus 20:13 is formulated structurally as belonging to a set of laws which deal with the protection of the family (vv. 9–21).¹²⁴ The first part of Leviticus 20:13 reads, “If *there is* a man who lies with a male” (וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־זָכָר).

The introductory phrase וְאִישׁ אֲשֶׁר is found in every verse of this section except in verses 9 and 19. English translations typically render the phrase as a conditional sentence, “If a man,” followed by the action that is forbidden. This is because Leviticus 20:9 begins the section with the phrase, “If *there is* anyone who curses his father ...” (כִּי־אִישׁ אִישׁ אֲשֶׁר יִקְלֹל אֶת־אָבִיו). Contextually, verses 10–21 are syntactically structured to carry on the nuance of כִּי through ellipsis. The meaning of כִּי in this context is undoubtedly conditional (as most English translations read). Therefore, grammatically the emphases in Leviticus 20:9–21 are not on forbidding actions (although that is strongly implied). Rather, the emphases are on what must be done with individuals who have committed such transgressions.

Another significant difference between Leviticus 18:22 and 20:13 is that mutual culpability is stressed in Leviticus 20:13. The phrase, “both of them have committed

¹²¹ Gagnon, *Bible and Homosexual Practice*, 115fn183.

¹²² See Structure of Leviticus 18–20 in this article, and Rooker, *Leviticus*, 265.

¹²³ *Ibid.*

¹²⁴ Hartley, *Leviticus*, 329–30; Rooker, *Leviticus*, 268.

a detestable act” (תועבה עשו שְׁנַיִם) uses a plural verb (עשו) as well as the word for two (שְׁנַיִם). The word for two (שְׁנַיִם) is used in construct phrases to identify which people make up the party of two (e.g., Gen 9:22; 24:22; 27:45; 31:37, etc.).¹²⁵ Thus, the combination of שְׁנַיִם and הָּ indicates that both parties involved have committed a “detestable act.” The term used for “detestable act” (תועבה) is the same word for “abomination” in Leviticus 18:22.¹²⁶ According to this Mosaic explanation, it is not only the active or the passive partner who has transgressed, but both of them. This statement seems to be irreconcilable with the idea that this prohibition is based in cultural gender norms, or the ANE concept of dominion and shame/honor.¹²⁷ In contrast to the apparent tolerance of other cultures toward certain homosexual acts, the Mosaic legislation does not qualify this stipulation.¹²⁸ It states simply that both

¹²⁵ “שְׁנַיִם,” HALOT, 1605.

¹²⁶ For more on this term, see discussion of Leviticus 18:22 in this article.

¹²⁷ For discussion of homosexuality in ancient Greece, see the following: Kenneth James Dover, *Greek Homosexuality* (Cambridge, MA: Harvard University Press, 1989), 60–68, 81–109; David Cohen, “Law, Society and Homosexuality in Classical Athens,” *P&P* 117 (November 1987): 7–21. Some scholars who promote the idea that the Levitical prohibitions to a certain extent do match the context of the ancient Grecian model are Walsh, “Who Is Doing What to Whom?,” 201–9; David Daube, “The Old Testament Prohibitions of Homosexuality,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Romanistische Abteilung* 103 (1986): 447–48. Similar to these sources, see Thomas M. Thurston, “Leviticus 18:22 and the Prohibition of Homosexual Acts,” in *Homophobia and the Judaeo-Christian Tradition*, ed. Michael L. Stemmeler and J. Michael Clark (Dallas: Monument, 1990), 7–24. Thurston argues the male is forbidden from these relationships because it would be acting as a woman, similar to the prohibition in Deut 22:5 (*ibid.*, 16). See also, Fortson III and Grams, *Unchanging Witness*, 225–26. Fortson and Grams point out that there is some evidence of sexual relationships in the ANE that were related to some form of dominance. These include (1) someone of higher social status dominating someone of lower status, (2) sexual activity between two in the same social position, and (3) someone of a lower status trying to dominate someone of a higher status. However, there is no biblical evidence that such thinking was a part of constructing the Jewish sexual ethic.

¹²⁸ Fortson III and Grams, *Unchanging Witness*, 223–34; Gordon J. Wenham, “The Old Testament Attitude to Homosexuality,” *The Expository Times* 102, no. 12 (September 1991): 359–63; Harry A. Hoffner, “Incest, Sodomy and Bestiality in the Ancient Near East,” in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Occasion of His Sixty-Fifth Birthday*, ed. Harry A. Hoffner (Neukirchen-Vluyn: Neukirchener Verlag, 1973), 81–90. Wenham notes, for example, that in Hittite Law 189 if a man violates his son it is a capital crime, but it seems clear from context that the crime is due to incest and not due to the homosexual act per se (Wenham, “The Old Testament Attitude to Homosexuality,” 361; cf. Hoffner, “Incest, Sodomy and Bestiality in the Ancient Near East,” 85). There seems to be no evidence from the Hittite laws that homosexuality was illegal, though bestiality and incest were illegal. On the other hand, from the Egyptians there appears to be tomb depictions in Egypt that may suggest consensual, adult, homosexual relationships. See Greg Reeder, “Same-Sex Desire, Conjugal Constructs, and the Tomb of Niankhkhnum and Khnumhotep,” *World Archaeology* 32, no. 2 (October 2000): 193–208; Fortson III and Grams, *Unchanging Witness*, 233–34. Additionally, in Middle Assyrian laws A19–20, the law punished accusations of passive homosexual acts, but did not use language of being the active partner (cf. Wenham, “The Old Testament Attitude to Homosexuality,” 361–62).

Although there is not an abundance of evidence, the evidence we do have seems to indicate there were considerations of different kinds of homosexual acts. Thus, in light of these ANE references to homosexuality, Fortson and Grams state the following: “If the ancient Near East differentiated between various types of homosexual acts, then unspecified laws against homosexuality, as we have in Leviticus 18:22 and 20:13, should be understood to forbid any sort of homosexual practice—otherwise authors would have been expected to specify which acts were intended.” Fortson III and Grams, *Unchanging Witness*, 223.

parties (active and passive) have done this abomination (תועבה).¹²⁹ Therefore, both are equally culpable of the penalty for this transgression—death.

That Leviticus 20:13 mentions the death penalty and 18:22 does not should not be troublesome. As noted previously, Leviticus 20 appears to be emphasizing the penalties for breaking God’s law, while Leviticus 18 stresses the content of the prohibition itself.¹³⁰ This observation is further confirmed by noting that Leviticus 18 does not even use the word for death (מות) while Leviticus 20 uses it often, highlighting the high cost for covenant violation (cf. Lev 20:2, 4, 9, 10–13, 15–16, 27).

The fact that the death penalty is prescribed in Leviticus 20 for transgressors of many of these laws indicates how important these laws were to Israelite society. The death penalty was prescribed for the most important laws which formed the foundation of Israel’s society:¹³¹

Table 10: List of sins which required the death penalty

Premeditated murder	Gen 9:5–6; Exod 21:12; Lev 24:17; Num 35:16–21, 30–33; Deut 17:6
Adultery	Lev 20:10; Deut 22:21–24
Incest	Lev 20:11, 12, 14
Bestiality	Exod 22:19; Lev 20:15–16
Homosexuality	Lev 18:22; 20:13
Rape of a betrothed virgin	Deut 22:25
Kidnapping	Exod 21:16; Deut 24:7
False witness in a case involving a capital offense	Deut 19:16–20
Priest’s daughter committing fornication	Lev 21:9
Witchcraft (divination and magic)	Exod 22:18
Human sacrifice	Lev 20:2–5
Striking or cursing parents	Exod 21:15, 17; Lev 20:19
Persistent disobedience to parents and authorities	Deut 17:12; 21:18–21
Blasphemy	Lev 24:11–14, 16, 23
Idolatry	Exod 22:20; Lev 20:2
False prophesying	Deut 13:1–10
Working on the Sabbath	Exod 35:2; Num 15:30–36

¹²⁹ In line with our previous discussion of תועבה, it appears significant that this is the only occurrence of תועבה in all of Leviticus 20. At the very least, we can say that there is an emphasis of this transgression that is not found in comparison to others in the chapter.

¹³⁰ Rooker, *Leviticus*, 265.

¹³¹ The following chart is adapted from Walter Kaiser, Jr., *Toward Old Testament Ethics* (Grand Rapids: Eerdmans, 1983), 298.

In regard to the death penalty in the Old Testament, the case laws were not automatically applied in every given situation. In fact, in Numbers 35:31,¹³² it appears that the only situation where there could be no ransom for the death penalty is for premeditated murder.¹³³ This implies that in the other situations there could be ransom given. Thus, the death penalty is not to be viewed as an absolute punishment. However, the mention of the death penalty signifies the gravity of these sins to God.¹³⁴

The fact that Leviticus 20:13 ends with the phrase, “Their bloodguiltiness is upon them” (דְּמֵי־הֶמֶם הֵם) indicates that both parties are equally culpable and deserving of their punishment. When the term for blood (דָּם) is used in the plural, it communicates the idea that blood has been spilt.¹³⁵ Thus, the term “bloodguiltiness” is likely best understood as a phrase which communicates that their bloodshed is by their own cause. In other words, it is a fair penalty which the guilty deserve (cf. Lev 20:9, 11, 12, 16, 27).¹³⁶

Although some see this idea of mutual culpability as evidence for cultic idolatry,¹³⁷ the Middle Assyrian Laws seem to demonstrate that qualifications (when intended) would not be uncommon if a specific kind of homosexual activity was in view.¹³⁸ Since both Leviticus 18:22 and 20:13 are absolute and unqualified, it is best to let them remain that way. Indeed, it should be assumed that they were intentionally left unqualified as such.

¹³² “Moreover, you shall not take ransom for the life of a murderer who is guilty of death, but he shall surely be put to death” (וְלֹא-תִקְחוּ כֹפֶר לְגַשְׁתִּי רֹצֵחַ אֲשֶׁר-הָרָגוּ רָשָׁע לְמוֹת כִּי-יָמֹת יִיָּמָת).

¹³³ “Numbers 35:31 prohibits ransom for the life of a murderer. But that suggests that ransom was possible in other crimes for which the case laws specify the death penalty, even when the text does not specifically mention the possibility of ransom. Examples may be adultery, homosexuality, and blasphemy. Exodus 21:30 specifically mentions the possibility of ransom in an otherwise capital case. It may well be that judges in Israel had considerable liberty to determine penalties for crimes, following general principles of law found throughout the Pentateuch.” John Frame, *The Doctrine of the Christian Life* (Phillipsburg, NJ: P&R, 2008), 206 (cf. Walter Kaiser, Jr., *Toward Old Testament Ethics*, 298).

¹³⁴ Gagnon notes that the death penalty is far more severe than the castration which is called for by the Middle Assyrian Laws. See Gagnon, *Bible and Homosexual Practice*, 113–14. Cf. Rooker, *Leviticus*, 265. Rooker notes that Israel placed greater value on the family unit than any other ANE cultures, and thus imposed significantly more strict penalties on crimes against the integrity of the family. In contrast, other ANE cultures imposed their strongest penalties on economic crimes.

Contra Vines, *God and the Gay Christian*, 86. Vines argues that the death penalty is not a significant argument since the death penalty was applied to “sins” which we as Christians do not view as moral issues, such as working on the Sabbath (cf. Exod 35:2; Num 15:32–36). However, the Sabbath is not a sign for the Church. Thus, there is no significance in keeping the Sabbath. Yet, for Israel, not keeping the Sabbath was tantamount to open rebellion against the King of the nation. For the Sabbath was symbolic of being in complete submission to Him. Thus, although the Sabbath is not an issue for the Christian, the grave nature of transgressing the Sabbath in the Old Testament is often not appropriately appreciated by Christians.

¹³⁵ *IBHS* §7.4.1.b.

¹³⁶ For example, Targum Onkelos reads:

וְגַבְרִי דִישְׁכּוּב יִתְדוּרָא מִשְׁכּוּבֵי אִיתָא תוּעִיבָה עֲבָדוּ תְרוּיְהוֹן אַתְקִטְלָא יִתְקִטְלוּן קְטִלָא חֵיבִין
 “A man who lies with a male as one lies with a female, both of them have done an abominable thing; they must be killed; that is why they must be killed.” See Israel Drazin, *Targum Onkelos to Leviticus: An English Translation of the Text with Analysis and Commentary (Based on the A. Sperber and A. Berliner Editions)* (New York: Ktav Publishing House, 1994), 182–83.

¹³⁷ “There is no literary evidence for consensual male-male sexual relations in the land of Israel and surrounding regions specifically, apart from that cultic context.” Brownson, *Bible, Gender, Sexuality*, 270.

¹³⁸ Gagnon, *Bible and Homosexual Practice*, 115; Wold, *Out of Order*, 43–51.

In summary, there is no reason to suggest redactional activity in Leviticus 20:13, and if one's interpretation of these texts needs a theory of redaction, then that theory should be immediately suspect. Although Leviticus 20:13 does differ from 18:22, it is likely due to the immediate context and purpose of Leviticus 20 rather than two separate traditions. Leviticus 20:13 contributes significantly to our discussion as it reveals the severity of the transgression through its punishment—death. Further, Leviticus 20:13 makes clear that cultural gender roles (e.g., female passivity) are not the backdrop of these laws, for both participants (active and passive) are held mutually culpable and punished equally.

Why Is There No Prohibition against Female-Female Sexual Activity?

Scholars who argue against Leviticus 18:22 and 20:13 as general prohibitions against homosexuality often do so partially on the basis that there is not a similar prohibition against lesbian activity. If this was a general prohibition against male homosexual behavior, why is there no general prohibition against female homosexual behavior? As Brownson notes,

Why, then, is there no analogous prohibition of a “woman lying with a female as with a man”? If violations of biological gender roles constituted the primary moral logic underlying the prohibition, one would expect the corresponding injunction against female same-sex eroticism as well. But it is absent.¹³⁹

There are major problems with the assumptions made in this argumentation. First, this argument discounts the nature of the Law. The Mosaic Law was not meant to be exhaustive, but instead was intended to function as an application of the undergirding theology that guided Israel. Israelite society would never allow women to engage in lesbian activity while the men were forbidden similar relationships.¹⁴⁰

Second, this argument does not adequately respect the genre of law and its formulation. Laws in the Old Testament are typically written from the perspective of a male, but in no way does this limit the scope of the law to males.¹⁴¹ For example, the Ten Commandments are all written from a masculine perspective. In fact, each of the Ten Commandments is specifically parsed as a masculine singular imperative. However, it would be irrational to say that the Ten Commandments only applied to men.¹⁴² Further, the fact that Talmudic law and Romans 1:26 condemned lesbian

¹³⁹ Brownson, *Bible, Gender, Sexuality*, 272.

¹⁴⁰ Fortson III and Grams, *Unchanging Witness*, 194.

¹⁴¹ In Leviticus 18–20, for example, the *only* commands that are specifically concerning a female are the prohibitions against a woman lying with an animal in Lev 18:23 and 20:16. All other prohibitions are given to a male, or from the perspective of the male.

¹⁴² This illustration taken from Fortson III and Grams, *Unchanging Witness*, 194. Furthermore, it would be completely irrational to say that prohibitions such as Lev 19:29 (which prohibits a father from letting his daughter become a harlot) allowed the son to become a prostitute.

activity as a transgression illustrates that Jews would have seen these Levitical prohibitions as applying more broadly than just to males.¹⁴³

Conclusion

Some scholars have argued on the basis of the phrase *משקבֵי אִשָּׁה* and the immediate context of Leviticus 18 and 20 that Leviticus 18:22 and 20:13 are strictly limited to male-male incest. These arguments have been addressed in this article and have been found wanting. There is no reason to see the phrase *משקבֵי אִשָּׁה* as pertaining to incestuous relationships.

It was also noted in the survey that Saul Olyan is likely the most significant writer in this area and has convinced many scholars that these prohibitions only deal with specific homosexual behavior between two males. For Olyan, other forms of sexual expression are not forbidden in Israelite culture. However, this view seems too limiting. It is not likely or natural to limit the phrase *משקבֵי אִשָּׁה* *only* to specific homosexual behavior. The use of the *שׁכב* word group seems broad enough to include a general sexual reference.

Another scholar whose view is worth reiterating is Bruce Wells. His view holds that the phrase *משקבֵי אִשָּׁה* is a technical term which refers to males who are married or under sexual obligation to a wife. Thus, for Wells, the males in view in these prohibitions do not have the right to engage in sexual activity with other men because they are married. But, according to Wells, this does not mean that the prohibition would be the same for all males, since some of them would differ in position and obligation.

This view has also been addressed at length in this article. One of the main issues with Wells' position is that his argument does not evaluate the plural and singular construct phrases in question, focusing only on the plural. This is a major flaw since the singular phrases seem to have the same meaning as the plural. Additionally, Wells hypothesizes a theory of sexual dominion (i.e., obligation) which does not find support in Hebrew culture, nor does it fit with the passages in question (most notably 1QS_a 1.10).

In contrast to the recent revisionist positions summarized in this chapter, it has been argued in this article that the prohibitions against homosexual activity are general in nature and scope.¹⁴⁴ In other words, these prohibitions are not limited to

¹⁴³ Rooker, *Leviticus*, 247; Levine, *Leviticus*, 123; William Loader, *Sexuality in the New Testament: Understanding the Key Texts* (Louisville, KY: Westminster John Knox Press, 2010), 9. For an early example of Talmudic commentary, see *Sifra* 9:3, an early commentary on Lev 18:3 which notes the taboo of both male and female sexual relationships. For other discussions of female homosexuality in the Talmud and Hellenistic literature, see *Shabbat* 65a, *Yebamot* 76a, and *Pseudo-Phocylides* 190–92.

¹⁴⁴ Jacob Milgrom has recognized that Leviticus 18:22 and 20:13 target general homosexual activity, however, Milgrom's view is worth emphasizing, because he understands the application of the passage differently. Although he views the Levitical prohibitions as addressing homosexuality in general, he views the application more narrowly than this article. He writes, "What I said may be both good news and bad news to my Christian friends, depending on their position on gay and lesbian rights: This biblical prohibition is addressed only to Israel. Compliance with this law is a condition for residing in the Holy Land, but not elsewhere (see the closing exhortation, vv. 24–30). Thus, it is incorrect to apply this prohibition on a universal scale." Milgrom, *Leviticus* 17–22, 1786. In other words, although the prohibition

specific homosexual behavior, nor is the activity limited to a cultic context (i.e., idolatry or purity regulations). These prohibitions would have been understood to preclude both male and female same-sex relationships in any form.

itself is broad, it is only given narrow application to Jews who were at that time living in the land of Israel. Thus, to Milgrom, these prohibitions hold no continuing application for today. However, if we believe many of the laws are a reflection of God's character and His design for creation, then we have to hold to some kind of continuing instructive capacity in the Law.