

# Lion and Lamb Apologetics'

## The Old Testament Attitude to Homosexuality

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That the Old Testament condemns homosexual acts is well known. Why it does so is a mystery. Various suggestions have been put forward. Driver and Miles<sup>1</sup> for example held that it was a development parallel to that in Mesopotamian law. The older Laws of Hammurapi do not mention the offence, whereas the Middle Assyrian laws condemn it. They suggested that a similar development occurred in Hebrew law. The earlier laws do not discuss homosexuality, while the latest (P) texts demand the death sentence for it (Lev 18:22, 20:13). Similarly, Coleman<sup>2</sup> tries to derive the biblical attitude from the attitude of other nations, specifically the Egyptians. Indeed, he suggests there was a common Semitic consensus opposing homosexual practice.

Now it cannot be ruled out *a priori* that the Old Testament shared its neighbours' attitudes to homosexuality. There does seem to have been a large measure of agreement in the ancient world as far as heterosexuality was concerned. Marriage law and customs, for example, the repudiation of pre-marital intercourse and adultery, the acceptance of polygamy and divorce, seem to be much the same throughout all those Near Eastern cultures for which evidence is available.<sup>3</sup> The most obvious difference between Israel and its neighbours as far as heterosexual morality is concerned lies in the area of incest. Here the Old Testament rules,<sup>4</sup> forbidding union with consanguines and affines of the first and second-degree, go much farther than their neighbours, who sometimes even countenanced unions of consanguines of the first degree, e.g. brother and sister. So it could be that in repudiating homosexual practice the Old Testament is simply adopting the attitudes of surrounding nations.

However the evidence at present available suggests that this is not the case. The Old Testament rejection of all kinds of homosexual practice is apparently unique in the ancient world. Most of the ancient Near East adopted an attitude to homosexuality very

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<sup>1</sup> G. R. Driver and J. C. Miles, *The Assyrian Laws* (Oxford, Clarendon Press [1935]), 71.

<sup>2</sup> P. E. Coleman, *Christian Attitudes to Homosexuality* (SPCK [1980]), 52-57.

<sup>3</sup> For a convenient summary cf. S. Greengus, 'Law in the OT' (*Interpreter's Dictionary of the Bible*, Supplementary Volume), esp. 533-34.

<sup>4</sup> For a discussion of Lev 18 and 20 cf. G. J. Wenham *The Book of Leviticus* (Eerdmans [1979]), 253-58, 279-80.

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similar to that of classical Greece<sup>5</sup> and Rome which simply accepted it as long as it was done among consenting adults. Indeed Greeks and Romans often approved homosexual acts between adult men and youths where it was part of an ongoing educational relationship. This practice of pederasty does not seem to have been approved in the ancient orient, but in other respects the classical and oriental outlooks seem similar.

Since the Near Eastern background to the biblical pronouncements is little known, it is my first purpose to sketch it briefly. I then propose to address the question that this new reading of the Old Testament material inevitably raises: what prompted the revolution in the attitudes towards homosexuality expressed in the Bible.

We therefore begin with a view of the cultures adjacent to ancient Israel. Mesopotamian law and attitudes are carefully and thoroughly expounded in the article 'Homosexualität' in *Reallexicon der Assyriologie* (4.559-68). From iconographic evidence dating from 3000 BC to the Christian era it is clear that homosexual practice was an accepted part of the Mesopotamian scene. This conclusion is confirmed by many literary and legal texts in which homosexual activity is mentioned.

Most interesting are the two laws in the Middle Assyrian collection devoted to it. MAL 19 involves a false accusation of passive homosexuality. Someone who accuses his neighbour of being involved frequently in such relationships and does not substantiate it is beaten, fined and has some mark of shame<sup>6</sup> inflicted on him. This law is very similar to the preceding one where a man is falsely accused of allowing his wife to be used as a prostitute. In both cases the accused man's reputation is at stake. He is being effeminate or unmanly in allowing his wife or himself to be exploited in this way. There are many texts indicating that passive homosexuals, though not guilty of breaking the law, were despised, so to accuse someone of effeminacy, especially in the masculine militaristic society of Assyria, was a grave slur on their reputation.

Apparently closer to the biblical prohibition is MAL 20 'If a man has intercourse with another and they indict him and prove him guilty, they will have intercourse with him and turn him into a eunuch'.<sup>7</sup> Certain things are clear about this law. It is the active male partner who is punished. The passive partner escapes all censure. This is unlike the punishment in the Bible (Lev 20:13) where both parties are punished. It is also unlike the oriental punishment of adulterers where both male and female parties receive the same penalty, unless circumstances suggest that the woman was raped. So here it seems likely that it is not because homosexual acts were forbidden that only one party is punished,

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<sup>5</sup> Cf. K. J. Dover, *Greek Homosexuality* (Duckworth [1978]).

<sup>6</sup> So G. Cardascia, *Les lois assyriennes* (du Cerf [1969]), 130.

<sup>7</sup> The translation of the *Chicago Assyrian Dictionary* Volume N, 198.

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but because one man imposed himself on the other that he is condemned. In other words MAL 20 is dealing with homosexual rape rather than an act between consenting adults.<sup>8</sup>

The *Reallexicon der Assyriologie* therefore concludes: 'Homosexuality in itself is thus nowhere condemned as licentiousness, as immorality, as social disorder, or as transgressing any human or divine law. Anyone could practise it freely, just as anyone could visit a prostitute, provided it was done without violence and without compulsion, and preferably as far as taking the passive role was concerned, with specialists.<sup>9</sup> That there was nothing religiously amiss with homosexual love between men is seen by the fact that they prayed for divine blessing on it.<sup>10</sup> It seems clear that the Mesopotamians saw nothing wrong in homosexual acts between consenting adults.

Nor were homosexuals shut away in Mesopotamia. There were homosexual cult prostitutes, who took part in public processions, singing, dancing, wearing costumes, sometimes wearing women's clothes and carrying female symbols, even at times pretending to give birth. These professional homosexuals were forced to take the passive role in intercourse and for this reason were despised as unmanly. Sometimes they are called 'dogs'. 'It therefore appears that these types of person, as in other places and periods including our own, formed a shady sub-culture where all sorts of ambiguities, mixtures and transformations were possible.'<sup>11</sup>

Unfortunately, there are no studies of comparable thoroughness and sophistication to elucidate the attitudes of other ancient Near Eastern peoples. Hittite Law 189 states that 'If a man violates his daughter it is a capital crime. If a man violates his son, it is a capital crime'. This juxtaposition of intercourse with one's mother, daughter, and son, show that the last union is not banned because it is homosexual, but because it is incestuous. The eminent Hittitologist H. A. Hoffner observes: 'A man who sodomizes his son is guilty of *urkel* (illegal intercourse) because his partner is his son, not because they are of the same sex'.<sup>12</sup> Later he notes, 'it would appear that homosexuality was not outlawed among the

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<sup>8</sup> This is what Cardascia, *Les lois assyriennes*, 134-35 suggests. Bottero and Petschow in *Reallexicon der Assyriologie* 4, 462 are more dogmatic. 'The verb *niāku/ nāku* ... implies a certain constraint on the part of the protagonist. Its literal translation would be "to do violence to" and almost "violate". It is precisely because the victim submits to violence that obliges its author to submit in his turn to violence himself.'

<sup>9</sup> *Reallexicon der Assyriologie* 4, 467.

<sup>10</sup> *Ibid*, 468.

<sup>11</sup> *Ibid*, 465.

<sup>12</sup> H. A. Hoffner, 'Incest, Sodomy, and Bestiality in the Ancient Near East' in (*Orient and Occident: Essays in Honor of C. H. Gordon*, Neukirchen, Neukirchener Verlag [1973]), 83.

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Hittites'.<sup>13</sup> It therefore appears that the Hittites shared the same attitude to homosexuality that the Assyrians did.

The evidence from Egypt seems more ambiguous and has been interpreted in different ways. Goedicke<sup>14</sup>, followed cautiously by Westendorf<sup>15</sup>, argues that homosexual acts were not regarded as immoral where there was mutual consent. This interpretation may be supported by the grave of two friends which may imply that a homosexual relationship could be continued in the after-life. In a myth it is told how the god Seth attempted to rape his younger brother Horus. He later boasts of his manly achievements to the other gods. In iconography of the Amarna period 'The difference between the sexes appears to be almost obliterated... the ideal image of the body was virtually the same for men and women. It is the male image adapting to the female.'<sup>16</sup>

On the other hand in the Book of the Dead chapter 125 the soul twice protests his innocence in the words 'I have not had sexual relations with a boy'.<sup>17</sup> A story of king Neferkare spending the night with one of his generals may be told to illustrate the corruption of the king. However, both these examples involve relations between unequals where coercion may be inferred. In which case it may well be that Egyptians saw nothing immoral in homosexual acts where there was mutual consent. If this is correct, there would appear to be very little difference between their attitude and those of the Assyrians and Hittites.

Ugaritic texts give no clue to Canaanite attitudes.<sup>18</sup> However, passages such as Lev 18:3, 24-30 with their blanket condemnation of the sexual practices of the Canaanites and Egyptians may well imply that among other things the Canaanites tolerated homosexual practice. And if the story of Sodom (Gen 19) is supposed to illustrate Canaanite practice, the insinuation is even clearer.

To sum up: The ancient Near East was a world in which the practice of homosexuality was well known. It was an integral part of temple life at least in parts of Mesopotamia, and no blame appears to have attached to its practice outside of worship. Those who regularly played the passive role in intercourse were despised for being effeminate, and certain relationships such as father-son or pederasty were regarded as wrong, but otherwise it was regarded as quite respectable.

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<sup>13</sup> *Ibid*, 85.

<sup>14</sup> H. Goedicke, 'Unrecognized Sportings' (*Journal of the American Research Centre in Egypt* 6 [1967], 97-102).

<sup>15</sup> W. Westendorf, *Lexicon der Ägyptologie* 2, 1273.

<sup>16</sup> L. Manniche, *Sexual Life in Ancient Egypt* (Routledge [1987]), 25-26.

<sup>17</sup> A20; B27, *Ancient Near Eastern Texts*, 34-35.

<sup>18</sup> M. H. Pope, *Interpreter's Dictionary of the Bible*, Supplementary Volume, 416.

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## *The Old Testament Picture*

The stories of Sodom and Gibeah may be better understood against this background. As commentators have realized the demand to 'know' the visitors to Sodom must be a demand that they submit to homosexual intercourse.<sup>19</sup> That Lot offers his daughters instead and the Levite his concubine shows that the demand was for sexual intercourse (Gen 19:5-8; Jdg 19:22-26). Given ancient oriental attitudes it is by no means strange that the men of Sodom asked to have intercourse with men in Lot's household. What is surprising and deeply shocking is their total disregard for the accepted principles of eastern hospitality. Visitors, whether anticipated or not, must be treated with the utmost courtesy and kindness. Here the men of Sodom show utter disregard for the rules of hospitality, and suggest Lot's visitors submit to the most demeaning treatment they can devise, a treatment elsewhere used on prisoners of war.<sup>20</sup> So the sin of Sodom is not primarily homosexuality as such, but an assault on weak and helpless visitors who according to justice and tradition they ought rather to have protected (Ezk 16:49).

Yet having said this, undoubtedly the homosexual intentions of the inhabitants of Sodom adds a special piquancy to their crime. In the eyes of the writer of Genesis and his readers it showed that they fully deserve to be described as 'wicked, great sinners before the LORD' (13:13) and that the consequent total overthrow of their city was quite to be expected. It is often noted by commentators that the destruction of Sodom parallels the destruction of the world by Noah's flood. In both cases we have a complete population being obliterated and only one family escaping thanks to divine intervention. There are many verbal parallels between the stories too. It may also be noted that the motive for divine judgment is similar in both cases. The flood was sent because of the great wickedness of man demonstrated by the illicit union of women with supernatural beings, 'the sons of God'. In the case of Sodom another type of illicit sexual intercourse is at least contributory in showing it deserves its destruction.

This leads us on to consider the laws against homosexuality in the Old Testament. Though Middle Assyrian law punished homosexual assault and accusations of passive homosexuality (Middle Assyrian Laws A18-20), the biblical law is quite different. The key texts are Lev 18:22 and 20:13.

The exact terminology of these laws deserves note. Lev 18:22 states: 'You shall not lie with a male as with a woman; it is an abomination'. This obviously prohibits the active type of homosexuality that was quite respectable in the ancient world. It should also be noted that the passive partner is just described as 'male', rather than 'man' or 'youth'. Clearly

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<sup>19</sup> Cf. C. Westermann, *Genesis 12-36: A Commentary* (SPCK [1986]), 301.

<sup>20</sup> M. H. Pope, *art. cit.*, 416.

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this very general term prohibits every kind of male-male intercourse not just pederasty which for example the Egyptians seem to have condemned. Finally, the practice is condemned as an 'abomination',<sup>21</sup> one of the strongest condemnatory words in the Old Testament, for offences deemed specially heinous in God's sight.

Lev 20:13 states: 'If a man lies with a male as with a woman, both of them have committed an abomination; they shall be put to death, their blood is upon them'. Lev 18 prohibits various acts but prescribes no penalties. Lev 20 does mention how offenders should be treated. Sometimes human punishment is decreed, sometimes it is left to God. Homosexuality here attracts the death penalty, which puts it on a par with adultery (Lev 20:10) or the worst cases of incest (Lev 20:11, 12). These were offences that nations outside Israel did view with extreme seriousness: but they never put homosexuality on the same level. Secondly it should be noticed that both parties in homosexual intercourse are punished equally: the passive partner and the active are both put to death. The use of the term 'lie' (here and in Lev 18:22) without any qualifying verb, e.g. 'seize and (lie)', and the equal punishment shows that consent to intercourse is assumed between the partners. Comparison with the laws on adultery shows that if it were a question of homosexual rape only the rapist would have been executed (cf. Deut 22:22, 23, 25). In other words the Old Testament bans every type of homosexual intercourse, not just forcible as the Assyrians did, or with youths (so the Egyptians). Homosexual intercourse where both parties consent is also condemned.

The two motive clauses also underline the culpability of both parties. 'Both of them have committed an abomination ... their blood is upon them.' The second clause occurs only in this chapter (vv.9, 11, 13, 16, 27) and in Ezk 18:13, 33:5 and apparently justifies the demand for the death penalty. It seems to be equivalent to the commoner phrase, 'his blood shall be on his head'. It appears to mean that if a man breaks such a law, he does so knowing the consequences, and therefore cannot object to the penalty imposed.

The laws just discussed cover both private (secular) homosexual acts and religious homosexuality. But in that homosexual male prostitution was well established in the ancient orient, it is not surprising that there are a number of laws aimed at this particular phenomenon and its associated practices. Dt 23:17 prohibits male and female cult prostitution in Israel. The following verse describes a male homosexual prostitute as a 'dog', a description also found in Mesopotamian texts<sup>22</sup> and in the book of Revelation (22:15). The books of Kings state that when Canaanite religious practices were introduced

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<sup>21</sup> Cf. E. Gerstenberger in *Theologisches Handwörterbuch zum Alten Testament*, 2, 1051-55.

<sup>22</sup> *Reallexicon der Assyriologie* 4, 465.

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into Israel, so was cult prostitution and three reforming kings attempted to abolish the male prostitutes (1 Kgs 15:12; 22:46; 2 Kgs 23:7).

Since male prostitutes were sometimes castrated and often took part in ceremonies flaunting their effeminacy, it may well be that aversion to homosexuality partially explains the ban on castrated men participating in the public assembly, or on wearing women's clothes. The latter is described as 'an abomination to the LORD' (Dt 23:1; 22:5). It could well be that the law is banning anything suggestive of homosexual practice (cf. our summary of Mesopotamian attitudes).

Seen in their Near Eastern context the originality of the Old Testament laws on homosexuality is very striking. Whereas the rest of the ancient orient saw homosexual acts as quite acceptable provided they were not incestuous or forcible, the Old Testament bans them all even where both parties freely consented. How can we explain this innovation? To ascribe this to Israelite reaction against the customs of their neighbours is too simple, for such an explanation in fact explains nothing. Israel did not reject all the religious and moral practices of Canaan. They accepted some and rejected others. They offered similar sacrifices, but they refused to eat pigs. The Canaanites believed their gods heard prayer, so did Israel, but they maintained there was but one God. Similarly in the realm of sexual ethics, Israel accepted, like their contemporaries, that adultery was the great sin, that premarital sex was wrong, but Israel went much further in banning incest and homosexual intercourse. Aversion to Canaanite custom no more explains Israel's attitude to homosexuality than it does its preference for monotheism. That Canaanites practised homosexuality no doubt enhanced Israel's aversion to it (cf. British dislike of certain foreign habits), but it is not the fundamental motive for it.

It is now generally recognized that many of the most fundamental principles of Old Testament law are expressed in the opening chapters of Genesis. This applies to the laws on food, sacrifice, the sabbath as well as on sex. Gen 1 repeatedly insist that God created plants, fish, birds, and other animals to breed 'according to their kind'. God created the different plants and animals to reproduce according to their own particular type. Hence the law forbids any mixed breeding or acts that might encourage it (Lev 19:19; Dt 22:9-11). The worst case of mixed breeding is described in Gen 6:1-4) and that prompted the flood.

When Genesis comes to man's creation, it states that God deliberately created mankind in two sexes in order that he should 'be fruitful and multiply'. This is the first command given to man and is repeated after the flood; contrast the gods of Babylon who introduced various devices to curtail man's reproduction.<sup>23</sup> In that homosexual acts are not even

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<sup>23</sup> Epic of Atrahasis 3:7:1-8.

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potentially procreative, they have no place in the thinking of Gen 1. Nor do they fit in with Gen 2. There the lonely Adam is provided not with a second Adam, but with Eve. She is the helper who corresponds to him. She is the one with whom he can relate in total intimacy and become one flesh.

It therefore seems most likely that Israel's repudiation of homosexual intercourse arises out of its doctrine of creation. God created humanity in two sexes, so that they could be fruitful and multiply and fill the earth. Woman was man's perfect companion, like man created in the divine image. 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. St Paul's comment that homosexual acts are 'contrary to nature' (Rom 1:26) is thus probably very close to the thinking of the Old Testament writers.<sup>24</sup>

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<sup>24</sup> By 'contrary to nature' Paul clearly means 'contrary to the intention of the Creator', C. E. B. Cranfield, *The Epistle to the Romans I* (T. & T. Clark [1975]), 125. For an extended discussion of the New Testament teaching on homosexuality see the articles of D. F. Wright: 'Homosexuals or Prostitutes: The Meaning of *arsenokoitai*' (*Vigiliae Christianae* 38 [1984], 125-53), and 'Homosexuality in the Early Church' (in A. Higon, ed., *Sexuality and the Church*, Kingsway [1988], 39-50).