

# The New Dispensation On Homosexuality:

A Jewish Reaction To A Developing Christian Attitude

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THE much heralded "sexual revolution" of our times has finally infiltrated the very bastions of official morality in our Western world. A number of influential Christian churches, suddenly aware of their isolation in the face of the rapidly deteriorating moral level of the Christian world, have begun to reassess their codes of sexual conduct. As has happened so often in the history of the West, Christianity has begun to accommodate itself to Christendom, and the abyss that does and should keep *morality* apart from *mores* has shrunk ever more.

One of the most significant documents of this astounding development is "Sex and Morality," the Report by the Working Party to the British Council of Churches, published in October, 1966. It is the harbinger of a new dispensation in sexual morality, and presages the most serious consequences for the future of our society. New thinking on the Christian view of sex and sex practices is also evident in pronouncements and reports by Swedish and German churches.

These developments are deserving of special treatment from a Jewish perspective. For the present, let us turn our attention to a recent meeting of American churchmen that was widely reported in the press of this country. On November 28, 1967, ninety Episcopalians gathered in New York to discuss their church's approach to homosexuality. Their conclusions were sensational but, alas, predictable.

A large majority of the priests, according to the New York Times reports, believed that homosexual acts should not be dismissed as wrong *per se*. Such acts "between two consenting adults should be judged by the same criterion as a heterosexual marriage—that is, whether it is intended to foster a permanent relation of love," or whether the two individuals are merely "using" each other. A homosexual relationship "can be as fulfilling or as destructive as heterosexual ones." Of course, the disclaimer follows: this does not mean that such acts should be "encouraged." And so, the "Judaean-Christian tradition," which once had some min-

imal claim to validity in the area of sexual morality, now lies in utter shambles.

**W**HAT is the Jewish view on homosexuality? A comprehensive treatment is beyond the scope of this article, and I prefer a more modest effort: an outline of a Jewish perspective on the subject.

Judaism condemns homosexual conduct as an abomination. The Torah legislates on it in the context of other sexual vices, such as adultery, incest, and bestiality. *Mishkav Zachar*\* is prohibited in Leviticus 18:22—

“Thou shalt not lie with mankind as with womankind; it is an abomination,”

and capital punishment is ordained for both transgressors in Leviticus 20:13. The Halachah considers this commandment to apply universally, to Jews as well as non-Jews (Sanhedrin 57b-58a; Hilchos Melachim 9:5, 6).

We know of two homosexual incidents in Scriptural history, both involving violence. The first took place in that “sin city” of Biblical days, Sodom. The entire population—“both young and old, all the people from every quarter”—surrounded Lot’s house and demanded that he surrender to them his visitors “that we may know them” (Genesis 19:5). The term “to know” is the Biblical idiom for carnal knowledge. (The word “sodomy” should therefore be used exclusively for homosexuality, and not for the wide variety of per-

versions which the term commonly denotes.) The second incident is remarkably similar to the first, except that here we find Israelites as the offenders. This is the notorious case, recorded in Judges 19, of a group of Benjaminites in Gibeah who sought to commit an act of homosexual rape; the result was a disastrous civil war and the decimation of the tribe of Benjamin. In addition to these two explicit reports\*, the Jewish tradition records that the Egyptian Potiphar acquired Joseph from the Ishmaelites for homosexual purposes (Sotah 13b, and Targum Yerushalmi to Genesis 39:1).

**I**N Talmudic times we have very few case histories of *mishkav zachar*. Josephus tells of such an incident about Alexander the son of Herod (“Wars of the Jews,” i, 24:7; and see too “Antiquities” xv, 2:6). Lesbianism too was known (see Sifra to Leviticus 18:3) and included in the general commandment to refrain from the abominable practices of the Canaanites and Egyptians (Yevamoth 76a; Sabbath 65a; Hilchos Issurei Biah 21:8; Even Ha-Ezer 20:2). The Jerusalem Talmud (Sanhedrin 6:3, p. 28a) makes passing reference to two homosexuals who, apprehended by a Rabbi, threatened him if he would expose them. By and large, however, homosexuality was considered so rare that the Mishnah decided against the opinion of Rabbi Yehudah who forbade bachelors

\* This accepted term for homosexual liaison was not used in this sense in the Bible. Thus cf. Leviticus 18:22 and 20:13, where *Mishkevei Ishah* denotes homosexuality when applied to a male, and Numbers 31:17 and 35 where *Mishkav Zachar* denotes heterosexual intercourse when applied to women.

\* Some maintain that homosexuality as a part of a pagan cult flourished during the period of the Kings, and that the term *Kadesh* refers to this sacred sodomy; see Louis M. Epstein, “Sex Laws & Customs in Judaism,” p. 136. However, it is just as possible to interpret the term as denoting a heterosexual male prostitute. See I Kings, 14:24, 15:12, 22:47, and II Kings 23:7.

to sleep together under one blanket for fear of homosexual involvements. The Sages declare that the suspicion of homosexuality amongst Israelites is so remote that such a decree is unnecessary (Kiddushin 82a).

By the 16th century in Palestine, however, the situation had appreciably worsened, and Rabbi Joseph Karo found it necessary to invoke the prohibition of Rabbi Yehudah (Shulchan Aruch, Even Ha-Ezer 24). A century later, in Poland, Rabbi Yoel Sirkes wrote that *mishkav zachar* was sufficiently infrequent to suspend the prohibition, in accordance with the Sages of the Mishnah, except as a matter of special piety. Indeed, Rabbi Solomon Luria, a Polish contemporary of Rabbi Joseph Karo, held that homosexuality was so very unusual amongst Jews in his part of the world that one who refrains from sleeping with another male under one blanket because of special piety is guilty of self-righteous pride or religious snobism. (References, and additional source material, may be found in Otzar Ha-Posekim, vol. IX, pp. 236-238.)

**W**HAT is the meaning of *toeyvah*, "abomination," the term of opprobrium by which the Torah characterizes *mishkav zachar*? The Talmud records the interpretation of Bar Kapparah who, in a play on words, defined *toeyvah* as *toeh attah bah*, "you are going astray because of it" (Nedarim 51a). The exact meaning of this passage is unclear, and we must appeal to other sources for elucidation.

The Pesikta (Zutreta) explains the statement of Bar Kapparah as referring to the impossibility of such a

sexual act resulting in procreation. One of the major functions (if not the major purpose) of sexuality is reproduction, and this reason for man's sexual endowments is frustrated by *mishkav zachar*. Another interpretation is that of the Tosafoth and Rabbi Asher (in their commentaries to Nedarim 51a), which applies the going astray or wandering to the homosexual's abandoning his wife. In other words, the abomination consists of the danger that a married man with homosexual tendencies will disrupt his family life in order to indulge his perversions. This is, incidentally, quite a serious issue which society will have to confront today in the light of the capitulation by so many Christian churches to the drive to legitimize homosexuality as "morally neutral." A third explanation is given by a modern scholar, Rabbi Baruch Halevi Epsztejn (in his "Torah Temimah" to Leviticus 18:22), who emphasizes the unnaturalness of the homosexual liaison: "You are going astray from the foundations of the creation." *Mishkav zachar* defies the very structure of the anatomy of the sexes which quite obviously was designed for heterosexual relationships.

It may be, however, that the very variety of interpretations of *toeyvah* points to a far more fundamental meaning, namely, that an act characterized as an "abomination" is *prima facie* disgusting and cannot be further reduced or explained. Certain acts are considered *toeyvah* by the Torah, and that is all there is to it. It is, as it were, a visceral reaction, an intuitive disqualification of the act, and we distort the Biblical judgment if we rationalize it. *Toeyvah* constitutes a category of objectionableness *sui generis*, it is a primary phenomenon



and is accepted as such by those for whom the Torah is more than a collection of ancient cultural prejudices, no matter how enlightened.\*

**H**OMOSEXUALITY, whether male or female, is thus considered abominable, and can never be legitimized in the eyes of Judaism. This by no means implies that Jews who live by Judaism are lacking in compassion for the man or woman trapped in this dreadful disease, suffering the loneliness, the humiliation, and the social ostracism to which such individuals are condemned by their unfortunate tendencies. Certainly the homosexual who genuinely desires to emerge from his situation ought to be helped by all the means at our disposal, whether of medicine or psychotherapy or counselling. But the compassion and help extended by society should in no way diminish the judgment that *mishkav zachar* is repugnant.

An example of a sinful act that is treated with compassion by the Halachah which in practice considers it as pathological rather than rebellious is—suicide. Suicides, and attempted suicides, are technically sinners and certain consequences flow from this designation, such as relate to burial, mourning, and eulogies. Yet we usually treat the suicide as a sick individual and reserve the full harshness of the law for one who takes his own life purely for philosophic reasons—a rare case indeed. Similarly, despite the death penalty prescribed by the

Torah for *mishkav zachar*, one might make a case for treating homosexuals as sick rather than as evil. (To my knowledge, this has been done quietly and discreetly in the very few cases that have come to my attention.) Yet never has anyone dared to suggest that suicide be considered an acceptable and legitimate alternative to paying taxes and braving the other anxieties of life. No sane person would sit by passively and watch another human being attempt suicide because he “understands” him, and because it has been decided that suicide is a “morally neutral” act. By the same token, we may treat the homosexual as a patient rather than as a criminal, and use our understanding not to condone but to cure him, if that is at all possible, or at least to help him sublimate his desires and use them in socially constructive ways. But never can we submit to the current campaign in this country and in Europe to declare homosexuality a matter of personal taste within the range of normality, a campaign led by homosexuals and a number of far-out non-homosexual liberals who bring to mind Lionel Trilling’s statement that “some people are so open-minded that their brains fall out.”

**P**ERSONALLY, I do not believe homosexuality between two consenting adults should be treated as a criminal offense in the United States. I say this more as a matter of consistency and expediency than as general outlook. Although there are instances of purely moral prohibitions that are enforced by law in this country (polygamy is an example), the nature of our society and its judicial philosophy is such that the courts do not generally wish to in-

\* This lends additional force to Rabbi David Z. Hoffman’s contention that *toeyvah* is used by the Torah to indicate the repulsiveness of a proscribed act no matter how much in vogue it may be amongst advanced and sophisticated civilizations; see his *Sefer Vayikra*, vol. II, p. 54.



tervene where other individuals, and society, are not directly involved. The point can thus be made that as long as other sexual vices, such as adultery and incest, are not prosecuted in the courts, homosexuality should likewise be excluded from the criminal law. Besides, the nature of our prisons is such that not only do they not help rehabilitate the homosexual, but usually worsen his condition.

Of course, these considerations must be weighed against the very real fear that the removal of homosexuality from the law books will lead to lifting the stigma from this practice in society in general. A law, even an unenforced law, has a certain moral force and pedagogical value. Even more pertinent is the fact that liberalization of the law has now been anticipated by the tragic development in Christianity advocating the removal of the taint of immorality as such from *mishkav zachar*.

**J**EWs who retain their first loyalty to Judaism and Halachah, rather than to the newest canons of contemporary liberalism, must view this new tendency in Christianity with dismay and profound regret. To plead for compassion towards the homosexual and for bringing him remedial care, if not for his exclusion from the penal law, is something with which, as I have said, religious Jews may quite readily agree. But to declare homosexual acts as "morally neutral" and at times as "a good thing" is scandalous. I realize that some of the more liberal Christians will dismiss the Jewish view as "judgmental" and "Pharisaic," but that seems to be the fate of any belief in moral or spiritual absolutes. It is the price one has to pay for refusing to succumb to a

thorough-going relativism or "situational morality."

What is most distressing in reading the reports in the press on the recent Episcopal conference (as well as earlier papers by Swedish and British Churches) is the readiness to condone and even approve (although not encourage) homosexuality on the basis of "genuine love," "fulfilment," and "happiness." Here the exaggerated importance Christians have traditionally accorded to the term "love," and the hedonistic ethic of the contemporary Western world, have joined together to kick away whatever is left of social and religious restraint in a progressively amoral society. To aver that a homosexual relationship should be judged by the same criteria as a heterosexual one—"whether it is intended to foster a permanent relationship of love"—is to abandon the last claim of representing the "Judeo-Christian tradition." Are we not justified, to use a *reductio ad absurdum*, in using the same reasoning to sanction an adulterous relationship? Love, fulfillment, and happiness can be attained in incestuous contacts too—and certainly in polygamous relationships. Is there nothing at all left that is "sinful," "unnatural," or "immoral" if it is practiced "between two consenting adults?"

When religion begins to adapt its norms to current practice, it succeeds in becoming "popular religion," of the kind the Bible fought against through all antiquity. It then surrenders its right to speak in the name of a higher calling. Moral law must apply even—especially!—in the face of popular neglect. Religion must *teach* society; it must hold up for it moral ideals for which to strive, ethical and spiritual norms the neg-

lect of which will give men a bad conscience. The direction some churches are taking today threatens to leave the majority religion in our country shorn of its ideals, its challenge, its role as conscience—and its courage. I fear that, in some measure, contemporary Christianity is reverting to its pre-Judaic roots by institutionalizing the sanction of popular immorality.

AS a Jew, I deeply regret this change in direction in Christian opinion on homosexuality and other moral issues. It is bound to accelerate the deterioration of what is left of the moral fabric of society, and will undoubtedly have its effect on non-Christian citizens as well. Traditional Judaism will now face even greater difficulties in its espousal and realization of Torah values and ideals in the context of Western civilization.

Judaism began its career as the standard bearer of morality in a world which mocked it. When Judaism came upon the world scene, it took vigorous exception to the mores of the then contemporary world, and it maintained this opposition even when what it considered abominable immorality was practiced by highly sophisticated Greeks and Romans, and not only by primitive Egyptians and Canaanites. Its moral judgment is no less determined in our own age when one restraint after another is being scrapped by an increasingly permissive society, and when a great world religion shows signs of the resurrection in its midst of a long-repressed pagan past.

Apparently, Judaism is destined to carry on in the twentieth century in the same sense of isolation and, I pray, with the same sense of determination as it has in the past.

