

## University of Texas Press

---

"They Abused Him like a Woman": Homoeroticism, Gender Blurring, and the Rabbis in Late Antiquity

Author(s): Michael L. Satlow

Source: *Journal of the History of Sexuality*, Vol. 5, No. 1 (Jul., 1994), pp. 1-25

Published by: University of Texas Press

Stable URL: <http://www.jstor.org/stable/3704078>

Accessed: 14/09/2008 16:15

---

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=texas>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit organization founded in 1995 to build trusted digital archives for scholarship. We work with the scholarly community to preserve their work and the materials they rely upon, and to build a common research platform that promotes the discovery and use of these resources. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).



University of Texas Press is collaborating with JSTOR to digitize, preserve and extend access to *Journal of the History of Sexuality*.

<http://www.jstor.org>

# “They Abused Him Like a Woman”: Homoeroticism, Gender Blurring, and the Rabbis in Late Antiquity

MICHAEL L. SATLOW

*Judaic Studies Program  
University of Cincinnati*

WITHIN THE GROWING scholarship on constructions of sexuality in Western antiquity, one conclusion consistently comes to the fore: for male citizens in ancient Greece and Rome, sex was constructed as bipolar, emphasizing the categories of penetrator and partner who is penetrated.<sup>1</sup> Penetration, which was conceptually linked to status and political power, was the domain of the adult male. The partner penetrated, ideally, was a person of lesser political status, whether a woman,

This article is a substantially revised version of a chapter in my dissertation, *Talking about Sex: Rabbinic Rhetorics of Sexuality* (Brown Judaica Series, Atlanta, GA, forthcoming). I am indebted to several people for their comments at various stages of this project: Bernadette Brooten, Shaye J. D. Cohen, Judith Hauptman, Richard Kalmin, Sarah B. Pomeroy, and Burton Visotzky. The criticisms of the anonymous referees saved me from numerous errors.

<sup>1</sup>This view of ancient sexuality as bipolar was advanced by Kenneth J. Dover, *Greek Homosexuality* (London, 1978), and more theoretically by Michel Foucault, *The Use of Pleasure*, vol. 2 of *The History of Sexuality*, trans. Robert Hurley (New York, 1986). The idea is further developed in David Halperin, *One Hundred Years of Homosexuality* (New York, 1990), pp. 15–71; John J. Winkler, *The Constraints of Desire* (New York, 1990), pp. 3–4, 50; Amy Richlin, *The Garden of Priapus: Sexuality and Aggression in Roman Humor*, rev. ed. (New York, 1992), pp. xii–xxxiii, 81–143, 287–90. See also John Boswell, *Christianity, Social Tolerance, and Homosexuality* (Chicago, 1980), pp. 61–87; Maud W. Gleason, “The Semiotics of Gender: Physiognomy and Self-fashioning in the Second Century, C.E.,” in *Before Sexuality: The Construction of Erotic Experience in the Ancient Greek World*, ed. David M. Halperin, John J. Winkler, and Froma I. Zeitlin (Princeton, NJ, 1990), pp. 389–415. Through much of this article I will enter into an implicit dialogue with these authors and the suggestions that they make for ancient sexuality. Is the rabbinic evidence consistent with their conclusions? I respond directly to this issue in the conclusion.

[*Journal of the History of Sexuality* 1994, vol. 5, no. 1]

© 1994 by The University of Chicago. All rights reserved. 1043-4070/95/0501-0003\$01.00

a slave (male or female), or a boy.<sup>2</sup> Two types of sexual partners fell outside this schema and thus were often the subject of withering societal criticism by Greek, Roman, and Christian authors: the adult male who allowed himself to be sexually penetrated and the female who sexually penetrated. Both were anomalies, people who violated both the political and gender hierarchies of their societies.

This commonly accepted reconstruction of ancient sexuality and homoeroticism assumes a very strong political hierarchy, in which the adult citizen males—who, with very few exceptions, are also the authors of the surviving literary texts from antiquity—hold virtually absolute political power. To penetrate was to reaffirm, perhaps even assert, this power. To be penetrated was perceived as being as women were perceived, that is, weak and dominated.<sup>3</sup> The adult male citizen who allowed himself to be sexually penetrated, especially in Roman society, was looked upon with loathing.<sup>4</sup> Female-female sexual relations were imagined as involving a female who was a sexual penetrator, that is, a woman who rebelled against her political place within the society.<sup>5</sup>

But what of the Jews, a people who were deeply influenced by both

<sup>2</sup>For a critique of recent studies that emphasize Foucault's ideas on the relationship between power and sexuality, see Bruce Thornton, "Constructionism and Ancient Greek Sex," *Helios* 18 (1991): 181–93. See also John Boswell, "Concepts, Experience, and Sexuality," *Differences* 2 (1990): 67–87, especially p. 72; Amy Richlin, "Zeus and Metis: Foucault, Feminism, Classics," *Helios* 18 (1991): 160–80.

<sup>3</sup>See, Aeschines *In Tim.* 113, 126; Musonius Rufus 12.3 (Cora Lutz, "Musonius Rufus: 'The Roman Socrates,'" *Yale Classical Studies* 10 [1947]: 86–87); Juvenal 2.54–56. Abbreviations for classical sources can be found at the beginning of the *Oxford Classical Dictionary*. Unless otherwise noted, all classical texts can be found in the *Loeb Classical Library* series. The pathic was also legally penalized in Rome (although some early—and, more clearly, later—laws in Rome also dealt with the man who penetrated other males). See Elaine Fantham, "*Stuprum*: Public Attitudes and Penalties for Sexual Offenses in Republican Rome," *Echos du Monde Classique/Classical Views* 35 n.s. 10 (1991): 267–91; Boswell, *Christianity*, pp. 70–71; Saara Lilja, *Homosexuality in Republican and Augustan Rome*, Commentationes Humanarum Litterarum, no. 74 (Finnish Society of Sciences and Letters, 1983), pp. 112–121; 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): 569–71. Cf. Hans Ankum, "La *captiva adultera*: Problèmes concernant l'*accusatio adulterii* en droit romain classique," *Revue internationale des droits de l'antiquité*, 3d ser., 32 (1985): 154, n. 4. On the Roman "cult of virility," see Paul Veyne, "Homosexuality in Ancient Rome," in *Western Sexuality: Practice and Precept in Past and Present Times*, ed. Philippe Ariès and André Béjine (New York, 1985), p. 27.

<sup>4</sup>See, for examples, Cicero *De Or.* 2.277; *Cat.* 2.22–24; Quintilian *Inst.* 5.9.14; Martial 10.65. See further Richlin, *Garden of Priapus*, pp. 220–26, 287–90; Richlin, "Not Before Homosexuality," pp. 532–54; Ramsay MacMullen, "Roman Attitudes to Greek Love," *Historia* 31 (1982): 484–502; Lilja, pp. 122–27.

<sup>5</sup>On female homoeroticism, see Seneca *Controv.* 1.2.23; *Phaed.* 4.15–16; *Ep.* 95.20.2; Ovid *Met.* 9.666ff; Lucian *Dial. Meret.* 5 (289–92); Martial 1.90, 7.67, 7.70. The use of

Hellenism and Roman culture and law and yet were also a politically subjugated people, who swore allegiance to God's law as revealed in the Hebrew Bible?<sup>6</sup> How did the rabbis of Roman Palestine understand homoeroticism?<sup>7</sup> Although the rabbis, like the extant Greek and Roman authors, were part of an exclusively male elite, they appear to have wielded very little real political power.<sup>8</sup> Also, unlike their non-Jewish

---

the term *tribades*, which derives from the Greek word meaning "rub," usually denotes a penetrating female. For discussions of female homoeroticism in Roman antiquity, see Judith P. Hallett, "Female Homoeroticism and the Denial of Roman Reality in Latin Literature," *Tale Journal of Criticism* 3 (1989/90): 209–27, especially pp. 209–10; Eva Cantarella, *Bisexuality in the Ancient World* (New Haven, 1992), pp. 164–71; Robin Scroggs, *The New Testament and Homosexuality* (Philadelphia, 1987), pp. 140–44; Bernadette J. Brooten, "Paul's View on the Nature of Women and Female Homoeroticism," in *Immaculate and Powerful: The Female in Sacred Image and Social Reality*, ed. Clarissa W. Atkinson, Constance H. Buchanan, and Margaret R. Miles (Boston, 1985), pp. 65–70.

<sup>6</sup>On Greek and Roman influence on the Jews, see, for example, Martin Hengel, *Judaism and Hellenism: Studies in Their Encounter in Palestine during the Early Hellenistic Period*, trans. John Bowden (Philadelphia, 1974); Saul Lieberman, *Greek in Jewish Palestine* (New York, 1942), and *Hellenism in Jewish Palestine* (New York, 1950); David Daube, "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *Hebrew Union College Annual* 22 (1949): 239–64; Boaz Cohen, *Jewish and Roman Law*, 2 vols. (New York, 1966). The state of the field is summarized in Sandra R. Shimoff, "Hellenization among the Rabbis: Some Evidence from Early Aggadot concerning David and Solomon," *Journal for the Study of Judaism* 18 (1987): 168–73.

<sup>7</sup>The standing studies on rabbinic, and Jewish, constructions of homoeroticism are deficient: most are either outdated or polemical, attempting to justify their positions within the current debate on the acceptance of homosexuality within Judaism. The many recent studies of homoeroticism in Greek, Roman, and Christian society usually only make passing reference to the "Jewish view" of homosexuality. See, for example, John Boswell, *Christianity*, pp. 26, n. 48 and 101, nn. 32, 34. For examples of scholarship on this topic, see Louis Epstein, *Sex Laws and Customs in Judaism* (Cambridge, MA, 1948), pp. 134–38 (grouped under the subtitle, "Sex Perversions"); Immanuel Jakobovits, s. v. "Homosexuality," in *Encyclopedia Judaica* (Jerusalem, 1971), vol. 8, cols. 961–62; Samuel Dresner, "Homosexuality and the Order of Creation," *Judaism* 40 (1991): 309–21; William Orbach, "Homosexuality and Jewish Law," *Journal of Family Law* 14 (1975): 353–81; Gershom Frankfurter and Rivka Ulmer, "Eine Anfrage über Homosexualität im jüdischen Gesetz," *Zeitschrift für Religions- und Geistesgeschichte* 43 (1991): 49–56. See also the sources in Tom Horner, *Homosexuality and the Judeo-Christian Tradition: An Annotated Bibliography* (Metuchen, NJ, 1981).

<sup>8</sup>Space does not permit a full review of recent advances in this area. Archaeological evidence shows that the picture presented in rabbinic literature of rabbinic involvement in the synagogue did not mirror the reality. See Erwin Randall Goodenough, *Jewish Symbols in the Greco-Roman Period*, 13 vols. (New York, 1953–68), especially vol. 12, and the abridgment by Jacob Neusner, *Jewish Symbols in the Greco-Roman Period*, ed. Jacob Neusner (Princeton, NJ, 1988); Shay J. D. Cohen, "Epigraphical Rabbis," *Jewish Quarterly Review* 72 (1981): 1–17; Lee I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (New York, 1989). Levine argues that rabbinic authority over Jewish communities in Roman Palestine increased in the late third century, but even if he is correct there is

counterparts, the rabbis considered the Hebrew Bible as authoritative, and about male homoeroticism the Hebrew Bible, as we shall see, was quite explicit (if not entirely clear). Despite these differences, the rabbis of Roman Palestine, I argue, shared similar assumptions and values about male sexual passivity with contemporary Greek and Roman authors. The rhetoric through which these values were transmitted, as well as assumptions about homoeroticism generally, however, often differed markedly. Ultimately, the rabbis rooted their own understanding of all homoeroticism in assumptions about sanctioned gender roles. While the bulk of their own discussion centers on male homoeroticism, their few comments on female homoeroticism and on the *androgynos* (hermaphrodite) support this conclusion.<sup>9</sup>

### JEWISH PRECEDENTS

The rabbis were essentially conservative: they assigned great (although not absolute) import to the texts and traditions that preceded them. It is

---

no evidence that the rabbis wielded authority over even a significant minority of the Jewish population. On the rabbinic (in)ability to impose corporeal punishment, see Origen *Ep. ad Africanus* 14 (PG 11:41); *b. Git.* 67b; *b. B. Qam.* 59a–b. See, further, Isaiah M. Gafni, *The Jews of Babylonia in the Talmudic Era* (Jerusalem, 1990), pp. 99–100 (in Hebrew).

<sup>9</sup>A few methodological comments may be in order. Rabbinic documents, by and large, are compilations of dicta often attributed to rabbis who lived well before the final redaction of the documents. These rabbis traditionally are divided into two groups: the “tannaim,” who lived in and before the early third century C.E.; and the “amoraim,” who lived from the mid-third to sixth centuries C.E. The historical verity of these attributions, as well as the historical reliability of the information contained in these dicta, is currently under debate. For purposes of this essay, it is not important to ascertain whether a particular rabbi uttered a particular statement. What is important is whether sources attributed to Palestinian rabbis in the Babylonian Talmud, which was redacted around the fifth or sixth centuries C.E. in Babylon, are reliably Palestinian. Current studies and my own research, which shows a coherency of thought and assumptions throughout dicta attributed to Palestinians, suggest that at least the *geographical* attribution, and perhaps even the chronological, may be trusted. All the material presented here is from documents either redacted in Palestine or attributed to Palestinians in the Babylonian Talmud. In only one instance in this article is a chronological argument necessary. Generally, my dating of rabbinic documents follows Hermann L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, trans. Markus Bockmuehl (Minneapolis, 1992). Rabbinic chronology follows the suggestions of Hanoch Albeck, *Mavo l’Talmudim* (1969; rpt. Tel Aviv, 1987) (in Hebrew). Unless otherwise noted, my use of the term “rabbi” or “rabbinic” always refers to Palestinian, not Babylonian, rabbi. For some of the source-critical and historical issues involved, see David Halivni, *Sources and Traditions: A Source Critical Commentary on the Talmud, Tractate Shabbath* (Jerusalem, 1982), pp. 5–27 (in Hebrew), and “Contemporary Methods of the Study of Talmud,” *Journal of Jewish Studies* 30 (1979): 192–201; Shamma Friedman, *A Critical Study of “Yevamot X” with a Methodological Introduction* (Jerusalem, 1978) (in

worthwhile to discuss briefly some of these texts on and attitudes toward homoeroticism that the rabbis may have inherited.

Despite some claims to the contrary, the Hebrew Bible has only two explicit references to homoeroticism.<sup>10</sup> Both are dicta contained within legal codes that discuss sexual conduct: "Do not lie with a male as one lies with a woman; it is an abhorrence [*to'evah*]" (Lev. 18:22); "If a man lies with a male as one lies with a woman, the two of them have done an abhorrent thing [*to'evah*]; they shall be put to death—their bloodguilt is upon them" (Lev. 20:13). Lev. 18:22 prohibits a man, apparently, from anal intercourse with another man. The sexual codes of Leviticus 18 and 20 are generally parallel, with the latter often specifying the death penalty for violation of these sexual mores, as is done for male homoeroticism.

The meaning of the term *to'evah* in this context is obscure. Although

Hebrew); Jacob Neusner, ed., *The Formation of the Babylonian Talmud* (Leiden, 1970); Jacob Neusner, *The Bavli's Massive Miscellanies: The Problem of Agglutinative Discourse in the Talmud of Babylonia* (Atlanta, GA, 1992), and *Sources and Traditions: Types of Composition in the Talmud of Babylonia* (Atlanta, GA, 1992), and *The Principal Parts of the Bavli's Discourse: A Preliminary Taxonomy* (Atlanta, GA, 1992); Richard Kalmin, "Quotation Forms in the Babylonian Talmud: Authentically Amoraic, or a Later Editorial Construct?" *Hebrew Union College Annual* 59 (1988): 167–87. For some comments on rabbinic historiography, see Shamma Friedman, "Literary Development and Historicity in the Aggadic Narrative of the Babylonian Talmud—A Study Based upon B.M. 83b–86a," in *Community and Culture: Essays in Jewish Studies in Honor of the Ninetieth Anniversary of the Founding of Gratz College*, ed. Nahum M. Waldman (Philadelphia, 1987), pp. 67–80; and the bibliographical appendix in Richard Kalmin, "Saints or Sinners, Scholars or Ignoramuses? Stories about the Rabbis as Evidence for the Composite Nature of the Babylonian Talmud," *Association for Jewish Studies Review* 15 (1990): 203–5.

<sup>10</sup>In his commentary on Lev. 18:22, Baruch Levine asserts that "male homosexuality is associated with the ancient Canaanites," citing for proof the stories of Sodom (Gen. 19) and of the concubine at Gibeah (Judg. 19) (Baruch Levine, *The JPS Torah Commentary: Leviticus* [Philadelphia, 1989], p. 123). Although these stories probably do allude to male homoeroticism, it is far from the main concern of either story (although the allusion is hard to deny, as does Derrick Sherwin Bailey, in *Homosexuality and the Western Christian Tradition* [London, 1955], pp. 2–6). Judg. 19 is patterned on Gen. 19: they can hardly be used as independent witnesses to an association between Canaanites and male homoeroticism. See Charles F. Burney, *The Book of Judges* (New York, 1970), pp. 443–45; Lillian R. Klein, *The Triumph of Irony in the Book of Judges* (Sheffield, 1988), pp. 165–74. Levine also links male temple prostitutes, *kedeshim* (Deut. 23:18–19), to male homoeroticism. This does not appear to be its meaning in the Hebrew Bible, although, as I show below, that is how the rabbis interpret it. See Samuel E. Loewenstamm, s.v. "Kedesh," *Encyclopedia Biblica* (Jerusalem, 1964–88), 7: 35–36 (in Hebrew); Elaine Adler Goodfriend, s.v. "Prostitution (OT)," *The Anchor Bible Dictionary*, 6 vols. (New York, 1992), 5:507–9. Note that other biblical legal codes that discuss sexuality (for example, Deut. 22:13–23:1; Ezek. 22:9–10) omit any reference to homoeroticism. Tom Horner's assertion that the story of David and Jonathan refers to homoeroticism is unsubstantiated. See Tom Horner, *Jonathan Loved David: Homosexuality in Biblical Times* (Philadelphia, 1978), pp. 26–39.

the term is used in the Hebrew Bible to denote sexual irregularities, it is more frequently employed to refer to idolatry and moral failures, and occasionally to other violations of ritual practices.<sup>11</sup> In this context, use of the term does not appear to denote exceptional opprobrium.

The Hebrew Bible forbids anal intercourse between men and imposes the death penalty on those who commit such an activity.<sup>12</sup> Beyond that, almost nothing can be said of any biblical “view” of homoeroticism.<sup>13</sup>

Jewish authors writing in Greek during the Hellenistic and Roman periods vigorously condemn homoeroticism. Most frequently, these authors argue that anal intercourse between men is “against nature.” The clearest example can be found in Pseudo-Phocylides, most likely a Jew writing in Alexandria sometime between 30 B.C.E. and 40 C.E.:<sup>14</sup>

Transgress not for unlawful sex the natural limits of sexuality.  
For even animals are not pleased by intercourse of male with male.  
And let not women imitate the sexual role of men.<sup>15</sup>

Nature (*φύσις*) limits sexual expression, and in the case of male homoeroticism, shows its law clearly among the animals. Women, for reasons not stated explicitly (although probably connected to the argument from nature), are told to shun the active sexual role.

<sup>11</sup>Sexual irregularities: Lev. 18:26 (a wide range of sexual conduct); Deut. 24:4 (a man taking back a woman whom he divorced and who was subsequently married to another man); 1 Kgs. 14:24 (perhaps referring to ritual prostitution); Ezek. 16:22 (general sexual misconduct), 47, 51, 58 (female sexual misconduct), 22:11, 23:36 (adultery), 33:26 (probably adultery). Idolatry: Deut. 12:31, 13:14–15, 17:4, 18:9, 20:18, 32:16; 2 Kgs. 16:3, 21:2; Ezek. 5:9, 11, 7:3–4, 44:6–7. Other ritual violations: Gen. 43:32 (Egyptian dining practices), 46:34 (shepherds, to the Egyptians); Exod. 8:22 (certain sacrifices, to Egyptians); Deut. 17:1; Prov. 15:8, 21:27; Isa. 1:13–14, 44:19 (all concern defective sacrifices). The term also refers to moral or ethical faults: Deut. 25:14–16 (using dishonest weights); Prov. 6:16–19 (seven abominations to God, none of them sexual), 11:1 (false scales), 20 (the wicked), 16:5 (haughty person), 29:27 (the unjust). See further Jacob Milgrom, s.v. “*To’evah*,” in *Encyclopedia Biblica*, 8:466–68 (in Hebrew).

<sup>12</sup>“Anal intercourse” is apparently the meaning of *משכבי אשה*, “as one lies with a woman.” See Levine, *Leviticus*, p. 123; Francis Brown, S. R. Driver, and Charles A. Briggs, eds., *A Hebrew and English Lexicon of the Old Testament* (Oxford, 1962), s.v. *משכב*, p. 1012.

<sup>13</sup>Gen. 19 might assume that male rape of other males was considered an outrage, but even if so it was only one among many perpetrated by the men of Sodom. Tikva Frymer-Kensky states that the biblical laws on homosexuality are “best explained as a desire to keep the categories of ‘male’ and ‘female’ intact” (Tikva Frymer-Kensky, s.v. “Sex and sexuality,” *The Anchor Bible Dictionary*, 5:1145). As I argue below, whereas this does hold true for the rabbinic period, her single other supporting source, the prohibition against cross-dressing (Deut. 22:5), is nowhere explicitly linked, as in later rabbinic sources, to homoeroticism.

<sup>14</sup>Pieter W. Van der Horst, ed., *The Sentences of Pseudo-Phocylides* (Leiden, 1978), pp. 81–3.

<sup>15</sup>*Pseudo-Phocylides* vv. 190–92 (trans. Van der Horst, pp. 237–40).

Other applications of the law of nature to male homoeroticism are to be found in 2 *Enoch*, Philo, Josephus, and *Testament of the Twelve Patriarchs*.<sup>16</sup> Paul also appears to employ an argument based on "natural law."<sup>17</sup> Although Pseudo-Phocylides appears to refer to "natural law" in line with the idea of a "law of nature," that is, one natural law that governs both animal and human conduct, it is unclear exactly how Philo, Josephus, and Paul employ the concept. Most likely, their "natural law" refers to a man voluntarily surrendering that which makes him uniquely male, that is, his ability to be a sexual penetrator (and for Paul, that which distinguishes a woman—the ability to be vaginally penetrated).<sup>18</sup> Nature, then, is perceived as determining only gender characteristics and expectations, to which humans are expected to adhere.

Such an interpretation accords with other statements in this literature that focus on the pathic, the adult male who allows himself to be sexually penetrated. Philo fulminates against the pathic when speaking both about pederasty and (presumably) nonpederastic male intercourse.<sup>19</sup> But it is Josephus who uses this rhetoric most vividly. In the middle of a passage discussing the military activities of his archenemy, John, Josephus writes:

With an insatiable lust for loot, they ransacked the houses of the wealthy; the murder of men and the violation of women were their sport; they caroused on their spoils, with blood to wash them down, and from mere satiety unscrupulously indulged in effemi-

<sup>16</sup>2 *Enoch* 10:4 (version J., ed. James Charlesworth, *The Old Testament Pseudepigrapha*, 2 vols. [Garden City, NY, 1983], 1:119, and 120, n. 1); Josephus *Ag. Apion* 2.275; Philo *Spec. Laws* 2.50; 3.39; *Abraham* 135–36. See Helmut Koester, "NOMOS 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. Philo appears to use the term "against nature" to refer even to the male who is anally penetrating another male. See *Testament of Naphtali* 3:4, and, on this, Lewis John Eron, *Ancient Jewish Attitudes towards Sexuality: A Study of Ancient Jewish Attitudes towards Sexuality as Expressed in the "Testaments of the Twelve Patriarchs"* (Ann Arbor, MI, 1987), pp. 238–49. It is possible that *Wisdom of Solomon* argues against homoeroticism on the basis of an argument from nature, but this is not clear. See *Wis. Sol.* 14:26 and the note on it in David Winston, ed., *The Wisdom of Solomon in The Anchor Bible*, vol. 43 (Garden City, NY, 1984), p. 280.

<sup>17</sup>Rom. 1:26. See Scroggs (n. 5 above), pp. 114–15; Bernadette J. Brooten, "Early Christian Women and Their Cultural Context: Issues of Method in Historical Reconstruction," in *Feminist Perspectives on Biblical Scholarship*, ed. Adela Yarbro Collins (Chico, CA, 1985), pp. 72–75, and "Paul and the Law: How Complete Was the Departure," *Princeton Seminary Bulletin*, Supp. issue 1 (1990): 71–89, especially pp. 80–89.

<sup>18</sup>On this use in other sources, see, Plato *Leg.* 636B; Dionysius of Halicarnassus *Ant. Rom.* 16.4; Ovid *Met.* 9.666ff, 731–44; Plutarch *Mor.* 990D–F; Pseudo-Lucian *Erotes* 22; Athenaeus 13, 565C, 605D; Diogenes Laertius 6.65; Seneca *Ep.* 122, 7–8. There is an extensive literature on this topic. See Winkler, *Constraints*, p. 43; Koester; Boswell, *Christianity*, p. 13, n. 22. I follow here the suggestion of Boswell.

<sup>19</sup>Philo *Spec. Laws* 3.37–38 (pederasty); 1.325.



nate practices, plaiting their hair and attiring themselves in women's apparel, drenching themselves with perfumes and painting their eyelids to enhance their beauty. And not only did they imitate the dress, but also the passions of women, devising in their excess of lasciviousness unlawful pleasures [ἀσελγείας ἄθεμίτους . . . ἔρωτας] and wallowing as in a brothel in the city, which they polluted from end to end with their foul deeds. Yet, while they wore women's faces, their hands were murderous, and approaching with mincing steps they would suddenly become warriors and whipping out their swords from under their dyed mantles transfix whomsoever they met.<sup>20</sup>

Josephus combines standard rhetoric on the pathic as an effete with visions of bloodshed and confusion of sexual roles. It is bad enough, he seems to be saying, that they imitate women. But it is much worse that they imitate women while engaging in bloodshed, a particularly masculine vice. It is the confused gender expectations that are worthy of particular opprobrium.

Discussions in this literature of the male who anally penetrates other males are found only in Philo. After a lengthy discussion of the effeminate male who seduces other males, Philo accuses the penetrating partner of “destroying the means of procreation” through his “unnatural pleasure” and teaching effeminacy to youth.<sup>21</sup> In another passage, he associates hedonism (and, again, effeminacy) with the male who penetrates another male.<sup>22</sup> Several other sources appear to assume the association between hedonism (or loss of self-control) and homoeroticism and attribute both to the “other,” usually the Romans.<sup>23</sup>

Following the Hebrew Bible, the Jewish authors writing in Greek during the Second Temple Period prohibit male homoeroticism. Like the cultures around them, though, they couch this prohibition in broader cultural assumptions about gender. An extensive discourse developed around the male pathic, who is excoriated. Penetration of another male

<sup>20</sup>Josephus *War* 4.560–63 (trans. *LCL*, vol. 3, p. 167).

<sup>21</sup>Philo *Spec. Laws* 3.39 (trans. *LCL*, vol. 7, pp. 498–501); τὴν παρὰ φύσιν ἡδονὴν διώκει . . . διαφθείρων τὰς γονὰς. Philo adds a third reason, which is closely related to the first. Intercourse with boys causes a man to ignore intercourse with women, which again hinders procreation.

<sup>22</sup>Philo *Abraham* 135.

<sup>23</sup>See *Letter of Aristeas* 152 (M. Hadas, ed., *Aristeas to Philocrates (Letter of Aristeas)* [New York, 1951], pp. 160–61); *Sibylline Oracles* 3.185–87 (J. Geffcken, ed., *Die Oracula Sibyllina* [Leipzig, 1902], pp. 57–58); *Sib. Or.* 3.595–600 (ed. Geffcken, pp. 78–79). See also *Sib. Or.* 5.386–96 (ed. Geffcken, p. 123); Josephus *Ag. Apion* 2.275. The Romans, in turn, accused the Greeks of this practice. See Cicero *Tusc.* 4.70. See, further, MacMullen; Lilja, pp. 122–27.

was seen by Philo as hindering procreation and, more generally, as an expression of extreme male licentiousness. Much of this attitude would continue within Palestinian Jewry.

### THE RABBIS AND THE PATHIC

Like their Greek and Roman neighbors and the Greek-speaking Jews who wrote before them, Palestinian rabbis focused nearly all of their discourse on homoeroticism on the penetrated male. It is interesting to note in this regard that rabbinic discourse focuses on "males" rather than "men": although some rabbinic sources suggest that intercourse with a boy under the age of nine (or three, according to some opinions) was treated as conceptually distinct from intercourse with older males, the rabbis, in contrast to Greeks and Romans, treated as equal homoerotic intercourse with men and boys.<sup>24</sup> The contours of the rabbinic discourse follow four topics: determination of legal liability of the penetrated male; the *kedesh*; cross-dressing; and the humiliation of the sexually penetrated male.

#### *Liability of the Sexually Penetrated Male*

Although Lev. 18:22 forbids a man to sexually penetrate another man, the *Sipra*, a tannaitic work redacted around the middle of the third century, focuses its discussion on showing that a man who allows himself to be sexually penetrated is also legally liable.

- A. We heard the punishment, but we did not hear the prohibition.
- B. [Thus] Scripture says, "Do not lie with a male as one lies with a female" [Lev. 18:22].
- C. I only have [here] a prohibition for the penetrator [שוכב], where is there a prohibition for the one penetrated [נשכב]?
- D. Scripture says, "[No Israelite woman shall be a cult prostitute,] nor shall any Israelite man be a cult prostitute" [Deut. 23:18], and it also says ". . . there were also male prostitutes in the land; [(Judah) imitated all the abhorrent practices of the nations that the Lord had dispossessed before the Israelites]" [1 Kgs. 14:24].

<sup>24</sup>See, *t. Sanh.* 10:2 (ed. Moshe Zuckermendal, *Tosephta* [rpt. Jerusalem, 1970], p. 430); *b. Sanh.* 54b; *y. Sanh.* 7:9, 25a (all citations of the Palestinian Talmud follow the pagination of the Venice edition [Leipzig, 1925]); cf. *Sipra Kod.* 9:14 (ed. J. H. Weiss, [Vienna, 1862], 92b). All translations of rabbinic sources, unless noted, are my own. Abbreviations for rabbinic sources, and transliterations for Hebrew, follow the *Journal of Biblical Literature* style sheet (with some minor modifications).

E. R. Akiba says, [do not read] “*Do not lie* with a male as one lies with a female,” [rather,] read it: “*Do not be laid.*”<sup>25</sup>

For the rabbis, it is axiomatic that there is no true redundancy in the Hebrew Bible: apparent redundancies are meant to teach something. Sections (A) and (B) dispose of the problem of the seeming redundancy of Lev. 18:22 and Lev. 20:13 by identifying the former to refer to the prohibition and the latter to the punishment for male homoerotic acts. (C) poses a new problem. Lev. 18:22 addresses only the penetrator: it does not command that a man should not lie with a man as a woman lies with a man. As Lev. 20:13 ordains death for both partners, the *Sipra* attempts to find a prohibition for the penetrated male. One solution, (D), will be considered below. Rabbi Akiba’s solution, (E), derives the prohibition against a male assuming a passive role in intercourse from Lev. 18:22 itself, repunctuated into the *niphal* conjunction, thus including the passive partner.

In the Palestinian Talmud a discussion of the liability of the sexually penetrated male follows a citation of this tradition from the *Sipra*. Although this discussion is similar to the *Sipra*’s tradition, it has a curious ending: “R. Yosi ben R. Bun said: We learn thus, ‘the two of them have done an abhorrent thing’ [Lev. 20:13]. [This teaches that] both of them [are punished] by stoning; both of them are prohibited; both of them [are subject to being] cut off [from their people.]”<sup>26</sup> R. Yosi ben R. Bun rejects the exegeses of both R. Akiba and R. Ishmael, preferring the most obvious solution: Lev. 20:13 explicitly includes both the active and the passive partners. It might be that this fifth generation Palestinian amora (late fourth century C.E.) is somewhat mystified at the tortured reasoning used by his predecessors to derive the punishment of extirpation (as well as death penalty and prohibition) for both partners.

Although the discussion in this passage is ostensibly about the different exegetical styles of rabbis Akiba and Ishmael, there are more serious legal implications. Two parallels in the Babylonian Talmud cite a tradition in the name of a Palestinian rabbi, R. Abbahu, that, following R. Ishmael’s reasoning, a man penetrated by another man is liable for two transgressions, one from Lev. 20:13 and the other from Deut. 23:18.<sup>27</sup> To be a passive partner of homoerotic intercourse is worse than to be an active one, even though only the active one is explicitly forbidden in the Hebrew Bible.

This emphasis on the culpability of the pathic might also be reflected in R. Yosi ben R. Bun’s statement in the Palestinian Talmud. To the ear-

<sup>25</sup> *Sipra Kod.* 9:14 (ed. Weiss, 92b).

<sup>26</sup> *y. Sanh.* 7:9, 25a

<sup>27</sup> *b. Sanh.* 54b; *b. Ker.* 3a.

lier rabbis, the absence of discussion of the pathic in the Bible might have been deafening. Whichever exegetical method was used, the topic had to be dealt with. Only later, when this bipolar construction of male homoeroticism (that is, penetrator versus penetrated) perhaps lost some of its strength, could R. Yosi ben R. Bun return to the obvious solution of the legal problem. This might also explain why the discussion of liability of the sexually penetrated male in the Babylonian Talmud is composed solely of sources attributed to Palestine: this same concern with the penetrated male did not exist in Babylonia.

### *Kedesh*

R. Ishmael, in the tradition from the *Sipra* cited above, associates the *kedesh* (cult prostitute) with a penetrated male. The term appears in Deut. 23:18 and 1 Kgs. 14:24. The logic is: (1) the occurrence of the term "abhorrent practices" (*to'evah*) in both 1 Kgs. 14:24 and Lev. 18:22, allows for an association between these verses; because Lev. 18:22 refers to homoeroticism, (2) we can understand the term "male prostitute" (*kedesh*) in 1 Kgs. 14:24 as also referring to men engaged in some type of homoerotic activity; (3) because the term *kedesh* appears also in Deut. 23:18, this verse too can be linked to 1 Kgs. 14:24; and (4) because the term "female prostitute" also appears in Deut. 23:18, a logical analogy can be made between the penetrated female prostitute and the male prostitute, who is now also said to be penetrated.

The history of the tradition that associated the male prostitute mentioned in these two verses with a passive male partner in homoerotic intercourse is by no means clear. Originally, the term *kedesh* might have designated a male cult prostitute, whose role, connected to fertility, was decidedly heterosexual.<sup>28</sup> Both the *Septuagint* and *Targum Onkelos* interpret this term in ways that differ both from each other and from the rabbinic interpretation.<sup>29</sup> In fact, other early rabbinic parallels of this tradition do not so clearly assign the passive role to the *kedesh*, as does the

<sup>28</sup>See Loewenstamm (n. 10 above). It is also possible that the *kedesh* had no sexual function. See Joan Goodnick Westenholz, "Tamar, *Qedesa*, *Qadistu*, and Sacred Prostitution in Mesopotamia," *Harvard Theological Review* 82 (1989): 245–65.

<sup>29</sup>The *Septuagint* on Deut. 23:17 reads: Οὐκ ἔσται πόρνη ἀπὸ θυγατέρων Ἰσραὴλ, καὶ οὐκ ἔσται πορνεύων ἀπὸ υἱῶν Ἰσραὴλ. The confusion extends to 1 (= 3) Kgs. 14:24, as translated in the *Septuagint*: Καὶ σύνδεσμος ἐγενήθη ἐν τῆι γῆι καὶ ἐποίησας ἀπὸ πάντων τῶν βδελυγμάτων. *Targum Onkelos* on Deut. 23:18, on the other hand, reads: לא תהי אחתא מבנות ישדאל לגבר עבד ולא ימב גברא מבני ישראל אחתא אמה : "A woman from the daughters of Israel should not marry a male slave, and a man from the sons of Israel should not marry a female slave."

*Sipra*: “[‘They incensed Him with alien things,] vexed Him with abominations’ [Deut. 32:16]—this is homoerotic intercourse. Thus it says ‘Do not lie with a male as one lies with a woman; it is an abhorrence’ [Lev. 18:22] and ‘there were also male prostitutes in the land’ [1 Kgs. 14:24].”<sup>30</sup> It is not clear here whether or not 1 Kgs. 14:24 is being used to refer to a sexually penetrated male; in a parallel source 1 Kgs. 14:24 is cited together with Deut. 23:18 as the sole prooftexts for the prohibition of what is presumably all homoerotic activity.<sup>31</sup> These sources, then, might reflect a rabbinic association of homoeroticism with both penetrating and penetrated cultic prostitution. The *Sipra* is the first source to interpret this tradition as referring to the pathic.

It is likely that in Roman Palestine, as in Rome itself, boys (and perhaps older male slaves) could be hired and sexually penetrated by other men.<sup>32</sup> The rabbis understood the biblical *kedesh* in light of this cultural institution and used this understanding in their discourses on the pathic. The rabbinic understanding of *kedesh* as pathic prostitute itself testifies to the rabbinic concern with, and negative attitudes toward, the sexually penetrated male.

### *Cross-Dressing*

Deut. 22:5 prohibits a man from wearing a woman’s clothes and vice versa. The rabbis invoke this verse in their justification of a prohibition forbidding a man to pluck his hairs.<sup>33</sup> These discussions, although found only in the Babylonian Talmud, are attributed either to tannaim or to third-generation (late third to early fourth centuries C.E.) rabbis from Palestine. The prohibition seems originally to have been aimed at the pathic. Precisely in these traditions can a difference between Palestinian and Babylonian assumptions about homoerotic intercourse and the pathic be discerned. In *b. Nazir* 59a, the redactor explains this prohibition as due to the fear that a man, by appearing like a woman, will slip disguised among women, leading to a greater chance of heterosexual

<sup>30</sup> *Sipre Deut.* 318 (ed. Louis Finkelstein, *Sipre on Deuteronomy* [rpt. New York, 1969], p. 364).

<sup>31</sup> *Midrash Tana'im ad Deut.* 32:16 (ed. David Hoffman, *Midrash Tana'im on Sefer Devarim* [n.d.], pp. 194–95).

<sup>32</sup> On male pathic prostitution, see Werner A. Krenkel, “Prostitution,” in *Civilization of the Ancient Mediterranean: Greece and Rome*, ed. Michael Grant and Rachel Kitzinger, 3 vols. (New York, 1988), 2:1291–97, especially pp. 1295–97; Boswell, *Christianity*, pp. 77–80.

<sup>33</sup> *b. Shab.* 94b; *b. Nazir* 59a; *b. Mak.* 20b. The exegetical link between cross-dressing and homoeroticism (though not hair-plucking) might be due in part to the occurrence of the word “abomination” ( *הוֹעֵבַת ה'* ) in Deut. 22:5. See also the *Targum Yerushalmi* to this verse.

immorality. If I am correct that the original discussions assumed the subject to be the male pathic, then the redactor did not understand the sexual assumptions and anxieties that originally informed this Palestinian tradition.<sup>34</sup>

A similar tradition can be found in the Babylonian Talmud:

A. We have learnt: Six things are a disgrace for a disciple: he should not go to the market when he is fragranced . . .

B. "He should not go to the market when he is fragranced":

C. Rabbi Abba son of Rabbi Hiyyah son of Rabbi Abba said in the name of Rabbi Yohanan: This prohibition obtains in a place where they are suspected of homoerotic intercourse.

D. Rav Sheshet said: They only said this concerning his clothes, but concerning his body, [fragrance conceals] the sweat.

E. Rav Pappa said: His hair is like his clothes [that is, should not be perfumed].

F. Some say it [a different version of (E)]: It [his hair] is like his body [hence, may be perfumed].<sup>35</sup>

From the other items in (A) (omitted here), it appears that the reason behind the tannaitic source is to prevent disciples from intimate contact with the *opposite* sex.<sup>36</sup> Ironically, Rabbi Yohanan (a Palestinian rabbi from the late third century) then limits the application of (A) to situations that involve the danger of homoerotic intercourse. A disciple should not use perfume in a place (a city or Gentile markets?) where people are suspected of homoerotic intercourse lest he himself be suspected (by whom?) of homoerotic activity. Minimally, R. Yohanan assumes that most people, upon seeing a perfumed man in a market within a city in which this activity was common, would presume that he was engaged in homoerotic activity.<sup>37</sup> The Babylonian rabbis in (D), (E), and (F) further limit R. Yohanan (or perhaps just [A]), but their focus is different. Their concern is identifying exactly what one can and cannot per-

<sup>34</sup>See also *y. Yoma* 6:3, 43d, a Palestinian tradition in which one contender for the post of High Priest attempts to slander his brother by suggesting that he dresses in women's clothes.

<sup>35</sup>*b. Ber.* 43b.

<sup>36</sup>There is a parallel to this tradition in the later tractate *Derekh Eretz*. See Michael Higger, *The Treatises Derekh Erez* (New York, 1935), p. 290. In his commentary on this parallel, Daniel Sperber compares this passage to Greek and Roman parallels that indicate a connection between perfuming and effeminacy and concludes that it refers to homoerotic activity. See Daniel A. Sperber, *Commentary on Derech Erez Zuta* (Ramat-Gan, 1990), pp. 53–54.

<sup>37</sup>Alternatively, it might be a special place frequented by male prostitutes within the market. See, for example, Plautus *Curculio* vv. 481–82, which talks of the "Tuscan quarter" of the Forum Romanum that male prostitutes frequented. My thanks to an anonymous referee for this reference.

fume. Whether (A) itself refers to the danger of heterosexual or homoerotic liaisons becomes irrelevant for the Babylonian rabbis. For R. Yohanan and his Palestinian contemporaries, males who perfume and depilate display characteristics that might identify them as a pathic. These traditions certainly suggest the presence in Roman Palestine of *cinaedi*, effeminate men, perhaps even organized in some way, who enjoyed being penetrated by other men.<sup>38</sup>

### *Humiliation and the Pathic*

Males who were sexually penetrated were considered humiliated. An example of this attitude can be found in a Palestinian tradition:

It is written, “May [the guilt] fall upon the head of Yoab. . . . May the house of Yoab never be without someone suffering from a discharge or an eruption, or a male who handles the spindle, or one slain by the sword, or one lacking bread” [2 Sam. 3:29]. “A male who handles the spindle”—this is Yoash, “they inflicted punishments on Yoash” [2 Chr. 24:24]. Taught R. Ishmael: This teaches that they appointed over him cruel guards who never knew a woman and they would abuse him the way one abuses a woman. Just as when it is said, “Israel’s pride will be humbled before his very eyes” [Hos. 5:5]. [Read instead:] “And he will abuse Israel’s pride before his very eyes.”<sup>39</sup>

The tradition identifies the later king Yoash, a descendant of Yoab, as the referent of the prophecy “the male who handles the spindle,” one like a woman. To be like a woman, the midrash says, means to be penetrated. The physical penetration of Yoash represents more than just a form of

<sup>38</sup>The rabbis, Philo, and Josephus, all present consistent portraits of the effeminate pathic: perhaps a social reality underlies them. Roman authors employ the same rhetorical tropes. As Richlin has convincingly argued, their statements most likely reflect the real existence of *cinaedi* in Rome. See Richlin, “Not Before Homosexuality” (n. 3 above).

<sup>39</sup>*y. Qidd.* 1:7, 61a. See also *Mekh. Beshlah Amalek* I (ed. H. S. Horovitz and I. A. Rabin, *Mekhilta d’Rabbi Ishmael* [rpt. Jerusalem, 1970], p. 177); and the parallel in *Mekh. d’Rashbi* (ed. Jacob N. Epstein and Ezra Z. Melamed, *Mekhilta d’Rabbi Shimon b. Yohai* [Jerusalem, n.d.], p. 119). The exegesis derives from a wordplay on “שפוטים שפטים” On the meaning and derivation of this word, which clearly refers here to “sport, sodomy,” see Samuel Krauss, *Griechische und lateinische Lehnwörter im Talmud, Midrasch, und Targum*, 2 vols., ed. and rev. Immanuel Löw (rpt. Hildesheim, 1964) 2:582–83; J. Perles, “Miscellen zur rabbinischen Sprach- und Alterthumskunde,” *Monatsschrift für Geschichte und Wissenschaft des Judentums* 21 (1872): 271–72; Louis Ginzberg, “Review of Festschrift zu Israel Lewy’s siebzigstem Geburtstag,” *Revue des Études Juives* 66 (1913): 297–315; Daniel Sperber, “פויטינוך,” *Studies in Hebrew and Semitic Languages Dedicated to the Memory of Prof. Eduard Yechezkel Kutscher* (Ramat-Gan, 1980), pp. 155–58 (in Hebrew).

torture; it conveys complete humiliation. Although the setting of the midrash is "exceptional"—penetration is used in a prison setting as a form of abuse—rhetorically the message is clear. Penetration, emphasized by the implied reference to the sexual frenzy of the guards, is equated with "feminization" and humiliation.

This sentiment, linking penetration, feminization, and power, can be seen even more clearly in another Palestinian statement. Referring to Esau, Israel laments to God, "Is it not enough that we are subjugated to the seventy nations, but even to this one, who is penetrated like women?"<sup>40</sup> The tradition assumes that a man who is penetrated cannot rule like a man. Here, as in other places in rabbinic literature, Esau probably represents Rome.<sup>41</sup> Israel, seeing that homoerotic intercourse occurs in Rome, complains that Rome, in effect, has no right to rule not because Romans are engaged in homoerotic intercourse *per se*, but specifically because they allow themselves to be penetrated. By allowing themselves to be penetrated, they sacrifice their "maleness," a prerequisite for power.

The language and superficial topics under discussion by Palestinian rabbis of the third and fourth centuries might be biblical, but their assumptions about homoeroticism certainly are not. Underneath these few and scattered traditions lurks the same complex attitude toward that pathic as exhibited in Roman sources. For a man to allow himself to be penetrated was tantamount to him "effeminizing" himself, a prospect viewed with loathing by (at least) the male elite of antiquity.

#### FEMALE HOMOEROTICISM

Rabbinic literature, of course, was written by men for a primarily male audience. It is therefore not surprising to find very little rabbinic discussion of female homoeroticism. There might also be other reasons, however, for the relative silence of the rabbinic sources on female homoeroticism.

In the few rabbinic sources that do discuss female homoeroticism, the primary concern appears to be gender blurring. According to the *Tosefta*, "If a woman 'rubs' with her minor son, and he penetrates her, the School of Shammai disqualifies her [from marrying a priest], but the School of Hillel permit it."<sup>42</sup> A priest is prohibited from marrying a woman who

<sup>40</sup> *Gen. Rab.* 63:10 (ed. Hanoah Albeck and Judah Theodor, *Midrash Bereshit Rabba*, 2d ed. [rpt. Jerusalem, 1965], p. 693).

<sup>41</sup> See Gerson D. Cohen, "Esau as a Symbol in Early Medieval Thought," in *Studies in the Variety of Rabbinic Cultures*, ed. Gerson D. Cohen (Philadelphia, 1991), pp. 243–61.

<sup>42</sup> *t. Sota* 5:7 (ed. Saul Lieberman, *The Tosefta: The Orders of Zeraim, Moed, Nashim, Nezikin*, 4 vols. [New York, 1955–88], 3.2:178). The term for "rub, sport with," המסללת ,



has had unsanctioned sex (*bi'elat znut*): the *Tosefta* here asks if some kind of penile penetration of a minor counts as “unsanctioned sex.” The Palestinian Talmud contains a slightly different version of this tradition:

A. If a woman “rubs” with her son, the School of Shammai forbids her [from marrying a priest]. The School of Hillel allows [her to marry a priest].

B. If two women “rub” with each other the School of Shammai forbids her [from marrying a priest]. The School of Hillel allows [her to marry a priest].<sup>43</sup>

(A) omits the *Tosefta's* phrase “he penetrates her.” This omission is crucial, as “rub with” now becomes so ambiguous that it can be taken to refer to sexual acts that do not involve penetration. Only from this omission can (B) follow. If (A) does not refer to penile penetration, then the question arises as to the status of women who conduct this activity with other women.<sup>44</sup> Whether or not one accepts the attribution as genuine, the transmission of the source—and its lack of resolution—indicates an ambivalence about female homoeroticism.<sup>45</sup>

No such ambivalence is evident in another rabbinic source:

A. “You shall not copy the practices of the land of Egypt . . . or of the land of Canaan” [Lev. 18:3].

B. Is it possible that one should not build buildings or not plant vineyards like them?

C. Scripture says, “Nor shall you follow their laws.” I am only talk-

---

is found in some manuscripts as המסללת. I take הערה בה as referring to penetration of a woman by a penis. See the parallel at *b. Sanh.* 69b.

<sup>43</sup>y. *Git.* 8:10, 49c.

<sup>44</sup>Note that the Palestinian Talmud, unlike Roman authors, apparently can conceive of female homoerotic contact without penetration of a woman. See also *b. 'Abod. Zar.* 44a, in which a woman is said to make a dildo for her daily use: this is unambiguously condemned.

<sup>45</sup>The redactorial issues involved in this passage are complex. Did the redactor of the Palestinian Talmud receive this tradition or manufacture it? Can parts (A) and (B) be from different sources? I think it probable that the passage is unified and post-tannaitic. The tradition presents itself as an alternate to *t. Soṭa* 5:7. If the primacy of *t. Soṭa* 5:7 is accepted, then it appears that at some point the phrase הערה בה was first eliminated, and then (B) was added based on a new understanding of מסלרת. Otherwise, it is necessary to postulate that two very different, competing versions of the same tradition were in circulation. Regardless, the attribution of this tradition to the Schools of Hillel and Shammai, which flourished in the first century C.E., should not be taken seriously: (1) attributions to the Schools are notoriously unreliable (see Jacob Neusner, *Rabbinic Traditions about the Pharisees before 70*, 3 vols. [Leiden, 1971], 3:143–79); (2) a parallel tradition at *b. Yebam.* 76a ascribes the tradition to a significantly later rabbi. Such an attribution would have been highly unlikely had the earlier attribution been known.

ing about those laws which are legislated [that is, distinctive] for them and for their fathers and for their fathers' fathers.

D. And what would they do?

E. A man would marry a man; and a woman [would marry a] woman; and a man would marry a woman and her daughter; and a woman would marry two [men].

F. Therefore it says, "Nor shall you follow their laws."<sup>46</sup>

(E) includes the reference to marriage between women. Female homoeroticism *per se* is not condemned; the condemnation is reserved for marriage. This source suggests that a woman playing the role of husband is as unacceptable as a man playing the role of wife. It is interesting to note that of the four liaisons mentioned, only this liaison is nowhere hinted at or mentioned in Lev. 18.<sup>47</sup> A nonobservant reader or listener would assume that there is scriptural basis to this prohibition, thus strengthening it. Where gender blurring exists, as would happen in female-female marriage but not necessarily in female homoerotic contact, there is no ambivalence: it is forcefully condemned.

#### THE ANDROGUNOS

A more impressive example of the rabbinic anxiety over gender blurring is reflected in rabbinic treatment of the *androgynos*, or hermaphrodite.<sup>48</sup> Since men and women are obligated to perform different commandments, determination of the obligations of the hermaphrodite is a question that vexes the rabbis in many different contexts.<sup>49</sup> It is the rabbinic discussion of sexual relations with a hermaphrodite that is relevant to this discussion.

The *Mishnah*, for example, states that intercourse between a male and a hermaphrodite is equivalent to homoerotic intercourse.<sup>50</sup> The *Tosefta* cites and glosses this tradition:

<sup>46</sup> *Sipra Ahare* 9:8 (ed. Weiss, 85c–85d). See also *Gen. Rab.* 26:6 (ed. Theodor and Albeck, p. 248); *Lev. Rab.* 23:9 (ed. Mordecai Margulies, *Midrash Wayyikra Rabbah*, 5 vols. [Jerusalem, 1956], 3:539).

<sup>47</sup> The prohibition of polyandry is implied throughout Lev. 18 and is in fact a violation of the laws against adultery.

<sup>48</sup> For the identification of the *androgynos* with the hermaphrodite, see *b. Yebam.* 83b; Krauss, *Lehmvörter*, 2:64–65, s.v. "Mannweib, Zwitter".

<sup>49</sup> For an overview of regulation concerning the hermaphrodite, see Meyer Berlin and Shlomo Josef Zevin, eds., *Encyclopedia Talmudica*, 21 vols. (Jerusalem, 1974), 1:386–99. Some of this rhetoric was no doubt inspired by the rabbinic, especially mishnaic, need to categorize. See above and Jacob Neusner, *Judaism: The Evidence of the Mishnah* (Chicago, 1981), pp. 256–70.

<sup>50</sup> *m. Yebam.* 8:6 (ed. Ḥanoch Albeck, *The Mishnah*, 6 vols. [rpt. Jerusalem, 1988], 3:44).

A. R. Eleazer [or Eliezer] said, I heard that regarding an *androgynos* that those who lie with him deserve stoning, like [one who lies with] a male.

B. To what does this [opinion] apply? In a time when he comes upon him the way of males [דרך זכרות], but if he does not come upon him [in] the way of males, he is not liable.<sup>51</sup>

In the *Mishnah*, according to (A), the hermaphrodite is counted as a male for sexual purposes, so a man who penetrates a hermaphrodite either vaginally or anally would be accounted liable as if he penetrated another male. The *Tosefta's* gloss in (B) limits this to intercourse in “the way of males,” most likely anal penetration,<sup>52</sup> but declares vaginal intercourse not to be a capital crime. For this tradition, the possession of male genitalia is not in itself determinative of being “male.” That is, when an *androgynos* is penetrated vaginally, the act is not a capital crime. Only when penetrated anally does the act come perilously close to male homoeroticism and is thus prohibited.

It is also significant that an *androgynos* “marries but is not married as men are.”<sup>53</sup> Because the *androgynos* possesses a penis, s/he cannot “be married,” that is, be a wife to another man. Yet, although the *androgynos* possesses a vagina, s/he is permitted “to marry” a woman. Behind this rule lurks again the rabbinic fear of making a man—or someone who looks very much like a man—into a wife.

#### THE PENETRATOR

Rabbinic conceptions of the pathic, which centered on gender blurring, could not easily be transferred to the male who sexually penetrates another male. The rabbis considered male sexual attraction to other males to be unexceptional. Among a number of restrictions in the *Mishnah* regarding the separation of the sexes, for example, is a statement attributed to Rabbi Yehudah that prohibits two unmarried men from sleeping

<sup>51</sup> *t. Yebam.* 10:2 (ed. Lieberman, 3:31). See also *b. Yebam.* 82b, 83b; *y. Yebam.* 8:6, 9d. According to Lieberman, the version from the *Tosefta* is “certain,” or original. See Saul Lieberman, *Tosefta Ki-fshutab: A Comprehensive Commentary on the Tosefta*, 10 vols. (New York, 1955–88), 6:94 (in Hebrew). R. Eleazer’s statement (A) is paralleled in more biblical language at *b. Yebam.* 83b. It is possible that the curious phrasing of the *Tosefta* confused the rabbis as well.

<sup>52</sup> This is one of the few places in the rabbinic corpus that the term דרך זכרות is employed; in another source it appears to mean heterosexual anal intercourse (*y. Ketub.* 3:9, 27d; *y. Sanh.* 7:14, 25c). Use of the term in this context might be intended to emphasize the “maleness” of the penetrated *androgynos*. See Lieberman, *Tosefta Ki-fshutab*, 6:94–96.

<sup>53</sup> *t. Bik.* 2:4 (ed. Lieberman, 1:289).

under a single blanket.<sup>54</sup> The rabbis followed the Hebrew Bible in prohibiting all (or nearly all) sexual penetration of another male. How did the Palestinian rabbis understand the penetrator? Although it is much more limited than the discourse on the pathic, rabbinic discourse on this topic roughly divides into three categories: arrogance, hedonism, and associations with bestiality.

### *Arrogance*

For the rabbis, the penetration of one man by another represents haughtiness, that is, power that has gone beyond its God-given bounds. On the one hand, penetration of another male is seen as a sign of dominance, but on the other this way of expressing that dominance is seen as an affront to God. Pharaoh, noted for his power and arrogance, is portrayed in a tannaitic source as a penetrator of other males:

[Referring to Exod. 15:9: “The foe said, ‘I will pursue, I will overtake, I will divide the spoil; My desire shall have its fill of them. I will bare my sword—my hand shall subdue them.’”] It is not written here, “shall be satisfied upon them,” but “my desire shall have its fill of them”—they will satisfy their desire upon me. . . . In the past if you sought to violate their wives and their sons and their daughters, I used to hold you responsible by the laws of the kingdom. But now, “my hand shall subdue them.” Some say: It is not written “I will point my sword,” but “I will bare my sword,” [Pharaoh] intended to have intercourse [as the active partner] with their males, like it is said “they shall unsheathe their swords against your prized shrewdness” [Ezek. 28:7]—it is said “they will *unsheathe* their swords,” and because he was haughty and proud of heart God brought him low and the nations abused him.<sup>55</sup>

<sup>54</sup> *m. Qidd.* 4:14 (ed. Albeck, 3:329). This mishnah continues with rules about male and female sexual contact. According to J. N. Epstein, the statements that follow Rabbi Yehudah’s were added later (Jacob N. Epstein, *Introduction to the Text of the Mishnah* [Jerusalem, 1964], p. 977 [in Hebrew]). If correct, this would indicate that (1) Rabbi Yehudah’s statement was emphatic, by virtue of its placement at the very end of the Tractate; and, conversely, that (2) the addition of statements concerning proper male and female sexual behavior served to refocus the emphasis of both Rabbi Yehudah’s statement and the Tractate itself. See also *t. Qidd.* 5:10 (ed. Lieberman, 3.2:296–97); *y. Qidd.* 4:11, 66c; *b. Qidd.* 82a. These sources try too hard to dismiss the suspicion that Jewish men could engage in homoerotic intercourse. Suspicion, though, is not the same as sexual desire. See also *t. Mo’ed Qat.* 2:16 (ed. Lieberman, 2:372); *b. Pesah.* 51a; *y. Pesah.* 4:1, 30d.

<sup>55</sup> *Mekh. Beshalah* (ed. Horovitz, p. 140, paralleled at *Mekh. d’Rashbi* [ed. Epstein, p. 89]). The translation is slightly modified from Jacob Lauterbach, *Mekhlita of Rabbi Ishmael*, 3 vols. (Philadelphia, 1933–35), 2:56–57. Goldin translates this passage as referring

This midrash gradually builds on the theme of Pharaoh's arrogance and his ultimate punishment. Each of Pharaoh's outrageous desires is punished appropriately. The midrash culminates with an exegesis that attributes to Pharaoh a desire for homoerotic intercourse. From the last line of the unit—"and because he was haughty and proud of heart"—it appears that of all the examples of arrogant acts perpetrated by Pharaoh, this was perceived as being the worst. Not only, though, does the desire for homoerotic intercourse serve as an example of his arrogance; it also sets up the most dramatic portrayal of his punishment. The nations "abuse him" (בְּזוּהוּ), which, following the pattern of the rest of the unit and in line with the general rabbinic hermeneutical method of "measure for measure," probably refers to Pharaoh being penetrated in homoerotic intercourse, an interpretation made explicit in later versions of the story.<sup>56</sup> Pharaoh's extreme expression of arrogance leads to his extreme punishment and humiliation at the hands of the nations.

A second, later Palestinian source also captures this attitude. Earthquakes occur, R. Aḥa says, "on account of the sin of homoerotic intercourse. God said, You cause your limb to quiver [that is, you ejaculate] over something that is not yours. By your life, I shall cause my world to shake on account of that very man."<sup>57</sup> Underneath the (not particularly successful) wordplay lurks the concept that homoerotic intercourse is an act of hubris, of sexually using something not belonging to one. As in the case of Pharaoh, the penetration of a person not appropriated by God for penetration warrants divine punishment.<sup>58</sup>

### *Hedonism*

Hedonism as a reason for condemnation of the male sexual penetrator of other males is related to that of arrogance. Like Philo, Palestinian rabbis

---

to "pederasty," which detracts from the force of the last phrase (Judah Goldin, *The Song at the Sea* [New Haven, CT, 1971], pp. 182–83).

<sup>56</sup> *Yalk. Shimoni*, 249. See the apparatus in *Mekh.* (ed. Horovitz, p. 140). See especially *Tanh.* ואֲרָא, 8: "Pharaoh was one of four men who made themselves gods, and who were penetrated [נִבְעֵלוּ] like women. They are: Hiram, Nebuchednezzar, Yoash, and Pharaoh." See further Marc Bregman, *The Tanhuma-Yelammedenu Literature: Studies in the Evolution of Versions* (Ph.D. diss., Hebrew University, 1991), n. 413, pp. 257–58 (in Hebrew). My thanks to Marc Bregman for bringing this source to my attention.

<sup>57</sup> *y. Ber.* 9:3, 13c. אָמַר רַבִּי אַחָא בַּעוֹן מִשְׁכָּב זָכוֹר אָמַר הַב"ה אַתָּה זִיעוּעַתָּה אֵיבָרְךָ עַל . . . דָּבַר שְׂאִינוֹ שִׁקָּךְ . . . חֵיידִךְ שְׂאִנִּי מִזְעוּעַ עוֹלָמִי עַל אוֹתוֹ הָאִישׁ . . .

<sup>58</sup> The phrase "cause your limb to quiver" is closely paralleled at *m. Nid.* 5:2 (parallel at *b. Nid.* 13a), but there it refers to a man having an uncontrollable genital emission. R. Aha's

deemed male homoerotic intercourse to be a sign of excess: one who goes beyond the God-given bounds of sexuality approaches the slippery slope of loss of control that inevitably leads to idolatry. Yehezkel Cohen writes, regarding the rabbinic attitude toward Gentiles, “The Gentile is described as a corrupt person sexually. He is lascivious and commits adultery with married women. Incest is also a common occurrence in his family. The same is true regarding homosexuality and *mishkav behema* (sexual relations with animals). The Gentile society is lecherous, men and women alike.”<sup>59</sup> Accusations of Gentile male homoerotic intercourse thus is part of the broader concept of Gentile sexual lechery, which itself is representative of the Gentile’s denial of God’s covenant.<sup>60</sup>

Gentile lack of sexual self-control is seen as so strong that some rabbinic sources advocate keeping one’s male children away from Gentile men.<sup>61</sup> Ishmael is identified with the three transgressions of murder, idolatry and ‘*arayot*—where ‘*arayot* is identified as referring to both general sexual promiscuity and to homoerotic intercourse.<sup>62</sup> According to a passage in the *Sipra*, “Just as ‘the practices of the Canaanite’ [Lev. 18:3], [who] are steeped in idolatry, ‘*arayot*, murder, homoerotic intercourse and bestiality, so too ‘the practices of the Egyptians,’ [Lev. 18:3].”<sup>63</sup> Again we see the connection of male homoeroticism with other horrible offenses, but here the source highlights the proclivity toward these things as inherent characteristics of both the Canaanites and the

---

suggestion follows another one suggesting that earthquakes arise from nonobservance of the agricultural laws of *terumah* and *ma’asrot* (both forms of tithing). The wordplay would work if עולם is a euphemism for penis, but I have not been able to find an example of that usage.

<sup>59</sup>Yehezkel Cohen, “The Attitude to the Gentile in the Halakhah and in Reality in the Tannaitic Period,” *Immanuel* 9 (1979): 34. See also David Novak, *The Image of the Non-Jew in Judaism* (Toronto, 1983), pp. 199–213.

<sup>60</sup>An integrative study of rabbinic *assumptions* and conceptions of the Gentile is a desideratum. I do not deny that this same rhetoric serves to “other” the Gentile: like Herodotus’s attributions of strange sexual practices to the Egyptians and Persians and the Roman rhetoric on “Greek love,” the rabbis linked homoerotic and other sexual misconduct to Gentiles. While this is no doubt a function of this rabbinic rhetoric, I contend that the conceptual basis for it is more complex. On the attribution of sexual peculiarities to the “other” as a rhetorical trope among ancient historians, see Herodotus 1.199–202; François Hartog, *The Mirror of Herodotus: The Representation of the Other in the Writing of History*, trans. Janet Lloyd (rpt. Berkeley, 1988); p. 226; MacMullen (n. 4 above).

<sup>61</sup>*t. Abod. Zar.* 3:2 (ed. Zuckerman, p. 463).

<sup>62</sup>*t. Sota* 6:6 (ed. Lieberman, 3.2:185–86). The “authentic” description of Ishmael’s activity, found in the Erfurt manuscript, is curious: נכבש על הגגרת. On the meaning of this phrase, see Lieberman, *Tosefta Ki-fshutah*, 8:670. The grouping of these three transgressions comprise something of a trope in rabbinic literature. See Burton L. Visotzky, “Mortal Sins,” *Union Seminary Quarterly Review* 44 (1990): 31–53.

<sup>63</sup>*Sipra Abare* 13:7 (ed. Weiss, 86a).

Egyptians—that is, Gentiles. The trigger for this interpretation is of course Lev. 18:3, which introduces the long list of prohibitions that include the incest restrictions, homoerotic intercourse, and bestiality. Yet absent from the biblical list are murder and perhaps idolatry. This suggests that biblical interpretation alone does not lie behind this text.<sup>64</sup> Rather, the rabbis create the Gentile as the antithesis of the Jew and all that is godly: he or she exercises no self-control, surrendering to the first impulses of violence and lust. Homoeroticism becomes, for the rabbis, just one example of this ungodly lust.

### *Associations with Bestiality*

Rabbinic literature subtly links homoeroticism to bestiality. This association is accomplished in three ways. First, homoeroticism and bestiality are often grouped in rabbinic vice catalogues.<sup>65</sup> Second, the legal and exegetical discussions about homoeroticism and bestiality usually occur together, and the forms that these discussions take are strikingly similar.<sup>66</sup> Hence, in a passage from the *Mekhilta* the form that establishes liability for the passive male partner of a bestial relationship mirrors—even down to the same biblical verses—that for establishing the liability for a passive homoerotic partner.<sup>67</sup> The association is in part due to the contingency of the biblical verses that prohibit male homoeroticism and bestiality (Lev. 18:23, 20:15–16), but the extent and quality of these similarities seem to point to a larger conceptual link.

Indeed, such a link is indicated by the linguistic evidence. Both Greek and Latin have words that are used to designate, almost exclusively, homoerotic anal intercourse.<sup>68</sup> The word most frequently employed in the rabbinic sources to designate homoerotic male intercourse is *rb'*. The word is used in the biblical verses against bestiality (Lev. 18:23, 20:16) and means something like “mount.” The Bible uses the same word to designate the breeding of mixed animal species (Lev. 19:19). These two

<sup>64</sup>See also *Sipra Ahare* 9:8 (ed. Weiss, 85c–d), which attributes homoerotic marriage to Gentiles.

<sup>65</sup>*m. 'Abod. Zar.* 2:1 (ed. Albeck, 4:238); *t. 'Abod. Zar.* 3:2 (ed. Zuckerman, p. 463). The latter appears to gloss the former. See also *Sipra Ahare* 13:7 (ed. Weiss, 86a); *t. Qidd.* 5:10 (ed. Lieberman, 3.2:296–97); *y. Qidd.* 4:11, 66c.

<sup>66</sup>For example, *Mekh. Nez.* 17 (ed. Horowitz, p. 310); *b. Sanh.* 54b, 58a. See also *m. Qidd.* 4:14 (ed. Albeck, 3:329); *b. Qidd.* 82a; *y. Qidd.* 1:1, 58c; *y. Ketub.* 1:3, 25b.

<sup>67</sup>*Mekh. Nez.* 17 (ed. Horowitz, p. 310).

<sup>68</sup>Greek: *pugizein*; Latin: *pedico*. See Jeffrey Henderson, *The Maculate Muse: Obscene Language in Attic Comedy* (New Haven, CT, 1975), pp. 201–2; James N. Adams, *The Latin Sexual Vocabulary* (London, 1982), pp. 123–25, 226; Boswell, “Concepts,” p. 80.

meanings for the root *rb'* continue in the rabbinic literature.<sup>69</sup> In the rabbinic literature, however, a third meaning appears: male homoerotic intercourse.<sup>70</sup> To my knowledge, no source in Palestinian or early rabbinic literature uses this word to denote heterosexual intercourse.<sup>71</sup> The word is reserved for animal intercourse, intercourse between a human and an animal, and homoerotic intercourse.

These contextual and linguistic uses suggest a strategy of linking homoerotic activity and bestiality. A wide range of vocabulary was available to the rabbis to indicate homoerotic anal intercourse.<sup>72</sup> Although they did occasionally use these more neutral terms, later rabbinic sources tended to choose verbs that typically designate animal copulation. Minimally, the association between male homoeroticism and bestiality is a sign of rabbinic disapproval; more likely, it can be located within the larger discourse on the male who sexually penetrates other males. Men, like animals, were not objects appropriated by God for sexual penetration. Men who sexually penetrated other men might well have been penetrating an animal. Both were arrogant and rebellious acts.

## CONCLUSIONS

Palestinian rabbinic discourse on homoeroticism is characterized by two traits: concern over gender boundaries and the divinely ordained limits on sexuality. The extensive discourse on the male who allows himself to be sexually penetrated bears much in common with contemporary discussions among non-Jews, as well as those found in earlier nonrabbinic Jewish sources. Rabbinic understanding of the male who penetrates other males too finds some precedent in Philo. Whereas similarities between rabbinic and contemporary non-Jewish constructions of homoeroticism are clear, the differences should not be overlooked. For the rabbis, gender boundaries were paramount in regard to the pathic. Yet while for the Romans gender associations were highly politicized, rabbinic sources rarely explicitly link gender and political discourses.<sup>73</sup> The

<sup>69</sup>See Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*, 2 vols. (London, 1886–1903), 2:1444, s.v. רכע.

<sup>70</sup>*b. Yebam.* 25a; *b. Sanh.* 9b, 70a; *b. Mak.* 6a.

<sup>71</sup>The evolution of this term might be based on the position of intercourse. A male penetrating another male may have been seen as animals mounting each other; regardless, the word choice is significant. Not once to my knowledge is *rb'* applied to heterosexual anal intercourse.

<sup>72</sup>For example, *הבא על הזכר* (*m. Sanh.* 7:4 [ed. Albeck, 4:191]). To indicate anal intercourse, the term *ביאה שלא כדרכה* is commonly employed for heterosexual anal intercourse (it is never used for male homoerotic intercourse).

<sup>73</sup>The question of rabbinic perceptions of power, especially as they relate to gender relations, needs further study. For a statement on the complexity of rabbinic views of women



entire rabbinic understanding of men who sexually penetrate other men is unparalleled in contemporary non-Jewish authors and probably reflects the fundamental difference between these communities on the question of who sets limits on sexuality. Romans saw the individual citizen male as primarily responsible for sexual self-control; according to the rabbis, it is God, whose words are revealed through rabbinic interpretation, who sets sexual limits. This difference, in turn, might well have arisen from the differing political conditions between Romans and Jews. For the (wealthy) adult male Roman citizen, sexual penetration, as well as sexual restraint, were political acts, assertions of one's power over others and oneself. That is, for the Roman, the subjugated Jews would have been linked, on some level, to those who were penetrated, an idea that clearly would have made the Jews uncomfortable. For the rabbis (who were, juridically, virtually powerless) and the Jews (who were politically dominated by Rome) of late antiquity, sexual penetration and self-control were not understood politically. Rabbinic discourse linked homoeroticism to those areas that a Jew in late antiquity could control—gender integrity and the individual relationship to the divine.

It is worth considering what the rabbis did *not* argue. They did not argue that homoeroticism was wrong because it was impure; or that it was the sin of the men of Sodom and Gomorrah; or that it was “unnatural”; or that it interfered with procreation (as did Philo). All of these arguments would develop in time; but if any of these conceptions of homoeroticism came to the minds of the rabbis, they did not transmit them for posterity.

So was there a concept such as “homosexuality” in rabbinic society? No evidence suggests that the rabbis defined people by the gender of the object of their sexual desire. John Boswell is correct to warn against reading too much into this silence, but compared to Roman sources, the rabbinic silence on this issue is impressive.<sup>74</sup> Penetration, not same-sex desire, was problematic for the rabbis. Were there Jews engaged in homoerotic relationships? Without doubt, yes, although the evidence is scant.<sup>75</sup> On the other hand, considering the relatively small number and

---

and male power, see Judith Romney Wegner, *Chattel or Person? The Status of Women in the Mishnah* (New York, 1988). On the Roman politicization of sex, see Richlin, “Not Before Homosexuality,” pp. 543–54.

<sup>74</sup>Boswell, “Concepts,” pp. 69–70.

<sup>75</sup>The only Palestinian rabbinic source that suggests a “real” homoerotic relationship is *y. Sanh.* 6:6, 23c. The rabbinic sources on male sexual desire might also indicate that male homoeroticism did occur (see above). Epstein (n. 7 above) reads these sources as evidence that there was practically no Jewish homoeroticism in late antiquity (pp. 136–37). That Israel is “not suspected” of bestiality or homoeroticism, however, means merely that *most*

limitations of rabbinic sources, we should not expect to find much on this topic. We are simply in no position to evaluate the institutions and extent of Jewish homoeroticism in rabbinic Palestine.

Finally, what can this rabbinic evidence teach about nonrabbinic Jewish communities in late antique Palestine? It is likely, at minimum, that rabbinic constructions of homoeroticism were shared by many others, if only because these constructions appear to be rooted in deep-seated assumptions. We cannot know, however, whether these assumptions were also shared by those Jews of very different social statuses or by the marginalized themselves, those men and women engaged in homoerotic activities.

---

Jewish men do not engage in homoeroticism, not that *no* Jewish men—or even fewer Jewish than Roman men—engage in homoerotic acts. Compare *t. 'Eruv*. 5:10 (ed. Lieberman, 2:113): The common folk are “not suspected” of violating the agricultural laws of the seventh year. It would be silly to assume that in fact violations of these laws did not occur. We of course do not know the quality of homoerotic relationships. Bradley Artson has argued that the rabbis were unfamiliar with “loving” homoerotic relationships (Bradley Shavit Artson, “Judaism and Homosexuality,” *Tikkun* 3:2 [1988]: 52–54, 92–93). Rabbinic traditions, however, do appear to be familiar with (and disapprove of) same-sex marriages, which also appear to have existed in Roman antiquity. See Boswell, “Concepts,” p. 73. Bernadette Brooten informs me that she has found evidence for stable female-female relationships in Roman Egypt.