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Author(s): Daniel Boyarin

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# Are There Any Jews in “The History of Sexuality”?

DANIEL BOYARIN

*Department of Near Eastern Studies  
University of California, Berkeley*

## INTRODUCTION: HOMOPHOBIA BEFORE SEXUALITY?

PERHAPS THE most solid conclusion of Michel Foucault’s last research and the scholarship that has followed in its wake has been that there was no autonomous realm of “sexuality” within classical cultures at all; desire and pleasure were inextricably bound up with the relations of power and domination that structured the entire society.<sup>1</sup> Permitted and tabooed sexual behavior was completely a function of status. The world was divided into the screwers—all male—and the screwed—both male and female. No parallel research has been done for either biblical

This text has been presented in various avatars. It was first lectured to the undergraduate honors program at Tel-Aviv and Ben-Gurion Universities, then to the Comparative Literature department at the Hebrew University, at the University of California, Berkeley, and the University of Michigan, to the Gay and Lesbian Students’ Group at the Hebrew University, and finally at the School of Criticism and Theory at Dartmouth. From each of these forums it gained. I thank also Gerard F. Beritela, Carolyn Dinshaw, Erich Gruen, Diana Fuss, Geoffrey Galt Harpham, Chana Kronfeld, Menahem Lorberbaum, Christopher Newfield, Amy Richlin, Froma Zeitlin, Noam Zion, and an anonymous reader for the *Journal of the History of Sexuality*. I wish especially to thank David M. Halperin, who spent an inordinate amount of time and energy helping me with this text. No one of them, of course, is responsible for the opinions or errors contained here. This text was prepared while I was enjoying a leave provided by a President’s Research Fellowship in the Humanities of the University of California.

<sup>1</sup>David M. Halperin, *One Hundred Years of Homosexuality: And Other Essays on Greek Love* (New York, 1990); David M. Halperin, John J. Winkler, and Froma I. Zeitlin, eds., *Before Sexuality: The Construction of Erotic Experience in the Ancient Greek World* (Princeton, NJ, 1990); John Winkler, *The Constraints of Desire: The Anthropology of Sex and Gender in Ancient Greece* (New York, 1989). See, however, n. 18 below.

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or talmudic culture. At first glance, these cultures seem to be cultures within which the category of homosexuality, at least as a taxonomy of practices if not of persons, exists with a vengeance. After all, these cultures and their offshoots are taken to be the very origin of the deep-rooted homophobia within “our culture.”<sup>2</sup> This would seem, then, to raise significant problems for Foucault’s notion that “homosexuality” as a category only appears in the modern European culture. Foucault’s total neglect of biblical and Jewish culture in his historical work thus produces a crucial gap in his work and in our knowledge, one that threatens the whole edifice. In this article I will suggest that analysis of biblical and talmudic cultural materials, far from being counterevidence, provides some crucial evidence to flesh out Foucault’s speculation that the category of sexuality of which we know is special to our modern Euro-American culture. The alleged prohibitions on “homosexuality” in Judaism can be plausibly interpreted as being fully comprehended by the workings of gendering in this culture without any category of sexuality being either necessary or even probable to understand them.

## THE BIBLE BEFORE SEXUALITY

### *A Different Taxonomy*

“Do not lie with a man a *woman’s lyings* [*miškabei ’iššā*]; that is *to’ēbā*” (Lev. 18:22).<sup>3</sup> This verse is usually taken in both scholarly and popular parlance to prohibit “homosexuality” *tout court*, a conclusion that, if correct, would provide a serious counterexample to Foucault’s historiography. In this article, I hope to be able to show that another approach to understanding this verse is at least as plausible as the assumption that “homosexuality” is at issue.<sup>4</sup> Let me clarify the structure of the argument that follows. I begin with the assumption that there is no more reason to assume that ancient Jewish culture does have a system of sexuality than

<sup>2</sup>And as I am writing this (in early February 1993), we are once more reminded to our horror and alarm just how little progress has been made.

<sup>3</sup>The word *to’ēbā*, usually translated “abomination” or “detestable,” means something like “transgression of borders.” It is used biblically for many types of ritual transgressions that are not sexual. In any case, there is no warrant whatever for the accepted renderings, which are obviously loaded with later cultural meanings and would quite beg the current question.

<sup>4</sup>As I was completing work on this article, 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,” *Journal of the History of Sexuality* 5 (1994): 179–206, which arrives at partially converging conclusions, came to my attention. The two articles partially complete each other’s arguments and partially dissent from each other.

to assume the opposite. Indeed, given Foucault's work and the work of historians who have shown how "sexuality" develops at a particular moment in history,<sup>5</sup> it becomes equally plausible to begin by assuming that Jewish culture of the biblical and talmudic periods was not organized around a system of sexual orientations defined by object choice (or for that matter in any other way), in other words, to put the burden of proof, as it were, on the other party. I know of no evidence that would support the claim for a system of sexual orientations (there is no talmudic equivalent even for the *cinaedus*).<sup>6</sup> Any positive evidence, therefore, that militates against the production of a category of sexuality in the culture becomes highly significant.

There is one further methodological point.<sup>7</sup> The base of data on which I describe late antique Jewish culture is highly skewed in that it includes the expression of one very limited social group within the culture, a learned, hegemonic, male rabbinic elite (and even within that I am almost exclusively concentrating on its Babylonian variety). In fact, I know almost nothing, aside from what I can read between the lines or against the grain of the Talmud, of what the rest of the (Jewish) world was doing or thinking.<sup>8</sup> This is particularly significant, because from the much more variegated remains of Greek culture we learn of a heterogeneous cultural situation, wherein certain types of texts—medical texts, for example—have an entirely different ideology of sex than do the high cultural literary artifacts of, for example, Hesiod. This is even more the case in the later Greek and Hellenistic worlds than in the archaic period. There might very well have been an analogous cultural situation in late antique Jewish culture. A partial control is provided by the fact that the Talmud, while the product of an elite, is not elitist in structure in that its modes of expression are often enough vulgar—in the highest sense of that term, and some have claimed that there are even female voices to be discovered there. Furthermore, one would expect that this type of religious elite would be, if anything, more stringent than other segments of the society, although this would be a particularly weak form of argu-

<sup>5</sup>Arnold Davidson, "Sex and the Emergence of Sexuality," *Critical Inquiry* 14 (Autumn 1987): 16–48, reprinted in *Forms of Desire: Sexual Orientation and the Social Constructionist Controversy*, ed. Edward Stein (London, 1992), pp. 89–132.

<sup>6</sup>Although the Talmud does enjoin the use of perfumes for men "in places where male intercourse is common," because this would lead people to suspect him of such behavior. Generally, as in this instance, when the Talmud speaks of a predilection for anal intercourse, it attributes such tastes to geographical or ethnic groups—not to individual proclivities.

<sup>7</sup>Initially brought to my attention by Marion Bodian when I presented an early version of this article at the University of Michigan.

<sup>8</sup>For examples of such against-the-grain reading, see Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley, 1993).

ment from silence. These considerations should serve as a caution against any essentializing or totalizing statements about Jewish culture, which I do not claim, in fact, to be making. What I am investigating then are particular discursive practices, not whole cultures—whatever that might even mean—and claiming that these discursive practices are fully comprehensible without assuming a cultural subsystem of sexuality.<sup>9</sup> Even more to the point, perhaps, my claim is not to have found proof positive for the Foucaultian hypothesis but, rather, to be disputing what might have been otherwise taken as a body of counterevidence by suggesting what I hope will be accepted as a convincing alternative reading of it.

My first argument in demonstrating the lack of a binary opposition of hetero/homosexuality in talmudic culture (with the above qualifications and strictures) will be a text that shows that the Talmud did not read such a category into the biblical prohibitions on male intercourse, understanding that only anal intercourse and no other male-male sexual practices were interdicted in the Torah. In the Babylonian Talmud Niddah 13b, we find the following colloquy:

Our Rabbis have taught: Converts and those who sport with children, delay the Messiah.

I understand “converts,” for Rabbi Helbo has said that converts are as difficult for Israel as *sappahat* [a skin disease]! But what is this about those who sport with children? If I will say it refers to male intercourse [*miškāb zākor*, a technical term referring to male-male anal penetration], they are subject to stoning! Rather, [shall we say] it refers to intercrural [between the thighs; *děřěk ’ēbārim* (Hebrew), *diamērizein* (Greek)] intercourse? But that is like the children of the flood [i.e., masturbation—Rashi]. Rather it refers to those who marry minor girls who are not of child-bearing age, for Rabbi Yossi has said that the son of David will not come until all of the souls in the “body” are finished [i.e., until all of the souls that were created at the Beginning of the universe have been born into bodies, the Messiah will not arrive].

The Talmud quotes an earlier text (tannaitic, i.e., Palestinian and prior to the third century of the Christian era) that condemns converts to Judaism and pedophiles in what seems to be rather extreme language. The Talmud (Babylonian and post-third century) asks what is meant by sporting with children. From the answer that the Talmud suggests to its

<sup>9</sup>By using the term “culture,” then, I mean to be asserting that the textual practices that I analyze are not mere language but are a significant cultural practice, however widespread their acceptance or not.

question, it is quite clear that the Talmud sharply distinguishes male-male anal intercourse from other same-sex practices, arguing that only the former is comprehended by the biblical prohibition on male intercourse. This point already establishes the claim that this culture, insofar as we can know it, does not know of a general category of the homosexual (as a typology of human beings) or even of homosexuality (as a bounded set of same-sex practices).

### *Sporting with Children*

It is important to understand the intricate cultural coding of this passage. Rabbinic discourse frequently uses exaggerated language to inculcate prohibitions and inhibitions that are not forbidden in the Torah. There is, accordingly, an inner-cultural recognition that such prohibitions, precisely because they are expressed in extreme language, are not as "serious" as those that are forbidden in the Bible. It is as if there is a tacit cultural understanding that the more extreme the rhetoric, the less authoritative the prohibition. Thus, just as in the case of masturbation, where there is no biblical text indicating that it is forbidden, and it is therefore designated hyperbolically as being like "the children of the flood," so also for "sporting with children," the text finds highly hyperbolic language with which to express itself.<sup>10</sup> "Preventing the Messiah" has about the same status of hyperbole as being one of "the children of the flood," and neither of them is taken as seriously as those prohibitions for which the Torah explicitly marks out an interdiction and a punishment.

Thus, since male anal intercourse is forbidden by the Torah explicitly and a punishment marked out for it, there is no need to utilize obviously hyperbolic language like that of delaying the coming of the Messiah. Far from strengthening the case, it only would weaken it. As the canonical commentary of Rashi has it: "*Only* delaying the Messiah? But it is forbidden by the Torah and punishable by stoning!" (emphasis added). Therefore, claims the Talmud, this cannot be what is meant by "sporting with children" in the text. The Talmud then suggests that what is being spoken of here is the practice of intercrural intercourse between men and boys, according to some authorities the standard sexual practice of Greek

<sup>10</sup>The Onan story in the Bible itself has, of course, nothing to do with masturbation at all. Onan's "sin" was coitus interruptus for the purpose of preventing the mandated conception of a child by his brother's widow. "Onanism" for masturbation is thus, as Amy Richlin points out to me, just as much a misnomer as "sodomy" for homosexual intercourse is (for the latter see below).

pederasty.<sup>11</sup> This, however, is “merely” a type of masturbation, for which another axiological category exists. Masturbators are not Messiah delayers but children of the flood.<sup>12</sup> All that is left, therefore, for our category of delaying the Messiah is intergender pedophilia, forbidden because it is antinatalist.

The tannaitic text itself will bear, however, some further analysis. The term I have translated “sport with” means variously “to play” and “to laugh” but frequently is used as an explicit term for sexual interaction, as it undoubtedly is meant here. The term for “children” here is a gender-indeterminate word that refers to anyone from infancy to puberty. The first question to be asked of the original statement is, What is the association between converts and those who sport with children? I would suggest that at least a plausible answer is that Greco-Roman converts are taken to be those who sport with children or even tempt other Jews into such sport. If that be granted, it would seem clear that it is pederasty that is being spoken of. The third interpretation that the Talmud offers, then, for the earlier text, namely, that intergender pedophilia is referred to, seems highly implausible. On the other hand, the Talmud’s refusal to understand anal intercourse as being the intention of the original text seems well founded, for it would be, as I have indicated above, highly unusual to use hyperbolic language such as that of Messiah prevention to refer to that for which an explicit biblical reference could be cited. It seems, therefore, that some other pederastic sexual practice is connoted by “sporting with children,” and intercrural intercourse seems as good a candidate as any. In other words, my hypothesis is that the second suggestion that the Talmud makes in order to interpret the original source seems the most likely one, namely, that “those who sport with children” refers to pederasts who practice forms of sexual behavior that do not include anal intercourse. If this reading is accepted, it would follow that both levels of the talmudic discourse, that is, the original Palestinian tannaitic statement and its later Babylonian talmudic interpretations, understood the Torah’s interdiction to be limited only to the practice of male anal intercourse, of use of the male “as” a female. If this interpretation is deemed finally implausible, then the tannaitic evidence falls by the wayside. Whether or not my reading of the tannaitic text is accepted, it is clear that this is how the Babylonian Talmud understood the Torah, as we see, I repeat, from the explicit distinction made between anal intercourse, forbidden by the Torah, and intercrural intercourse, which the

<sup>11</sup>K. J. Dover, *Greek Homosexuality, Updated and with a New Postscript* (1978; Cambridge, MA, 1989), pp. 98, 106.

<sup>12</sup>Because the flood was caused by those who “destroyed their way upon the ground,” taken by the rabbinic commentaries to refer to spilling of the seed.

Torah has permitted. At the very least, we have positive evidence that late antique Babylonian Jewish culture did not operate with a category of the "homosexual" corresponding to "ours." As the Talmud understood it, male-male sexual practices other than anal intercourse are not prohibited by the Torah and only fall under the category of masturbation, which is the same, whether solo or in concert.<sup>13</sup> This provides strong evidence within the Talmud for the absence of a category of homosexuals or even of homosexual practices isomorphic with that of modern Euro-American culture.

### *Female Homoerotic Practice*

Further evidence for the absence of a category of the "homosexual" in talmudic culture may be found in (the admittedly very rare) discussions of female same-sex genital practices, for instance, Babylonian Talmud Yevamoth 76a:

Rav Huna said: "Women who rub each other may not marry priests," but even Rabbi Eliezer who said that "an unmarried man who has intercourse with an unmarried woman without intending to marry her makes her a *zōnā* [and thus unfit to marry a high priest]," his words only apply to a man [who lies with a woman] but as for a woman [who lies with a woman], it is mere lasciviousness.<sup>14</sup>

Also Babylonian Talmud Shabbat 65a–b:

Shmuel's father did not allow his daughters to lie with each other. . . . Shall we say that this supports the view of Rav Huna, for Rav Huna said: "Women who rub each other may not marry priests"? No, he forbade it in order that they should not learn [the feel] of another body [and they would then lust to lie with men (Rashi)].

The only reason, according to this text, that unmarried women should not excite each other sexually is because it might lead to immorality—that is, sex with men!<sup>15</sup> Female same-sex practices just do not belong to

<sup>13</sup>To be sure, the text does not mention other types of homoerotic practice, so it is impossible to determine even normative, let alone actual and popular, dispositions toward them.

<sup>14</sup>The term *zōnā* refers to a category of women forbidden to priests because of past sexual practices. I am leaving it untranslated here, because it is precisely its definition that is at stake here.

<sup>15</sup>I will argue below that this does not reflect a general lack of interest in what women do as long as they do not do it with men. The prohibition on female cross-dressing is every bit as severe as that on male cross-dressing, just to take one highly salient example. Further,

the same category as male anal intercourse any more than other forms of male same-sex stimulation. We see from here, moreover, that the notion that the Talmud, like Queen Victoria, just did not believe in the possibility of female homoeroticism is not a true assumption. It was understood that women could pleasure each other, but this did not form a single category with male intercourse. Male anal intercourse is *sui generis*, and its genus is clearly not in any way identical to “our” category of homosexuality.

This provides us then with further evidence that not only is there no category, no “species of human being,” of the homosexual, there is, in fact, no category formed by same-sex acts *per se* either. Neither people nor acts are taxonomized merely by the gender of the object of genital activity. Male-male anal intercourse belongs to a category known as “male intercourse,” while other same-sex genital acts—male and female—are subsumed under the category of masturbation, apparently without the presence of another male actor introducing any other diacritic factor into the equation.<sup>16</sup>

### *Anal Intercourse as Cross-Dressing*

A thousand years (and in the case of the Babylonian Talmud, several thousand kilometers) separate the Torah sources and their talmudic interpreters. While it is impossible, therefore, to use the Talmud as direct evidence for biblical culture, it nevertheless provides highly significant indirect evidence, since it is counterintuitive to assume that in the biblical period, the category of homosexuality existed and later disappeared in the same *Kulturgebiet*. Still, such an assumption, while implausible, is not impossible. In any case, however, at the very least the talmudic testimony suggests that the “homosexuality” interpretation of the biblical material is not ineluctable and that other options should be considered.<sup>17</sup> If it is not same-sex eroticism *per se* that worries Leviticus, what cultural force is it that could have produced the powerful interdiction on

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there is little reason to assume that the point here is that they will turn to men because sex with women is an inadequate substitute as modern male chauvinists would have it, but simply that once acquainted with the joys of sexual stimulation, they might very well seek it with men also, and that is forbidden.

<sup>16</sup>It nevertheless remains the case that having intercourse with a nonfertile girl or woman or having anal, intercrural, or oral intercourse with a woman does not constitute masturbation, while having oral or intercrural intercourse with a man does. This difference will have to be examined further in later chapters of this research.

<sup>17</sup>Olyan (n. 4 above) has also argued on inner-biblical philological grounds alone that “male intercourse” comprises solely anal penetration.

male anal intercourse? Cross-cultural comparison points us in a promising direction here. David Halperin contends that for the Romans (the contemporaries, roughly speaking, of the Rabbis), as for the earlier Greeks, the relevant distinction between sexual practices was not between same-sex and other-sex desire but between status positions.<sup>18</sup> Adult free males penetrated. Some preferred boys and some women, and many liked both. There was something pathological and depraved, however, in the spectacle of an adult male allowing his body to be used as if it were the body of a person of penetrable status, whether the man did so for pleasure or for profit.<sup>19</sup> "It is sex-role reversal, or *gender-deviance*, that is problematized here."<sup>20</sup> In other words, the fulfillment of the pleasure of the penetrating male involved either an appropriate ascription of lower status to the passive partner or an inappropriate degradation to that status. I would like to suggest that in the biblical culture—at least as received by the Talmud—also, "sexuality," rather than being the controlling figure of other subsidiary discourses, is subsumed under larger cultural structures. If in the Greco-Roman formation sexual patternings were subordinated to larger structures having to do with power and status, in biblical culture also I will claim sexual taboos were subsidiary to another cultural structure. Here, I suggest, also penetration of a male constituted a consignment of him to the class of females, but, rather than a degradation of status, this constituted a sort of a mixing of kinds, a generally taboo occurrence in Hebrew culture. Just as in Greece, then, the prohibited forms of sexual practice were parts of entire cultural systems. There violating the body of the free, adult male sexually constituted one offense within a category of many against such a body. As Halperin has demonstrated, other such offenses included even placing a hand on his body without his consent. "It was an act of *hybris*, or 'outrage,' which signified the violation of a status distinction, the attempted reduction of a person to a status below the one he actually occupied ('using free men as slaves,' Demosthenes loosely but vividly defined it)."<sup>21</sup>

<sup>18</sup>For studies critical of Halperin's position (and of the Foucaultian stance generally), see Bruce Thornton, "Constructionism and Ancient Sex," *Helios* 18 (1991): 181–93; and Amy Richlin, "Zeus and Metis: Foucault, Feminism, Classics," *Helios* 18 (1991): 160–80. I continue to find the evidence for the thesis compelling in spite of some difficulties and occasional seeming counterevidence.

<sup>19</sup>Halperin (n. 1 above), pp. 22–24 and 88–112; and Winkler (n. 1 above), pp. 45–70. See also Amy Richlin, "Not before Homosexuality: The Materiality of the *Cinaedus* and the Roman Law against Love between Men," *Journal of the History of Sexuality* 3 (1993): 523–73.

<sup>20</sup>Halperin, p. 23.

<sup>21</sup>*Ibid.*, p. 96. See also Dover (n. 11 above), pp. 34–39; and David Cohen, "Sexuality, Violence, and the Athenian Law of *Hybris*," *Greece and Rome* 38, no. 2 (1991): 171–88.

I would like to suggest the following hypothesis: In biblical culture as well the sexual taboo enters into an entire system of forbidden practices, but one of a completely different nature—not of *hybris*, but of *hybrids*. In that system, one may not hybridize or even plant two species together, mate a horse to a donkey, weave linen and wool into linsey-woolsey. God-given categories must be kept separate. Anthropologist Mary Douglas already made this point with regard to sexual prohibitions in general in ancient Israel:<sup>22</sup>

Other precepts extend holiness to species and categories. Hybrids and other confusions are abominated.

*Lev. xviii*

And you shall not lie with any beast and defile yourself with it, neither shall any woman give herself to a beast to lie with it; it is perversion

The word perversion is a significant mistranslation of the rare Hebrew word *tebhel*, which has as its meaning *mixing or confusion*.<sup>23</sup>

I suggest that the interdiction on male-male anal intercourse as well enters in the biblical cultural system into the subsystem of such violations of the symbolic realm. In its immediate literary context, the verse just cited that prohibits male anal intercourse follows immediately on the verse that prohibits “bestiality” within which the word “confusion” (of kinds) is emphasized, hinting that there may be a connection between the two prohibitions on this level as well. A much stronger argument for this point is derived from the parallelism in language and form to the taboo on cross-dressing. This prohibition is phrased in the following fashion: “The woman shall not wear that which pertains unto a man, neither shall a man put on a *woman’s garment* [*šimlat ’iššā*], for all that do so are *to’ēba* unto the Lord thy God” (Deut. 22:5).<sup>24</sup> The latter appears as: “Do not lie with a man a *woman’s lyings* [*miškabei ’iššā*]; that is *to’ēba*” (Lev. 18:22).<sup>25</sup> Both the usage of the term *to’ēba* and the semantic/syntactic parallelism of “a woman’s garment” and “a woman’s

<sup>22</sup>It has been brought to my attention that Thomas Thurston has already suggested the possible pertinence of Mary Douglas’s work to our question (Thomas M. Thurston, “Leviticus 18:22 and the Prohibition of Homosexual Acts,” in *Homophobia and the Judaeo-Christian Tradition*, ed. M. L. Stemmeler and J. M. Clark [Dallas, 1990]). Unfortunately, I have not been able to obtain this text in Jerusalem. From secondary discussions, I gather that the thesis is less developed in Thurston than here, but, nevertheless, priority is his.

<sup>23</sup>Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (1969; London, 1978), p. 53 (emphasis added).

<sup>24</sup>See n. 3 above.

<sup>25</sup>I have somewhat tortured English syntax to reproduce the parallelism that is obvious in the Hebrew. To be sure, Deuteronomy and the “Holiness” Code of this portion of Leviticus are generally considered different documents according to modern biblical

lyings" are common to the two prohibitions, suggesting a cultural relation between them. (The seeming lack of parallelism, in that the first verse is gender symmetrical while the second only mentions men, forms a key argument for my thesis below.)

Thus when one man "uses" another man as a female, he causes a transgression of the borders between male and female, much as by planting two species together he causes a transgression of the borders of species. Now at first glance this explanation seems somewhat paradoxical, because the other cases of levitically prohibited category crossing involve the keeping apart of things that are different. Thus, one does not mix wool with linen in a garment. One might have thought, therefore, that if anything, homoerotic relations would be more consistent with the idea of keeping the different separate. This paradox is, however, only apparent. What we must think of, in order to understand the levitical system, is the "metaphysics" underlying it. These prohibitions belong to the Priestly Torah that emphasizes over and over in its account of the Creation in Genesis 1 that God has created from the beginning the separate kinds of creatures.<sup>26</sup> Male and female are among the kinds that were created at the very beginning (Gen. 1:27). Now if we understand that it is the kinds that have to be kept separate, that is, the categories or types, because confusing their borders (*tebhel*) is an abomination—as opposed to a mere necessity to keep physically separate the tokens of the categories—then we can understand the specifics of the Torah's interdiction of male anal intercourse. The Torah's language is very explicit; it is the "use" of a male as a female that is *to'ēbā*, the crossing of a body from one God-given category to another, analogous to the wearing of clothes that belong to the other sex, by nature as it were. Moving a male body

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criticism. However, Deuteronomy also interdicts "mixtures of kinds." Whatever its subcultures, biblical culture certainly showed degrees of coherence as well.

<sup>26</sup>This connection was realized by the Rabbis. In the Palestinian Talmud, Tractate Kil'aim (Forbidden Mixtures) 27a, Rabbi Shim'on ben Lakish remarks: "Everywhere that it says 'according to its kind,' the laws of forbidden mixtures apply." The phrase "according to its kind" appears no less than five times in the verse immediately preceding the verse that describes the creation of humankind in separate sexes, called also in Hebrew "kinds." Technically, biblical critics assign the laws of forbidden mixtures to a source known as the Holiness Code (H), produced, as was the Priestly Code (P), according to them in temple circles. According to the latest scholarly opinion, H is a secondary elaboration of P, and the "authors" of H were the redactors of P in its current form (Israel Knohl, *The Sanctuary of Silence: A Study of the Priestly Strata in the Pentateuch* [Jerusalem, 1992; Minneapolis, 1994], whose conclusions have been accepted by Jacob Milgrom, *Leviticus 1-16*, Anchor Bible [Garden City, NY, 1992]). Even, however, according to older critical views according to which H is older than P, there has never been a doubt as to their common provenience in priestly circles such as those that produced Genesis 1 as well and no reason to assume, therefore, major cultural differences between them. See also n. 25 above.

across the border into “female” metaphysical space transgresses the categories in the same way as putting on a female garment, for both parties, since both participate (presumably willingly) in the transgressive act.

Now it is clear why only male anal intercourse and not other homoerotic practices are forbidden by the Torah. The issue is gender (as the verse of the Bible explicitly suggests) and not “homosexuality,” and gender is conceived around penetration and being penetrated. The lack of a prohibition on female homoerotic behavior, a fact about which “there has been considerable speculation” according to the latest interpretations of biblical law, now receives a fresh explanation.<sup>27</sup> Up until now, this omission has generally been explained as the sign of a general lack of interest in what women do when it does not lead to possible illicit pregnancy and thus confusion in the realm of the Name-of-the-Father.<sup>28</sup> However, as we have seen from the above-quoted verse from Deuteronomy, it is simply not the case that female behavior is not controlled by this system, nor that the Torah is uninterested in what women do. For cross-dressing, the male and female are equally controlled. The same point holds for intercourse with animals as in the verse quoted above. We see, therefore, that female sexual behavior is every bit as much of interest to the Torah as male sexual behavior, even in situations where illicit pregnancy could not possibly result. Were there a category of the homosexual whose activities are condemned per se, there is no reason that only the males would be included in it, nor any reason that only one male-male genital practice would be forbidden. It follows, then, that there was no such category in either biblical or talmudic culture and that some other explanation than a horror of “homosexuality” must be advanced for the taboo on male anal intercourse. The explanation for this taboo generally accepted among biblical scholars is that “homosexuality,” being allegedly a regular practice of the Canaanites, or even part of their cult, the Bible abjected it as part of its project of differential production of Israelite culture. There is very little (or no) evidence that I know of to support such a view; indeed, there is virtually none that the Canaanites were especially given to homosexual practices. I submit that it is a reasonable hypothesis to subordinate the sexual practice under the category of gender-crossing and conclude that only male anal intercourse was considered as a kind of cross-dressing owing to the penetration of one body by another. The Rabbis (in contrast apparently to the

<sup>27</sup>Baruch Levine, *Leviticus*, JPS Torah Commentary (Philadelphia, 1989), p. 123.

<sup>28</sup>Compare the opposite but structurally similar explanation that Foucault gives for the differential treatment of male-male sex and female-female sex in Artemidorus, where only the latter is considered as “contrary to nature” (Michel Foucault, *The Care of the Self*, vol. 3 of *The History of Sexuality*, trans. Robert Hurley [New York, 1986], pp. 24–25).

Romans)<sup>29</sup> did not imagine female-female sexual contact as involving any form of penetration that they recognized as such.<sup>30</sup>

*Penetration as constituting the female.* The very word for female, *naqēbā* in both biblical and talmudic Hebrew, as well as talmudic Aramaic, means "orifice bearer," as if male bodies did not possess orifices. A talmudic text emphasizes to what extent gender was constituted by penetration and being penetrated within this cultural system. The Talmud is trying to determine what sorts of jealousy on the part of a husband will invoke the ceremony of the Waters of Curse—that is, the biblical ritual whereby a wife suspected of adultery drinks water in which

<sup>29</sup>Judith Hallett, "Female Homoeroticism and the Denial of Roman Reality in Latin Literature," *Yale Journal of Criticism* 3 (Fall 1989): 209–28. Some of Hallett's evidence is, however, questionable, especially her interpretation of Phaedrus's Fable in which he accounts for "tribadic females and effeminate males" by recounting that Prometheus got drunk when making human beings and attached some male genitals to female people and some female genitals to male people by mistake. Hallett interprets this to mean that lesbians are women with male genitalia (p. 210), a contradiction of biological reality that she understandably finds quite unsettling. To me it seems quite patent that the purport of the fable is that tribads are the men who got female genitals by mistake, and the *molles* are the women with male genitals attached to them. This actually provides beautiful evidence for Halperin's definition of sexuality as that modern cultural entity whose chief conceptual function "is to distinguish, once and for all, sexual identity from matters of gender—to decouple, as it were, *kinds* of sexual predilection from *degrees* of masculinity and femininity" (Halperin [n. 1 above], p. 25; see also below). For Phaedrus it was impossible to imagine a woman loving women, so a lesbian must "really" be a man in a woman's body "by mistake," and this was, in one version or another, the most common way in Euro-America of accounting for same-sex eroticism until the early twentieth century. Even Krafft-Ebing toward the end of the nineteenth century still conceived of lesbians as men with female bodies, i.e., as male souls in bodies with female genitalia (George L. Mosse, *Nationalism and Sexuality: Middle-Class Morality and Sexual Norms in Modern Europe* [Madison, WI, 1985], p. 106). For "us," the situation is precisely reversed. Monique Wittig notwithstanding, lesbians are in our contemporary culture clearly women, thus explaining Hallett's misreading—if I am correct. The best (in fact, for me, the only cogent) evidence that Hallett cites for her claim that tribadism was understood as involving penetration is the text by Martial that describes a tribad who penetrates boys (anally) as well as women (pp. 215–16). In any case, the very etymology of the Greek loan word *tribas* suggests that at least at one time female same-sex eroticism was understood to involve only rubbing and not penetration, just as in the Talmud.

<sup>30</sup>This can be demonstrated philologically. The term that is used, and which I have translated as "rubbing," is used in another sexual context as well: "Our Rabbis have taught: One who is rubbing with her son and he enters her, Bet Shammai say that he has rendered her unfit to marry a priest, and Bet Hillel say that she is fit to marry a priest" (Babylonian Talmud, Sanhedrin 69b). From this context we learn clearly two things: "Rubbing" involves contact of external genital with external genital, and it does not include penetration, for the rubbing here is contrasted with the entering. We also learn, by the way, of a fascinating sexual practice that, as long as it did not include penetration, was apparently hardly even disapproved of, to judge from the tone of this passage.

a passage from a Torah scroll has been dissolved. If she is “guilty” God causes certain bodily diseases, and, if “innocent,” God leaves her alone (and promises her progeny):<sup>31</sup>

We have learned, “sexual intercourse”—excluding something else.

The verse says that the husband suspects his wife of having had sexual intercourse with another man, and the midrashic passage quoted indicates that this is to exclude a situation in which he suspects her of “something else”:

What is “something else”? Rav Sheshet said: “It excludes anal intercourse [lit., not according to her manner].”

For Rav Sheshet, anal intercourse does not constitute intercourse at all and therefore it is not adultery, so if a husband suspects his wife of this, she does not undergo the “test” for adulteresses, but Rava dissents:

Rava said to him: “But with reference to anal intercourse, it is written ‘a woman’s lyings!’” Rather Rava said: “It excludes a case where he suspected her of intercrural intercourse.”<sup>32</sup>

Rava argues from the verse that treats of male anal intercourse. His argument is that since that practice is defined, as we have seen, as “a woman’s lyings,” it follows that anal intercourse with women is indeed defined as intercourse. Crucial in the context of the present inquiry is Rava’s proof that male-female anal intercourse counts as full intercourse for the purpose of definitions of adultery from the fact that male-male anal intercourse is defined by the Torah as “a woman’s lyings [i.e., as intercourse in the fashion of lying with women]”! From the verse prohibiting this behavior between men, we learn that it is appropriate when practiced between a man and a woman. The exact talmudic term for male-female anal intercourse is “penetration not according to her way,” which we might be tempted to gloss as penetration that is not natural to her, but this is precisely the interpretation that the Talmud denies us by assuming that such intercourse is natural to women, indeed can be defined by the Torah, as “a woman’s lyings”!<sup>33</sup> Moreover, in a further passage (Babylonian Talmud Sanhedrin 54a), the Talmud argues explicitly that with reference to women there are two kinds of intercourse, that is, vaginal and

<sup>31</sup>Surprisingly little work has been done on this important site for understanding both biblical and talmudic gender politics. In another part of the present research, I hope to do much more with this. Certainly by the time of the Talmud—if not actually much earlier—the practice itself had fallen into complete desuetude.

<sup>32</sup>Interestingly enough, according to Dover (n. 11 above), representations of male-female intercrural intercourse are unknown from the vase paintings (p. 99).

<sup>33</sup>Compare Herodotus i 61.1f., cited in Dover, p. 100.

anal, because the verse that deals with male-male anal intercourse indicts it as "a woman's lyings [plural *mişkabei*]" ; thus two kinds of lying with women exist. "According to her way" means, then, simply something like in the more common or usual fashion and a discourse of natural/unnatural is not being mobilized here. It follows, then, that the manner of lying with women is penetration *simpliciter* and no distinction of anal/vaginal is intended by the Torah but only a distinction between penetrative and nonpenetrative sex.<sup>34</sup> Men penetrate, women are penetrated; so for a man to be penetrated constitutes a "mixing of kinds" analogous to cross-dressing.

A contemporary temptation would be to reverse the relation that I have suggested and propose that the reason that cross-dressing is forbidden is because it leads to, simulates, or somehow is associated with "homosexuality." Indeed, some have gone so far as to suggest that the entire system of forbidden "mixtures"—and especially, of course, the taboo on cross-dressing—is to support the prohibition on so-called homosexuality. As Terry Castle has remarked, "The implication . . . that sodomy follows from transvestism—became a standard notion in the eighteenth century."<sup>35</sup> I am, as it were, turning this notion upside down—leaving it for the eighteenth century and ours—and interpreting that male anal intercourse is for the biblical culture not the result of cross-dressing, nor is transvestism an index of deviant sexual practice, but rather anal intercourse with a man is an instance of cross-dressing.<sup>36</sup>

Note then both the similarity and the enormous difference between this explanation of the biblical culture and the interpretations of Greek culture of the Foucaultian school. In both, that separate realm that we identify as sexuality is subsumed under larger cultural structures and discourses.<sup>37</sup> In the latter, since the issues involved are social status and power, there is no shame in (or taboo against) an appropriately higher-status male penetrating a lower-status male.<sup>38</sup> In the biblical culture, on

<sup>34</sup>I owe this last formulation to David Halperin.

<sup>35</sup>Terry Castle, *Masquerade and Civilization: The Carnivalesque in Eighteenth-Century English Culture and Fiction* (Stanford, CA, 1986), pp. 46, 47, as cited in Marjorie Garber, *Vested Interests: Cross-Dressing and Cultural Anxiety* (New York, 1992), p. 381.

<sup>36</sup>Note that this is entirely different from the (false) association between cross-dressing (transvestism) and homosexuality in contemporary folk culture, on which see Garber, p. 130. I avoid the term "sodomy" as anachronistic for the biblical culture, although not, of course, for the culture of the eighteenth century.

<sup>37</sup>Indeed, it is highly symptomatic that in the talmudic analogue of Artemidorus, sexual dreams are taken as symbolic of other activities, just as in the Greek text, while, of course, in "our" formation the opposite is the case.

<sup>38</sup>There was, paradoxically enough, some shame attached to the status of the *erômenos* if he grants his favors to the *erastês*. See Dover, p. 42 and esp. pp. 81–84. See also his simple comparison between this situation and the discourse of heterosexual "seduction" in

the other hand, where the issue does not seem to have been status so much as an insistence on the absolute inviolability of gender dimorphism—since such violation would constitute a mixing of categories—any penetration of a male by another male constitutes a transgression of this boundary for both parties. In either case, we now understand why other male-male sexual practices are not mentioned in the Torah at all and need to be subsumed by the Talmud under the rubric of masturbation. We also understand why female-female sexual practices are not spoken of by the Torah and are treated very lightly indeed by the Talmud. It is because they are not perceived as simulacra of male-female intercourse. They do not confuse the dimorphism of the genders, because they are not conceptualized in this culture around penetration.<sup>39</sup>

*Were the Men of Sodom Sodomites?*

It is important at this point to discuss the story of the Destruction of Sodom, since this text has often been interpreted as encoding a condemnation of—and therefore production (or presupposition) of—a category of homosexuality.<sup>40</sup>

The story is as follows (Gen. 19:1–12). God, having become aware of the evil of the people of Sodom, has determined to destroy the city and has sent angels in the form of men to announce this to Lot, so that he and his family can be saved. In the evening the people of Sodom come to the door of the house and demand access to the strangers, desiring to “know them.” Lot offers instead his two virgin daughters. The people are very angry: “This one has come to dwell among us, and he is judging us. Now we will do more evil to you than to them” (Gen. 19:9). At this point a miracle is produced, the people are struck blind, and Lot and his family escape.

Both writers who want to insist that the Bible condemns homosexuality and writers who wish to argue against this proposition have operated

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twentieth-century English society (pp. 88–89). Although it has been said before, it is worth once more remarking on Dover’s exemplary quiet good sense and taste.

<sup>39</sup>There is even a slight bit of evidence, but very inconclusive, that might indicate that solo masturbation with a dildo was more blamable for women than mutual nonpenetrative rubbing (TB Avodah Zara 44a), where a certain female ruler is disparaged for having had made for herself an imitation penis that she used every day. Since this is, however, in a nonlegal discursive context, it is impossible to determine what the normative status of such activity would have been. Were this evidence more conclusive, it would provide strong confirmation for my interpretation.

<sup>40</sup>Eva Cantarella, *Bisexuality in the Ancient World* (1988; New Haven, CT, 1992), p. 195 (further references in text).

with the assumption that if this is a story about homosexuality then it provides strong support for the idea that the Bible operates with a category of homosexuality that it violently condemns. Typical is Eva Cantarella, who in arguing against Robin Scroggs's claim that the Leviticus verses are totally isolated in biblical literature and probably late,<sup>41</sup> writes, "The proof of how forced this interpretation is comes from the celebrated story of the people of Sodom" (p. 195). Rightly dismissing interpretations that deny the sexual nature of the Sodomites' intentions, she concludes, "It seems very difficult to deny that the biblical account should be taken to mean that homosexuality is an execrable type of behaviour" (p. 197). Difficult or no, this is precisely what I intend to do.

I begin by stating that there is no possibility of denying that the intention of the Sodomites was to rape the strangers. Commentators who attempt to interpret "know" here in a nonsexual sense are ignoring the simple and clear fact that Lot "offers" his daughters as sexual substitutes for the strangers. Does he do so because he condemns their "homosexuality" and is trying to convert them to "heterosexuality"? Some interpreters would have us believe this proposition, but the story makes absolutely clear why he is protecting the men: "Only to these men do nothing, seeing that they have come under the protection of my roof." The offer of his daughters in exchange is simply because, as his "property," he has the right to do so, while he is obligated to protect guests from all harm. Far from a rebuke, Lot is simply offering them an alternative to protect his honor, and one that he expects, moreover, that they will accept. (One could, of course, query why he offers his daughters and not himself, and two answers could be given. Either he expects the daughters to be more attractive to the men than he himself would be or women are generally dispensable in his culture. This question will be further addressed below.) The rejection of his proffer is not portrayed in terms of a homosexual preference on the part of the Sodomites but as a furious response to Lot's judgmental stance toward them. This is, after all, the stated reason for their anger: "This one has come to dwell among us, and he is judging us!" Any "hermeneutics of suspicion" here that suggests some other reason for the fury runs the serious risk of anachronism, of simply filling in a gap where there is none and doing so, moreover, with our own cultural expectations. Their expressed intention, moreover, to do worse to him than they intended to do to the strangers is not at all erotic in its implications. There is, accordingly, no warrant whatever for Eva Cantarella's conclusion that "the Sodomites do not want Lot's daughters: they want the foreign visitors. This is their sin"

<sup>41</sup>Robin Scroggs, *The New Testament and Homosexuality: Contextual Background for a Contemporary Debate* (Philadelphia, 1983), p. 73.

(p. 195). Had they taken Lot's daughters, they would have been equally sinful—a proposition that will be further verified from a parallel text immediately below.

The point has been made that in the myriad references to the Sodomites in later biblical writing, not once is their alleged "homosexuality" even mentioned. Scroggs has collected eleven such allusions (p. 74). Where they make mention at all of the nature of the Sodomite sin, it is always violence that is at issue, not sexual immorality. Typical is Isa. 1:10–17, where the "officers of Sodom" are addressed and their sin is described as "their hands being full of blood" (1:16), and their atonement is to do justice with the orphan and the widow (1:17). He argues from this that these writers either did not know of or did not accept the "homosexual dimension of the story of Sodom." On the other hand, there is a parallel story—almost surely modeled on the Sodom narrative—in which the sexual aspect is clearly presupposed (I shall presently be returning to this text), and therefore, Scroggs writes, "Contrary to later references, the homosexual dimension of the story of Sodom is accepted" (p. 75). It seems to me that Scroggs has missed the point, although he is tending in the right direction. There is no reason to assume that the prophetic writers did not know of the homosexual rape aspect of the Sodom story, but it was considered by them a synecdoche for the violence of the Sodomites, not an issue of sexual immorality.

The same point ought to be made about rabbinic interpretations of this story. As Scroggs correctly points out, there is nothing in the rabbinic readings of the Sodom story that indicates that their particular sinful nature was "homosexuality." The emphasis is always on their violence and murderousness (p. 80). Scroggs, however, draws the wrong conclusion from this premise. Thus he writes, "The Palestinian Targum's clear statement of the sin as sexual does not, perhaps surprisingly, seem to have informed rabbinic midrash of this time" (p. 81). Scroggs has been misled by the modern category of sexuality to assume that the Rabbis would certainly have marked off sexual inclination as a separate and unequal determiner of human moral status. There is no reason whatever to assume that the Rabbis, assiduous readers of the Bible with no reason to apologize for the Sodomites, denied the sexual nature of their intention toward the "men." They almost certainly did understand it this way, as did everyone else in the ancient world. It was not understood by them, however, as it was not understood by the inner-biblical interpretative tradition, as being the essence of the Sodomite sinfulness or the point of the story. Indeed, judging from this Jewish interpretative tradition, the homosexual aspect of their violence was hardly worth remarking; it did not add to the heinousness of their brutality. For the interpretative tradition that locates the sin of Sodom in their "unnatural" sexuality, we look

neither to the inner-biblical allusions nor to rabbinic midrash, but to first-century Hellenistic (Greek-speaking) Jewish texts, whether Palestinian or otherwise. Not surprisingly, here as elsewhere, the New Testament is closest to these other Hellenistic Jewish traditions.<sup>42</sup> The crucial element that enters, it seems, with Hellenistic culture is the notion of nature and the possibility of an act being *contra naturam*, as opposed to being merely forbidden. This is a peculiarly Greek idea, whether or not Greeks applied it in the same way—obviously they did not—as Hellenized Jews were to.<sup>43</sup> For the ancient Near East, and ancient Israel among them, acts were taboo or permitted, abhorred or praiseworthy, but never consonant with or against nature itself. Consequently, the notion that a type of desire was “unnatural” and the people who possessed it were somehow monstrous had to wait for the grafting of Greek thinking onto biblical culture that took place among Hellenistic Jews.<sup>44</sup> This story in the Bible and in the (Hebrew/Aramaic speaking) Rabbis is no more a condemnation of homoerotic desire than a story about a heterosexual rape would be a condemnation of heteroerotic desire, and the parallel text from Judges, to which I turn now, makes this clear.

In the story in Judges 19 the account is similar to the Sodom story. This is also a story of inhospitality and violence toward strangers. The inhospitality of the men of Gibeah is focused on right at the beginning of the story. The Levite, his concubine, and his servant are wandering in the town at nightfall, and, contrary to the customs of Israel, no one of these Israelites takes them into their home for the night (19:15). An elderly foreigner, not one of the natives of the place—like Lot—finally takes them in and exhibits the appropriate friendliness and generosity toward strangers (19:21). The wicked inhabitants of the place surround the house and make exactly the same demand that was made of Lot, that he bring out the stranger to be raped. Once more, the host pleads with

<sup>42</sup>Cantarella, pp. 200–201. In the New Testament, as in first-century Jewish literature and not in the Bible nor the Rabbis, the Sodomites’ sin is identified as homosexual (contrast Jude 1:7, where the sin of Sodom is identified as sexual immorality and perversion, to Ezek. 16:49–50, where it is referred to as arrogance and lack of concern for the poor and the needy). See Daniel Boyarin, “Brides of Christ: Paul and the Origins of Christian Sexual Renunciation,” in *The Ascetic Dimension in Religious Life and Culture*, ed. Vincent Wim-bush (New York, in press), for other examples in which the New Testament’s discourse of sex is closest to that of such texts as the *Testaments of the Twelve Patriarchs* and different from that of the Rabbis.

<sup>43</sup>Helmut Koester, “ΝΟΜΟΣ ΦΥΣΕΩΣ: The Concept of Natural Law in Greek Thought,” in *Religions in Antiquity: Essays in Memory of Erwin Ramsdell Goodenough*, ed. Jacob Neusner (Leiden, 1968), pp. 521–41.

<sup>44</sup>The Rabbis themselves, as I have argued at length in *Carnal Israel* (n. 8 above) and elsewhere, resisted and rejected Hellenistic philosophy, although they were heavily influenced in other ways by Hellenistic culture.

them, “because this man has come into my house” (19:23), and offers his virgin daughter and the concubine as “substitutes.” The man pushes his concubine out, and she is gang-raped and abused all night, until in the morning she is found dead with her hand on the doorstep, having died trying desperately to get in. This is an absolutely horrifying story of violence toward women, and, while the men of Gibeah are punished terribly for their murder of the woman (20:4 ff.), the Levite who threw her to the dogs to save his skin is let off scot-free by the text.<sup>45</sup> A story of primitive male privilege of the most repulsive sort, this is not in any way, however, a discourse about homosexuality. Indeed, here, the acceptance of a “heterosexual” substitute shows that the people of Gibeah are not being anathematized as “homosexuals.” Their punishment is explicitly owing to their violence toward the woman and not to their supposed homoeroticism. In both of these stories we find, then, a representation, perhaps with some historical basis, of a tradition of aggression toward strangers, acted out as “homosexual” rape (and murder—the Levite expected that he was to be killed as well [20:5]).<sup>46</sup> These accounts have nothing whatever to do with either legal or discursive practices related to same-sex desire.

We should indeed be appalled by both of these narratives, but not for an alleged condemnation of homosexuality, which they do not inscribe, but, rather, for the callous indifference to the fate of women that they

<sup>45</sup>As Phyllis Trible has remarked, “These two stories show that the rules of hospitality in Israel protect only males. Though Lot entertained men alone, the old man also has a female guest, and no hospitality safeguards her. She is chosen as the victim for male lust. Further, in neither of these stories does the male host offer himself in place of his guests” (Phyllis Trible, *Texts of Terror: Literary-Feminist Readings of Biblical Narratives*, Overtures to Biblical Theology [Philadelphia, 1984], p. 75). Trible’s further suggestion, however, that the woman was not dead, and the husband’s dismemberment of her to call for revenge was a sacrifice of a living victim, is totally insupportable. Her claim (pressed at least as a question) that “the cowardly betrayer [is] also the murderer” and that “no mourning becomes the man” (p. 80) seems to me just plain wrong. She is certainly already dead; this is what the Bible tells us when it says that she did not answer him, and the dismemberment is pursued in a sort of extravagance of mourning and desire for revenge for the violence done her—to be sure engendered by his cowardice and callous domination of her. He was willing for her to be sexually abused; the violence done her that causes her death appalls even him.

<sup>46</sup>Dover (n. 11 above), p. 105. A more modern analogue can be found in James Dickey’s *Deliverance*, where a group of “hillbillies” attack and rape one of a party of middle-class canoers who have “invaded” their territory. For anal rape described as formalized or official aggression, see also Mekilta derabbi Ishmael Amaleq 1, where a foreign conqueror punishes the king of Israel by “standing before him ruffians who had never known woman in their lives and they tortured him with anal intercourse.” (Incidentally, this does not mean that they were “homosexuals” but that they were virgins and very randy.) See also Amy Richlin, *The Garden of Priapus: Sexuality and Aggression in Roman Humor*, rev. ed. (New York, 1992), passim.

do. The final conclusion is that there is no evidence in the Hebrew Bible for a category of homosexuals or homosexuality at all, and whatever explanation is adopted for the prohibition of male anal intercourse, there is as little reason to believe that it extended to other forms of homoerotic practice.<sup>47</sup> The hypothesis offered here, namely, that male anal intercourse was understood as a category violation, a kind of cross-dressing, while not provable, certainly seems to me to be a plausible one.

#### EPILOGUE: GENDER VERSUS SEXUALITY

Neither the Bible nor, as I hope to have shown here, the Talmud knows of such a typology—of that entity called by us “sexuality,” whose “chief conceptual function,” according to Halperin, “is to distinguish, once and for all, sexual identity from matters of gender—to decouple, as it were, kinds of sexual predilection from degrees of masculinity and femininity.” And as Halperin further observes, “That is what makes sexuality alien to the spirit of ancient Mediterranean cultures.”<sup>48</sup> This is as true for the biblical/talmudic Jewish culture of the ancient Mediterranean as it is for the Greek. Both biblical and talmudic texts confirm rather than refute Foucault’s general hypothesis of the “history of sexuality.” Neither of them divides off sexual practices from the general categories of forbidden and permitted. Precisely because there is no separate realm of sexuality with all its definitional fraughtness for self-identification and that of others, there is also no separate realm of the sexually forbidden. Of course, I do not mean that forbidden genital practices do not form distinct corpora within either biblical or talmudic law codes. Where a man put his penis was categorized as a separate area of experience than what he put in his stomach, for instance. What I mean is that it does not have a separate ontological, axiological, or even moral status. As opposed to our culture where violating the rules against homoeroticism provokes an entirely different set of reactions from the violation of other moral taboos—including sexual ones such as adultery—there is no evidence in biblical/talmudic culture that suggests that that was the case there. Tabooed practices may have been ranked according to severity, but they did not at any time constitute different “species” of human beings. Violating

<sup>47</sup>Contra Cantarella who is still speaking of “homosexuality” as a transhistorical category (p. 198), ten years after Foucault’s work (which she cites but neither accepts nor contests). My point is not, of course, that Foucault has become some sort of received doctrine that must be acknowledged but that he has opened questions that must be addressed whenever we speak of “sexuality.” Whether or not he is explicitly brought in, we simply cannot assume a category of homosexuality for any and every cultural formation and text; it must be argued for.

<sup>48</sup>Halperin (n. 1 above), p. 25.

the Sabbath, for instance, produced precisely the same category of transgression (punishable by death) as did male intercourse.

The element common to both classical culture (with all of its variations) and biblical culture (with all of its variations), is that the taboos and tolerances of the cultural vis-à-vis same-sex genital practice were tied precisely to structures of maleness and femaleness, to gender and not to a putative sexuality. The absence of “sexuality” does not obviously preclude violence against those who engaged in male anal intercourse, although it should be emphasized that there is not the slightest bit of evidence to suggest that such violence was actually practiced in talmudic times.<sup>49</sup> It seems, however, to permit a much greater scope for other forms of male intimacy, eroticized and otherwise. “Who is a friend?” a midrash asks. “He that one eats with, drinks with, reads with, studies with, sleeps with, and reveals to him all of his secrets—the secrets of Torah and the secrets of the way of the world.”<sup>50</sup> “Sleeps with” does not have the metaphorical value that it has in English or German, but the text is certainly reaching for a very intense and passionate level of male-male physical intimacy here. The “way of the world” is a somewhat ambiguous metaphorical term that can refer to several areas of worldly life, including business, but especially sex.<sup>51</sup> Male intimacy, it seems, for the talmudic culture includes the physical contact of being in bed together, while sharing verbally the most intimate of experiences, a pattern not unknown in other cultures. The image of two men in bed together talking of their sexual experiences with women is reminiscent of ethnographic descriptions of Barasana (Colombian) tribesmen, lying in hammocks, fondling each other and talking about sex with women.<sup>52</sup> Another way of saying this would be to claim that precisely because biblical and talmudic cultures did not have, according to my reading, a category of the homosexual, they therefore allowed for much greater normative possibilities for the homoerotic. The break in categorical continuity between anal intercourse, which did threaten gendered male identity in that culture as in ours, and other same-sex intimate practices,

<sup>49</sup>In the Mishna, Makkot, chap. 1, the point is explicitly made that the death penalties of the Bible are no longer operative, except possibly for murder.

<sup>50</sup>Solomon Shechter, ed., *Aboth de Rabbi Nathan* (Vienna, 1887; New York, 1967).

<sup>51</sup>As indicated by the following text, among others: “When his wife died, Rabbi Tarfon said to her sister during the mourning period: Marry me and raise your sister’s children. And even though he married her, he did not behave with her according to the way of the world until after thirty days” (Kohellet Rabba, 9). See also Bereshit Rabba 22. Now although the sexual meaning is not the most frequent one for this collocation it is certainly a readily available one. Thus while it is a meaningless claim (because unfalsifiable) that this is what the author of this text “intended,” it is hard to escape concluding that the sexual association would have been present for any recipient of this text.

<sup>52</sup>David F. Greenberg, *The Construction of Homosexuality* (Chicago, 1988), p. 71.

both erotic and not, which did not, allowed for such practices to be engaged in, more or less normatively, without calling up the specter of a threatened masculinity.<sup>53</sup> Eve Kosofsky Sedgwick has perhaps best captured the oddness of our present system: "It is a rather amazing fact that, of the very many dimensions along which the genital activity of one person can be differentiated from that of another (dimensions that include preference for certain acts, certain zones or sensations, certain physical types, a certain frequency, certain symbolic investments, certain relations of age or power, a certain species, a certain number of participants, etc. etc. etc.), precisely one, the gender of object choice, emerged from the turn of the century, and has remained, as *the* dimension denoted by the now ubiquitous category of 'sexual orientation.'"<sup>54</sup> It is only after the production of a category of sexuality per se, of a sexual identity determined by object choice, that any form of physical intimacy between men and indeed almost any form of intimacy at all becomes so problematic for our culture. In this sense the ancient cultures of the Mediterranean are more like each other—for all their differences—than any of them are like our own.

<sup>53</sup>Of course, I do not know and cannot speculate precisely what expressions of intimacy the actual talmudic rabbis permitted themselves. Precisely one point of this study is, however, to suggest that the borders of erotic experience were not nearly as sharply defined then as now.

<sup>54</sup>Eve Kosofsky Sedgwick, *The Epistemology of the Closet* (Berkeley, 1990), p. 8.