

**Exegesis of Leviticus 18:22 & 20:13****by Elodie Ballantine Emig (Denver Theological Seminary)**

Leviticus includes two very similar laws condemning homosexuality. Isn't it enough to be told that God finds homosexuality detestable; why add, a mere chapter and a half later, that it carries with it the death penalty? The only answer that makes any sense is that the two laws, though using identical language in places, are of very different types.

In Leviticus 18:22 and 20:13, we find homosexuality proscribed in both apodictic and casuistic law. "Do not lie with a man as one lies with a woman; that is detestable" (Lev. 18:22) is an example of apodictic, or absolute law. "Apodictic law [embodies] laws promulgated in unconditional, categorical directives such as commands and prohibitions" (Klein, Blomberg and Hubbard, *Introduction to Biblical Interpretation*, rev. 2004, p. 342). Casuistic, or case law, on the other hand, deals with the consequences of certain infractions (if ....., then.....). "If a man lies with a man as one does with a woman, both of them have done what is detestable. They must be put to death; their blood will be upon their own heads" (Lev. 20:13). The ancient Israelites were given a clear picture: homosexuality is detestable to God; it is a capital crime for both partners. They were prohibited from homosexuality (Lev. 18:22), then they were made aware of the consequences of failure to honor the prohibition (Lev. 20:13).

The section of Leviticus (chapters 17--26) in which these two laws are found is commonly called "the Holiness Code." According to proponents of Welhausenian (JEDP) theories of the origin of the Pentateuch (the first five books of the Bible), Leviticus was written well after the time of Moses. Welhausen, along with the majority of current Old Testament scholars, believed that it was "a [priestly] product of the exilic and postexilic periods" (La Sor, Hubbard, and Bush, *Old Testament Survey*, 1982, p. 58). If such theories are correct, Leviticus had absolutely nothing to say to the Israelites about to enter a new, but inhabited land, which had been promised by God to their forebears. Now, it is certainly possible that the Pentateuch was put in final written form in the postexilic period, but I will agree with conservative scholars in thinking that its core is Mosaic. "The contents of our Pentateuch are, in general, very much older than the date at which they were finally edited; new discoveries continue to confirm the historical accuracy of the literary antiquity of detail after detail in it" (William Albright *The Archeology of Palestine and the Bible*, 1974, p. 225). I will approach Leviticus, then, as legal material coming from the time of Moses, not centuries later. Further, I will consider it to contain principles of holiness to be followed by all of God's chosen people, not just the priestly clans.

If we take seriously God's words to Moses recorded in the Pentateuch, we will find that He wanted a holy people for Himself, not just a holy, priestly tribe. For reasons of simple practicality, God chose the tribe of Levi to serve Him as priests, rather than the firstborn son of every Israelite family. "The Holiness Code" was addressed to all of God's people, to every family and tribe, so they would know what God expected of His covenant people.

It has long been accepted that the covenant between God and Israel resembles ancient Near-Eastern suzerainty treaties. The basic outline of such treaties included an introduction, a historical prologue, the stipulations of the treaty, ratification, and blessings and curses. "The Holiness Code" should be seen as

part of the stipulations of the treaty. God expected His people to act in a certain way, if they were to enjoy His protection and reap His blessings. In fact, all Old Testament law must be viewed as relational, covenantal, if it is to be understood properly.

There are actually relatively few laws preserved for us in the Pentateuch. God did not provide His people with an exhaustive list of do's and don'ts, rather He gave them guidelines for acting as His people. It was understood that God was king of His people and that He would continue in ongoing relationship with them. He dwelt in their midst, upon the ark of the covenant; His will could be sought at any time, on any issue. What we find in Leviticus are the bottom-line requirements of God's relationship with Israel. Before the people entered the promised land, the land of Canaan, God made clear the basics of how He expected His people to conduct themselves.

Because God detested Canaanite religion and morality, He warned the people over and over, first through Moses and Joshua, later through the prophets, not to worship Canaanite gods or imitate their practices. From God's perspective, all of the native peoples in the promised land were detestable, probably because they were descended from Ham (who was very likely guilty of the homosexual rape of his father Noah), certainly because they worshipped other gods. God's people would be different, they would worship Him alone and do things which pleased Him -- or so the covenant stipulated.

Homosexuality came up as God told His people how they were to act in the promised land. As I note elsewhere, He did so in heterosexual terms (as one lies with a woman) to be intelligible to the Israelites (contra Gagnon and others who see the wording as merely reflecting the patriarchy if not misogyny of the period). Homosexuality was not yet an issue for Israel at the time of the giving of the law. It was an issue elsewhere in the ancient Near-East however. As I also note elsewhere, Israel was alone among the ancient Near-Eastern nations to prohibit homosexuality categorically. My take on all of this is that God prepared His people for what they would find in the land by describing homosexual activity, in terms they would understand, pronouncing it detestable to Him, and making it a capital crime.

Some have suggested that homosexuality was abhorrent to Israel just because it was practiced by Canaanites. I disagree; it was abhorrent to them because God found it detestable in and of itself. I agree with G. J. Wenham,

Aversion to Canaanite custom no more explains Israel's attitude toward homosexuality than it does its preference for monotheism. That Canaanites practiced homosexuality no doubt enhanced Israel aversion to it, but it is not the fundamental motive for it. ... It...seems most likely that Israel's repudiation of homosexual intercourse arises out of its doctrine of creation. ... To allow the legitimacy of homosexual acts would frustrate the divine purpose and deny the perfection of God's provision of two sexes to support and complement one another ("The Old Testament Attitude to Homosexuality," *The Expository Times* 102 (1991): pp. 362,3).

**WORD STUDY**

According to Leviticus, homosexuality is detestable to God. Why deal with what God found detestable in the Old Testament, when we know from the New Testament that all sin is detestable, moreover that it has been propitiated by Christ's sacrifice? Why not just focus on grace, on the "mercy [that] triumphs over judgment" (James 2:13b)?

There are, I suppose, many possible answers to my questions. I'll submit two: 1, the Old Testament, as well as the New, should be understood within a framework of grace -- God graciously initiated His covenant relationship with Abraham and then Israel; and 2, I believe we cannot really understand and accept God's love and grace without also coming to terms with His wrath. I am convinced that wrath is not the opposite of God's love, but rather an integral part of it. If we wish really to comprehend God's love for us, we must be willing to look at what He hates, or detests, on either side of the cross.

Most of us know what detestable, or the even grimmer "abomination" of the King James, means. Still, it is always useful to look at the words behind the English translation. There are four Hebrew words (three roots) which are translated as "abomination" or "that which is detestable." The noun which appears in our passages, to'eba, is the most frequently used (117 times) of the four. In the Theological Wordbook of the Old Testament, is found the observation, "Whereas to'eba includes that which is aesthetically and morally repulsive, its synonym sheqes denotes that which is cultically unclean, especially idolatry" (Vol. II, 1980, p. 977). The noun sheqes is "mostly used in reference to unclean and forbidden foods," where its cognate shiqqus "is always used in connection with idolatrous practices" (TWOT, V.II, 1980, p. 955). The fourth word, piggul, is only used in reference to food, generally putrid food.

We find in Leviticus 18 and 20, then, the word for abomination with the widest range of meaning. It is used in Isaiah 44:19 as a synonym for "idol"; yet, as was noted above, it is the only one of the four synonyms with moral and aesthetic nuances (TWOT, V.II, 1980, p. 977). Thus we must question The Metropolitan Community Church's conclusion regarding the Leviticus texts.

An abomination is that which God found detestable because it was unclean, disloyal, or unjust. Several Hebrew words were so translated, and the one found in Leviticus, toevah, is usually associated with idolatry .... Given the strong association of toevah with idolatry and the Canaanite religious practice of cult prostitution, the use of toevah regarding male same-sex acts in Leviticus calls into question any conclusion that such condemnation also applies to loving, responsible homosexual relationships ("Homosexuality: Not a Sin, Not a Sickness," a pamphlet of the UFMCC by Donald Eastman).

Certainly the term was used of idolatry, idolatry remains detestable to God (contra the UFMCC's use of the past tense). There is equally no doubt that Canaanite cult prostitution was an abomination to God. This is perhaps supremely so because the practice did infect Israel. "There is good evidence of homosexual cult prostitution in Israel during the period of the divided monarchy (Robert Gagnon, *The Bible and Homosexual Practice*, 2001, p. 100). Still, we must consider that certain things are wrong in themselves. The sexual regulations found in Leviticus 18 "promote the integrity of the extended family" (J.E. Hartley, *Leviticus*, Word, 1992, p. 298). Incest is wrong, not just because the Canaanites indulged in

it, but because it perverts God's intentions for family life. Towards the end of chapter 18, after the proscriptions of various sexual sins had been set forth, God said, "Do not defile yourselves in any of these ways, because this is how the nations that I am going to drive out before you became defiled. Even the land was defiled; so I punished it for its sin, and the land vomited out its inhabitants" (Lev. 18:24).

To suggest that homosexuality defiles one only because of its association with Canaanite idolatry misses the deeper issue. Yes, cult prostitution is abhorrent to God; but why? Is it just because it celebrates a false god? No, that it is seen as worship merely adds insult to injury. Prostitution, homosexual or heterosexual, is wrong, regardless of its cultic status, because it flies in the face of God's intent for human marriage. It is also worth noting that cult prostitution is not mentioned in the levitical texts we are studying. Both passages simply prohibit male homosexual [anal?] sex acts. The only reason given is that the practice is detestable to God (moreover it is worth mentioning that "in all of the Holiness Code only homosexual intercourse is singled out for special mention within the list as 'an abomination'" (Robert Gagnon, *The Bible and Homosexual Practice*, 2001, p. 83). The notion that one could perform a detestable act in a loving and responsible way doesn't come up.

The Metropolitan Community Church's line of reasoning, of course, presupposes that homosexual acts are neutral in and of themselves and that it is the context in which they occur that makes them acceptable or detestable. Unfortunately for pro-gay theology, there is nothing in the Bible to warrant the belief that homosexual acts could ever take place in an acceptable context. Please note that in the case law of Leviticus 20:13, no particular context is indicated, and both homosexual partners are sentenced to death for their activity.

From what we know of Israel's neighbors, such a legal stance was unique. For example, in the Mesopotamian (Assyrian) laws available to us from roughly the same period, there was no situation in which both partners would have been guilty of a crime. Mesopotamian culture, perhaps grudgingly (see Robert Gagnon, *The Bible and Homosexual Practice*, 2001, pp. 45-47) accepted the existence of homosexuality; laws governing its practice were to protect men from rape, or their reputations from allegations of effeminacy (G.J. Wenham, "The Old Testament Attitude to Homosexuality," *The Expository Times* 102 (1991): p. 360). The significance of the facts that homosexual activity was described in Israelite law in the most general of terms (that is, with no indication that what was in view was cult prostitution, or rape, or a loving, monogamous relationship for that matter) and was a capital crime for both participants must not be overlooked.

Homosexual acts are morally and aesthetically, not just cultically, detestable to God. There is no doubt that this broader term for abomination was used in our texts for a reason.

We are dealing with the same word found in Proverbs 6:

There are six things the Lord hates, seven that are detestable to him: haughty eyes, a lying tongue, hands that shed innocent blood, a heart that devises wicked schemes, feet that are quick to rush into evil, a false witness who pours out lies and a person who stirs up dissension among the people (vv. 16-19).

All of these things are wrong in themselves, not because they might be connected with idolatry. To get back to our starting point, God hates them because He loves us. God hates those things which get in the way of the relationship He intended to have with us. Pride, deceit, murder etc. clearly mar people's relationships with each other and with God. God hates pride, because it is only in humble submission to Him that we can find true fulfillment. God hates homosexuality, because He loves homosexuals. Their sexual activity is diametrically opposed to God's intent for human sexuality and, as such, will keep them from His intent for them. God hates because He first loves us; whatever comes between us and what God intends for us, He will utterly despise.

#### **APPLICATION**

What possible application does a pair of laws given to the Israelites thousands of years ago have for twentieth-first-century Christians?

“Christians today do not follow the rules and rituals described in Leviticus. But some ignore its definitions of their own ‘uncleanness’ while quoting Leviticus to condemn ‘homosexuals’” (“Homosexuality: Not a Sin, Not a Sickness,” a pamphlet of the UFMCC by Donald Eastman). The notion is that Christians who do not keep kosher or sacrifice animals to God, etc. are being inconsistent when they claim that the levitical proscriptions of homosexuality are still valid.

Christians believe that the Old Testament Law has been fulfilled in Jesus; He Himself said so. What exactly this means, however, is not something upon which all Christians can agree. Covenant theology affirms that “all the Old Testament applies [to Christians] except what the New Testament repeals,” where dispensationalists believe that “none of the Old Testament applies except what the New Testament repeats” (Klein, Blomberg and Hubbard, Introduction to Biblical Interpretation, rev. 2004, p. 347). Both views are problematic. The New Testament has not specifically repealed many of the levitical laws regarding uncleanness (to which fact the UFMCC pamphlet rightly alludes). For example, both menstruation and nocturnal emissions caused Israelites to be considered unclean and therefore unfit to enter God’s presence. Nor has the New Testament repeated all the laws most Christians consider binding. For example, the New Testament does not prohibit the practice of sorcery.

Christians have to take seriously Paul’s dictum in 2 Timothy 3:16, “All Scripture is God-breathed and is useful for teaching, rebuking, correcting and training in righteousness, so that the person of God may be thoroughly equipped for every good work.” All of Leviticus is useful to us, even though its laws have been fulfilled by Jesus. With Klein, Blomberg and Hubbard I must agree that “All of the Old Testament applies to Christians, but none of it applies apart from its fulfillment in Christ” (Ibid.). Romans tells us

that God provided His Son, Jesus, as the propitiatory sacrifice which would deal with the sins of humanity. Paul specifically mentions sins God “passed over” before the sacrifice of His Son (Rom. 3:25). The Old Testament sacrificial system was unable to atone fully for human sin. As Hebrews tells us, the Old Testament system was fulfilled and superseded when our perfect High Priest, Jesus, offered Himself as the sacrifice for our sin.

Yes, Christ has fulfilled the levitical laws, and we know for a fact that the dietary and sacrificial portions thereof are no longer binding, because the New Testament tells us so. But what of the rest; what of the laws neither repeated nor repealed in the New Testament? The laws regarding homosexuality do not happen to fall into this category, as both Testaments prohibit it, but the question is still important. Where we are told that Christ has fulfilled the Law and that Christians made righteous by faith need not keep kosher or be circumcised, we are also told that the Law is not thereby nullified. Christians saved by faith are to uphold the Law (Rom. 3:31).

So how do we uphold a law which considers homosexuality to be a capital crime? Clearly we must begin by taking it seriously. That homosexual acts were punishable by death in ancient Israel tells us how abhorrent they were to God. But we Christians are not Israelites about to enter the land of Canaan; we have no camp outside of which we take people to stone. Thanks be to God! I do not believe that homosexuals should be treated as criminals; at the same time I do believe that homosexual activity is sinful. The question is whether or not I can believe both with integrity. Am I not reading, or applying, Scripture selectively? The simple answer is that I am.

The two laws we are dealing with state that homosexuality is an abomination to God; the second makes it a capital crime. The original intent of the laws is plain enough: God’s people were to avoid homosexual activity on pain of death. To what extent have the laws been fulfilled in Christ?

To fulfill a law...mean[s] to bring to completion everything for which that law was originally intended. (cf. [Mt.] v. 18: “until everything is accomplished”). In some cases, as with sacrifices and various ceremonies (cf. Col 2:16-17), that point was Christ’s death and resurrection... In other cases, as with many moral injunctions, the point of completion will not occur until Christ’s return (Ibid.).

Again, I will agree with Klein et al.; these two laws continue to intend to regulate human sexual practice. There are two reasons that I do not consider homosexuality to be a capital crime any more. First, we are not citizens of a theocracy in its infancy. That is, we do not live at that period of time in which God was carefully teaching His people what it is to be holy. We are supposed to be more mature than the ancient Israelites were; we are supposed to pursue holiness without the threat of death. Second, the love of Christ constrains us to reach out to fellow sinners, not to kill them.

Above I noted that we have in Leviticus both an absolute and a case law prohibition of homosexuality. The absolute law is true for all times and cultures, where the case law was culture-specific in part. The death penalty was meant for the Israelites to whom the law was given; the categorical prohibition against homosexual practice was meant for all people. The former is so because God carefully explains that anyone who does the detestable things the Canaanites do “must be cut off from their people” (Lev.

18:29b). The former is so because the covenant God had with Israel has been superseded by the covenant all people can have with Him through faith in Christ. The latter is so because the New Testament reaffirms the Old Testament's prohibition of homosexual activity. The latter is so because, until Christ's return, God intends for men to marry women and for their families to be secure, fit for the rearing of children. When we get to heaven, where "people will neither marry nor be given in marriage" the intent of Leviticus 18:22 and 20:13 will have been brought to completion.