

# **Homosexual Chalitzah**

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Homosexuality is an “issue”.<sup>1</sup> It’s an emotional lightning rod that attracts the most astonishing array of wanton pronouncements and *jingoistic* judgments in orthodox Jewish communities – not to mention many Christian and secular communities around the world, whose cultures are also founded somewhat upon the Jewish biblical heritage.

In our popular culture, where exhibitionism teeter-totters with a deep religiously-inspired *inhibitionism* – where we find both disgust for biblical *abomination* (*toevah*) and delight for free-wheeling sexual exploration and creativity – this lightning rod attracts very powerful emotions indeed: rage, religiosity, terror, shame, backlash, baiting, bullying, and forcible “outings.”

In such a highly-charged atmosphere, it’s often hard to locate mature, emotionally-unprejudiced thought from clergy. Not a few clergy have themselves “come out”, some voluntarily, others through scandal; so, the religious blacks and whites, the “gays and straights” of the issue, have blurred. This issue has a way of reducing us all to cartoons, “drags” of ourselves, as gay slang might phrase it.

Adding to this, is a changing sexual-religious-political-technological scene – changing perhaps too fast for comfort: Post-AIDS, we see a de-valuing of gay promiscuity and a re-valuing of monogamous-mating, including marriage. Single-parent or same-sex child adoption, artificial insemination, pre-conception adoption, surrogacy and other variations to the old-fashioned male-sperm/female-egg dance, have altered (or neutered) the issue. Media highlights have made gay people seem just like ordinary people, more human – *queer* in one sense, less queer in another.

Today, we often witness two completely opposed simultaneous viewpoints: Openness, acceptance, and even nonchalance towards homosexuality. Righteous indignation peppered with panic and politics. There’s very little in between.

There remains a rift about homosexuality because, in part, there remains, at a core religious depth, a rift as to how to interpret the biblical – particularly the Hebrew Bible or so-called “Old” Testament – injunctions against it.<sup>2</sup>

Moreover, virtually all religiously-inspired groups, conservatives or liberals, have, long ago, ceased to take scripture as edict; none of us would sentence a modernist to stoning for breaking the Sabbath, or administer an abortifacient to adulterous women. Obviously, any calling upon the Bible as an “anti-gay defense” is fraught with interpretive arbitrariness, expediency and hypocrisy, calling into account the larger Truth-issues behind all biblically-based religions: what do we believe and *why* do we believe it?; how do we know scripture is the “word of God”, a “revelation”?; how do we interpret “God’s Word” for God?

What is, indeed, the foundation of religious *authority*?

If the *Torah*, as Jewish tradition has interpreted it down through the ages, is totally correct – which is essentially the same view as Christianity and Islam – then homosexual behavior is not at all an “issue.” It is a non-issue. It’s just wrong.

If however, God *is* the Creator, we have a rather serious logical problem that surfaces in our contemporary scientific era. Today, we know that there are hundreds upon hundreds of species that engage in some kind of homosexual activity.<sup>3</sup> Obviously, unless God made a “design flaw”, homosexuality *per se* cannot be flatly wrong. The question that then arises is “why is homosexuality wrong for human beings?” or, also, “why is the nature of human beings different from other animals?” These two questions are intimately-related.

If homosexuality is permitted in other animals but not human beings, then, why *do* human beings engage in it? If God permits human beings to engage in this, no less (and more so) than the lesser beasts, then, what is the relationship between God and Nature? Is there something *unnatural* about God? Or human beings? Or, perhaps, our theologies? <sup>4</sup>

There are serious cracks in our religious understanding about homosexuality, because there are serious cracks in our religious understanding in general.

I believe, these cracks are visible through our translations and interpretations. These need to be healed first:

In two verses, the *Torah seems* to utterly outlaw all male homosexual relations : <sup>5</sup>

*Vi-et zachar lo tishkav mishkavei ishah toevah hi.*

Thou shalt not lie with a man after the manner of a woman. (*Lev. 18:20*)

*Vi-ish asher yishkav et-zachar, mishkavei ishah toevah asu shnayhem mot yumatu dimahem bam.*

If a man also lie with a man, as one lies with a woman,  
both of them have committed an abomination: they  
shall surely be put to death their blood shall be  
upon them. (*Lev. 20.13*)

In examining these two passages, first, let us deal with the “powder keg”, what appears to be a general descriptive, and possibly a legal term, equating homosexual behavior with *toevah*, usually translated *abomination*, or that which is *disgusting* to the Lord.

There are approximately 23 main references in the *Torah* for the word *toevah* or its plural *toevat*. In the Hebrew Bible (*Tanach*) the references soar to over 70. This does not include variations of the related *ta-av* or *ta-ah*.

In the *Torah*, virtually all 23 references refer to some kind of idol worship, some perversion of sexual relations in relation to idol worship, or, a “custom”, such as adultery, which was forbidden to Israel. <sup>6</sup> All these abominations result in “defiling the land,” as in *Deut. 24:4*.

But, in *Deut. 25:16ff*, there is an interesting exception. The term *toevah* seems to pertain less to a cultic-sexual affront to Creation, and more to a general *moral* affront: improper weights and measures. This is also linked to defilement of the land and its shirking is considered conditional for the continued presence of Israel upon it. Later on in the same verse, the term *toevah* is generalized even further: “All that do un-righteously are an abomination to the Lord thy God.”

In the Hebrew Bible, particularly in *Prophets* and *Kings*, we see the same predominant use of the cultic-sexual sense of *toevah*. However, in *Proverbs*, the number of uses of *toevah* in a general moral sense is quite shocking: 15! While reiterating the concern of improper weights and measures in *Deut. 20:10; 20:23*, the term *toevah* is now applied wholesale: To those with a “crooked heart” (11:20). To “lying lips” (12:22). To “the sacrifices of the wicked” (15:8). To “the thoughts of the wicked” (15:26). To those “proud in heart” (16:5). To the “scorner” (24:9). And, in the most generalized of generalized senses: to the “unjust man” (27:7).

Clearly, if we consider all these references equal, equally defiling the land, equally-abominable, the term *toevah* cannot be considered a very precise legal term at all. In fact, we should all be stoned to death for *toevah*. Since *Deuteronomy* is the latest of the *Torah* books <sup>7</sup>, and *Proverbs* is quite late <sup>8</sup> we may be dealing with a shift in the meaning of the word. *Toevah* seems to be increasingly equivalent to “evil”, “wrong”, “bad behavior” or perhaps “sin” – though never once in the Hebrew Bible do we ever see the words *chet*, *averah*, or *psittah*, the terms promiscuously translated as “sin” applied to homosexual

behavior. This is surprising, since in the Christian-influenced mainstream culture, supposedly-based upon our Bible, “sin” is the dominant descriptor in the religious media.

Since, according to *Deuteronomy 23:18*, it is obvious that homosexual practices, including sacred whores, took place as part of the abominable practices of other nations, it seems fairly certain that the term *toevah*, in this specific regard, retains some purity, validity and utility. Moreover, it is absolutely, precisely, in this specific regard, that the opening verses of *Leviticus 18*, frame the entire discussion of sexual contact, including homosexual behavior. It explicitly exhorts Jews not to do what was done in Egypt, where they once lived, nor, now that they are being brought into the land of Canaan, indulge these practices there. Clearly, the issue of homosexuality, idolatry, and *toevah*, are biblically inseparable.

However, since contemporary homosexual behavior amongst Jews generally does not appear in tandem with polytheistic idolatrous cults and can be found amongst the observant, synagogue-attending Jew who is otherwise righteous, monotheistic and *Torah*-abiding – the cultic sense of *toevah* is not relevant.<sup>9</sup> Instead, the second, more general moral sense of *toevah* may be applied, but no more so than it can be applied to someone who happens to lie or cheat. Indeed, this general moral sense is so general as to be legally useless. As a criterion by which one may judge most contemporary homosexual behaviors, the ancient term *toevah* adds more confusion than clarity.

There also seems to be some confusion regarding the translation of these verses. The term “man”, i.e. that man who is lied with, is not *ish*, but is instead, *zachar*, which is better translated *male*.<sup>10</sup>

In stark contrast, the term “woman”, with whom one would lie is not *n'kevah* or female, but is translated *ishah*. Unlike *n'kevah*, which is unambiguous, *ishah*, as in the French *femme*, could also be translated “wife”, i.e. someone chosen for the purpose of mating and propagation. This translation seems more than possible, but probable, since the verses preceding these passages all deal with incestuous relations regarding improper choices of “wives”, as they are generally and correctly translated.

It would seem that at issue is not lying with a “man” instead of a “female” – i.e. a blanket forbidding of all homosexual behavior in any shape or form – but, instead, lying with a *male* instead of a *wife*, i.e. someone that might detour you from procreation.

Is there any proof that this interpretation might be correct? Yes.

Let us turn to the phrase, *mishkavei ishah*, literally, “in the bed of a woman/wife.”

In the first passage, *mishkavei ishah* is translated “after the manner of a woman” and in the second “as one would lie with a woman.” “After the manner of a woman” or “as one lies with a woman” can both imply taking the sexual-role of the female in homo-

sexual intercourse. The first passage can sometimes seem to only forbid that man who chooses a *male* in the sexual role of women/wives, but not the semen-receiving male himself.<sup>11</sup> However, the second passage seems to clarify this, by holding both men culpable. If this is so, to be coherent with the first passage, it implies that both men exchange the male sexual role, and are therefore forbidden. While this interpretation may or may not be true, it too seems to add more confusion than clarity; nor, does it help us clarify the proposed meaning of *mishkavei islah*.

Unfortunately, there is no other reference for *mishkavei islah* in the Hebrew Bible that can help us clarify the meaning of this phrase. However, fortunately, there is one other reference for the word-form *mishkavei*. It proves most helpful indeed!

In *Gen.49:4*, regarding the story of Re'uven we read the following:

Re'uven, thou art my firstborn, my might and the beginning of my strength, the excellency of dignity, and the excellency of power: unstable as water, thou shalt not excel; because thou wentest up to *thy father's bed*; [emphasis added] then thou didst defile it ...

In Hebrew, the phrase "thy father's bed" is *mishkavei avicha*, literally, and analogously to *mishkavei islah*, "in the bed of your father." In the ancient near-eastern world, as a sign of inheritance of your father's power, one would take and lie with one's father's concubines. But, here, it seems that Re'uven did so in an inappropriate way, probably without his father's permission, thus *usurping the conjugal rights*, i.e. lying *in the bed of his father*.<sup>12</sup>

It would be even more reassuring to have yet one more example of *mishkavei*, but, unfortunately, we do not. Yet, we cannot fail to notice that the meaning of this passage and our proposed meaning for the previous passages regarding homosexual behavior are one and the same. There is more than enough coherency here to wager that these passages were intended to denote the following:

*Vi-et zachar lo tishkav mishkavei islah toevah hi.*

Thou shalt not lie with a male in the bed of a wife. (*Lev. 18:20*).

*Vi-ish asher yishkav et-zachar, mishkavei islah toevah asu shnayhem mot yumatu dimahem bam.*

If a man also lie with a male, in the bed of a wife, both of them have committed an abomination: they shall surely be put to death their blood shall be upon them. (*Lev. 20.13*)

And since the term *mishkavei* more probably means to "usurp the conjugal rights of", these would *connote* the following:

Thou shalt not lie with a male, usurping the conjugal rights which belong to a wife.

If a man also lie with a male, usurping the conjugal rights of a wife, both of them have committed an abomination: they shall surely be put to death their blood shall be upon them.

Is there any scriptural proof for this interpretation? I believe there quite possibly is: The story of *Sodom and Gomorrah*, *Gen. 19:4-11*.

When the men of *Sodom* call upon Lot to deliver up the “angels/messengers” so that they might be “known” sexually, Lot responds by offering them two *virgin* daughters – virginal perhaps meaning “legitimate mates”, not whores. But after the men of *Sodom* refuse relations with them, it becomes very, very clear indeed, that we are dealing with true *abomination*, indeed rapacious, violent abomination. No sooner than this is established, are they smited with blindness, and the entire city is destroyed along with their idolatrous defilement of Creation. A similar story can be found In *Judges 19*, and note, that instead of choosing a virgin, which they could well have chosen, the buggery-intended men ravish a concubine instead. In either story, the issue was rapacious homosexual lust, in violation of women’s rights, and not homosexuality *per se*.

Here, *Torah* and contemporary scientific observation of nature begin to coincide seamlessly: While there are hundreds upon hundreds of examples of homosexual relations in nature, there is not one example of it where it interferes with or abrogates the ability of a species to propagate itself. There is a natural *boundary* built into the Creator’s design; no matter how generous the Creator is in permitting sexual diversification and creativity – and nature is quite “wild” sexually – this propagative boundary is never, ever permitted to be undermined, hence it could be said to be a “law”, or “fixed relationship” in Life.<sup>13</sup>

In this sense, the law of Israel can best be seen as a *specification* of the natural law which requires reproductive synchronization between male and female in order to propagate. The law of Israel specifies this *necessary boundary* within Creation. Rapacious homosexuality, interfering with conjugal responsibility towards God’s Creation is *abomination*, *toevah*. But, here the term is not some cavalier moral epithet tossed around un-carefully. Clearly, *toevah*, or *abomination*, means *degenerate* – but not in the moral-accusatory sense – but *de-generate* in the biological sense.

Rapacious homosexual is *de-generate* – that which leads to a loss of generacy in the species. This is hardly the case with other animals, since homosexual behaviors are more integrated within the cycles of nature and enhance the vitality of the species. Nor might

this be the case with certain kinds of human homosexual activities, perhaps the erotic, which are not rapacious; after all human beings *are*, also, animals.

However, such natural homosexual activities aside, human beings, who have free will and are not restricted to cyclical-boundaries in nature, are not merely natural. Homosexuality, or any behavior, can become taken to an anti-natural excess; no other animal is capable of this same extreme.

This explains our earlier confusion between traditional religious views which condemn homosexuality outright and the more scientific-religious perspective, of a Creator's world, where it exists and flourishes in hundreds of species. In the human being, a law to exercise caution against *abomination – de-generacy* – as I think it should be correctly-defined – is needed. In the animal kingdom, it is not. Animals are not human beings, though human beings are animals.

However, logically, since the focus of Israel's laws is not homosexual behavior *per se*, but is the de-generate, rapacious substitution of a *male* for a *wife*, another more immediate question opens up: Do these laws outlaw the taking of a *male* as an object of love or pleasure *in addition to* fulfilling one's conjugal responsibilities, or *before* such conjugal responsibilities are engaged?

Is there any evidence at all in scripture that the *homoerotic* might be acceptable? <sup>14</sup> Many feel that there is a homoerotic component to the story of David and Yehonatan (Jonathan) (*1 Samuel 19:2ff*). In order to describe Jonathan's feelings toward David, the Hebrew Bible uses the exact same expression an astonishing *three times*, an expression, which is, undeniably, *erotic*, even *mystically erotic*:

And Yehonatan loved him *as his own soul* [emphasis added]...

Then Yehonatan and David made a covenant, because he loved him *as his own soul*. (*1 Sam.18:2-3*)

And Yehonatan caused David to swear again, because he loved him: for he loved him *as he loved his own soul*. (*1 Sam. 20:17*)... my brother Yehonatan: very dear hast thou been to me: thy love to me was wonderful, more than the love of women. (*1 Samuel 1:26*)

From a traditional rabbinic and certainly a Kabbalistic (Jewish mystical) perspective, the love for someone "as if their own soul", like Adam and Eve, is the metaphysical justification for *knowing* each other both psychically, and, as a consequence, sexually. For instance, since Eve is created from a *tzelem*, a "rib" or "side" (aspect?) of *Adam*, they are "as if their own soul."



In this sense, the description of Jonathan's feelings toward David is that of a mate, flesh of his flesh, bone of his bone. Jonathan's loyalty with the "house of David", made him "one flesh" with David (*1 Sam. 20:17*) However, there is no overt proof as to whether this conjoining-of-flesh was also expressed sexually between them, though it is clearly erotic.

While it is not clear whether Jonathan was married, if he were married, a homosexual relationship with David need not have affected his conjugal requirements. After all, Jonathan swears "on his seed" (*I Samuel 20:42*), i.e. implying future propagation through his loins.

So, if David and Jonathan did have a homosexual relationship, there would be no *mish-kaveh-ishah*. There is no contradiction, if homoeroticism of this kind is permissible, though there is no proof that it is.

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Therefore, it is clear that the Jewish tradition's outlawing of all kinds of homosexual activity is contaminated by interpretative excess.

This interpretive excess results from, I believe, a misunderstanding and mistranslation of the Hebrew.

This excess also results from attempting to discern God's Will in nature backwards from scripture as is the religionist tendency. Instead, it has proven here far more productive to view scripture in a more scientific way: as a recording of human understanding of nature's design, i.e. "how Life works", i.e. The "will" of the Creator God.

Moreover, the tendency amongst Jews, Christians, Muslims and other historical-religionists to view their particular formulation of covenantal history as *universal*, meaning *ubiquitous*, required from *all* humankind, causes a tendency to over-generalize particular natural homosexual behaviors into "homosexuality" the "concept." Applied backwards as *the* criterion of absolute "moral correctness", it has ill-regard for God's Order in nature, let alone our ability to rationally observe and understand its nuances. This is a long-established religiously-motivated *idolatry*, where human law-specifications are given excessive authority for Truth. It contributes to the "exclusivism" – the "saved/damned" paradigm – which still infects many idealist religions, and which is surfacing these days as un-circumspect fundamentalism.

Truly, there is a law in Creation, a fixed-relationship, that if one substitutes a male for a reproductive-female, there can be de-generation to Life. This is not religious fiction. This is human awareness of a biological fact, specified as law, in order to contain human excess and maintain biological integrity, i.e. God's Creation.

It is clearly, purposefully, and valuably communicated through scripture.

The injunction against de-generative homosexuality is no different from other scriptural laws that function to remind free-willed human beings about certain fixed-relationships within God's *Order (Commandment)* on earth: sanctification of foods which are not de-generative (*kasher*); sanctification of the separateness of species (*shatnez*); sanctification of mother-child relationships (seething kids in milk) and many, many others de-generative customs. We have come to think of them as "religious" laws, but, they are really formulations of universal laws built into nature: laws built into the design of Creation.

Should we ever return to a time – God forbid – when rapacious homosexuality, bestiality, child-murder, the eating of decayed foods and other savage behaviors, become excessive – when we become *de-generate, abomination*, and the propagative vitality of Jews, let alone all human nations, becomes endangered – we might be very happy to have a few *Torah* guidelines left in our books, rather than their being extirpated blindly in the name of political-correctness. Faith in their recordings might prove to have great survival value.

God-willing, we will interpret these verses correctly, and not excessively.

But, in such wanton times, even an excessive interpretation of such critical-boundaries, might prove helpful, a *Tree of Life* for those who cling to it. <sup>15</sup>

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All in all, I believe that I have demonstrated that the tradition regarding homosexuality has been proven to be only partially-correct: It has been correct in emphasizing the critical importance of the principle of *mishkavei ishah*, not usurping the conjugal rights of woman-as-wives, which is built into the design of Creation, and which is essential for the continuity of the Jewish people, let alone all humankind. It has been incorrect in the indiscriminate legal application of the word *toevah* and its blanket condemnation of homosexuality without nuance; it failed to emphasize that the primary issue that makes homosexuality an issue is illegitimate usurping of conjugal rights, often rapaciously, and not homosexual intimacy *per se*.

A certain *teshuvah* is called for. How should we approach this issue within our contemporary communities, today?

Although not every congregation is *halachic*, and approaches will vary, it is undeniable that the *Torah* law against *mishkaveh ishah* cannot be by-passed or denied. It is a human procreative issue, not a mere "sexual" one.

After cleaning up all the excesses surrounding this issue, it remains critical to recognize this sacred principle as the *law* it is. Without such a fixed-relationship in human society, there would be no continuity of our people's existence, let alone perhaps, the continuity of human life. *Mishkaveh ishah* is built-into the design of our world, and whether one holds this law to be given by a revelation at Sinai or not, it nonetheless remains a "given", a boundary placed upon human life, pertinent to theist or atheist alike, so-called "straight" or "gay".

Pragmatically, we need to find a way to recognize this principle within our community, and, as Judaism has traditionally done, evolve it. Do we have any inspiration from tradition that might be useful in devising an authentic contemporary *halacha*, one that might perhaps have a general appeal to the entire *klal*, and therefore would not divide us further?

Yes, indeed. In fact, we have *already faced this difficulty once before*, and the *halacha* has proven quite dependable over many, many centuries, with no destruction to our people, and an enhancement of life for all the "sexual deviants" concerned.

The difficulty was *levirate* marriage. The solution was the *chalitzah*.

While in contemporary society, copulating with your deceased brother's wife in order to continue his bloodline, is out of vogue, it has never been *negated* as a law by the Rabbis. For one thing, it could not be; after all, it was *Torah*. For another thing, while we are not as tribally-organized as in the past, nevertheless, in the future, we might return to such a social structure and this kind of marriage may become essential again. Therefore, instead of being *negated* by the Rabbis, it was, like many stringent *Torah* laws, *neutralized* through the *chalitzah* ritual. Here, the widow removes a sandal, harkening back to the vow between Ruth and Boaz - releasing the brother-in-law from the act, yet nonetheless, reminding him of his reproductive obligation to our people and the principle of *mishakei ishah*.

As we see from the story of *Onan*, should one "lie in the bed of your sister-in-law" *with the earth*, i.e. withdraw before ejaculation, spilling your seed upon the ground and usurping her conjugal rights – the condemnation by God is fierce! Similarly, the contemporary Jewish homosexual community is expressing a preference to not contribute to the stream of life through heterosexual reproductive activities. Yet, they cannot - as Jews - deny the possibility that, whether or not this fits their preferences or not, there may be a legitimate need for their germ cells in the future <sup>16</sup>.

Therefore, a *chalitzah* ritual, for homosexual men, and, by logical extension, women, seems to be a correct, authentic, proven, traditional *halachic* approach; the situation here is perfectly analogous.

I would suggest the following:

In any situation where a self-declared Jewish homosexual man or woman, demonstrating otherwise healthy moral character, declares him or herself to desire exclusive sexual relations with members of the same sex, including the possibility of a monogamous relationship - this man or woman should stand in front of a quorum of ten females for the man, or a quorum of ten males for the woman.

These men and women would declare their desires openly in front of the entire representational covenantal community. If, reproductive necessities within the world Jewish community were such that their germ cells were not urgently needed, then, such a quorum, representing the *klal*, would release these people from their obligation to the Jewish family to lie heterosexually with each other. The *klal* would openly free them to pursue their temperaments with the *proviso* that this was contingent upon the state of the Jewish people, and their legitimate population concerns, now and in the future.

Homosexual Jewish men and women would have to include in their vow that should reproductive urgencies within the community change for the worse, they are willing to put the continuity of the *klal* over their temperaments or preferences, even expanding their sexual repertoire, if needed.

The actual form of this homosexual *chalitzah* ceremony could be different, or, the same ritual for modifying the law of levirate marriage could be used here. Nevertheless, after such a *chalitzah* is performed, homosexual men and women should be considered to have fulfilled their obligation and be welcomed as full, *kosher*, participants in the life of their people, with no stigma.

In the event, down the road, that such a person finds a mate, there is now not one single reason why a separate, distinct *ketubah*, which specifies the details for such a committed homosexual relationship could not be created, nor why true, legitimate, even Orthodox marriage ceremonies could not be performed, whole-heartedly, and in keeping with the best of tradition.

In liberal Jewish communities, this approach would prevent the good-hearted liberalism but sometimes arbitrariness and political-correctness by which this "issue" is often dealt with, often mere secularization in disguise.

However, all of this does not address artificial insemination, artificial ovulation, reproductive surrogacy - all the various forms of pre-uterine adoptions that are available. From my perspective, these are totally different issues entirely, and are extremely difficult, if not problematic. This is far beyond the scope of this paper.

Lastly, I feel that since, through this *chalitzah*, congregants are no longer *illegitimately* usurping the conjugal rights of wives or husbands, and lying *mishkavei isha* or now, *mishkavei kala*, with a “zachor” or a “n’kevah” – that incumbent upon these Jewish homosexual men and women should be some kind of active, community-based service to aid the community in the rearing of Jewish children. This might be teaching. This might be serving as nannies or mother’s helpers. In this way, Jewish homosexual men and women can be themselves - not just homosexuals - but also Jews.

What we are talking about here is something that is quite traditional, yet, not without the legitimate leniency and compassion that the Jewish tradition has always applied to the *Torah* and its modifications throughout the centuries.

What we are talking about here is something that would be a source of pride not just to the whole Jewish community, but would serve, as well, as a “light unto the nations”, for all the Christian communities and secular communities that are baffled about how to deal with 10% of their populations - in part, because they base their teachings upon Jewish laws which were once, in this regard, stringent.

What we are talking about is something that history has never seen before:

The covenanted homosexual male.

The covenanted homosexual female.

The covenanted homosexual couple.

This is, I think, a legitimate, mature, Jewish way of handling what should not be an issue.

To not do so, would be to continue to cause unnecessary pain and suffering to homosexual men and women.

To not do so, would – from an enlightened scientific perspective, which understands homosexuality to be a vibrant aspect of nature – violate God’s Design in Creation.

Therefore, to not institute a homosexual *chalitzah* would defile the land. It would be degenerative, *toevah* in the correct meaning of the word.

Footnotes:

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<sup>1</sup> The term “homosexuality” is a modern term, first coined in the late 19<sup>th</sup> century; The *Torah* does not use this term, though, in lumping all homosexual behaviors together, the “category”, though not the term, is presupposed.

<sup>2</sup> The tendency to promiscuity has always been more so within the male homosexual community, in part, because they are males. This article, although inclusive of the female homosexual, skews male in emphasis because the Hebrew Bible or, slightly varied, the “Old Testament” skews this way. There is no mention in the Hebrew Bible of lesbian relations. The *Talmud* references, vaguely, something which may seem like lesbianism, in regard to disqualification for marrying a priest. *B. Yevamot 76a; Y. Gittin 8:8*. Christian Scripture mentions lesbianism outright in *Romans 12: 26-28*, where it is flatly condemned.

<sup>3</sup> For a quick survey: [http://en.wikipedia.org/wiki/Homosexual\\_behavior\\_in\\_animals](http://en.wikipedia.org/wiki/Homosexual_behavior_in_animals)

<sup>4</sup> In this era, when we have seen the devastating ecological result of a theology which excessively elevates the God-of-civilization over nature, we must re-examine all our theologies. In a scientific era, we are finding ourselves drawn towards the Spinozist view: *Deus sive Nature*, that God or Nature, are just equivalent words. And yet, the old fear of the pantheism in Spinozist philosophy still haunts us.

<sup>5</sup> The translation for all verses is from The Jerusalem Bible, Koren Publications, Jerusalem Israel, 1977. This is probably the best translation out there. But, it is woefully inadequate. Many other Bibles, JPS and NIV as well, are virtually identical to this. All are thoroughly inconsistent between the two verses, the same Hebrew expressions are translated totally different ways in the same context.

<sup>6</sup> There are also two verses, *Gen. 43:32; 46:34*; that use the term *toevah* in relationship to how Egypt feels about shepherds, and partaking of a meal with Israel.

<sup>7</sup> Most scholars, but not all, consider *Deuteronomy* to have been composed during the time of Josiah, sixth century B.C.E.

<sup>8</sup> Some consider *Proverbs* to be late as 3<sup>rd</sup> century, A.D.

<sup>9</sup> There is sometimes amongst gay and lesbians, a “cultic” quality in regard to the worship of the male or female ideal. There is also a tendency especially amongst lesbians for feminist-naturalist-anti-male “cultic” qualities, as a protest against violence or excessively-destructive “male” “rapacious” technology. Yet, for the most part, there is no true non-monotheistic cultism in today’s homosexual communities.

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<sup>10</sup> Curiously, in the JPS translation, “male” is used for 20:12, but not 18:20, yet they both reference *zachar*. I have absolutely no idea why, and it is clearly an error.

<sup>11</sup> Cross-gender behaviors, such as cross-dressing, were forbidden; thus, such sexual role exchanges would be even more so. “Drag,” common in certain homosexual subcultures, is not Jewish Law. See, *Deut.* 22:5.

<sup>12</sup> See also, 2<sup>nd</sup> *Samuel* 3:7; 16:21

<sup>13</sup> These days, with cloning and other advances, such a “fixed relationship” between male and female, necessary for propagation, is not quite so fixed. We have free will way beyond natural boundaries, which, of course, is the very difference between the human animal and the so-called natural animal. We are spiritual, gifted with free will. And of course, with such technologies, homosexual relations can be reproductive, which complicates this discussion, beyond the scope here.

<sup>14</sup> After all, homosexuality is not an uncommon phenomenon in the Middle East, and certainly not amongst semites. Nor is it, if Alfred Kinsey was correct, uncommon homosexual behavior, with over 50% of American men having engaged at one time in homosexual relations.

<sup>15</sup> *Proverbs* 3:18

<sup>16</sup> See footnote 13

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