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# How the Prohibition of Male Homosexual Intercourse Altered the Laws of Incest

## Originally Leviticus 18 prohibited homosexual incest with a man’s father (v. 7) and his uncle (v. 14). When the prohibition of male homosexual intercourse was added, the Torah modified the aforementioned laws and consequently changed the meaning of לגלות ערוה “to uncover nakedness.”

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## The Core List of Incest Prohibitions

Leviticus 18 contains laws forbidding various sexual unions, all addressed to Israelite males.[1] The core of the chapter is a sequence of eleven verses (Lev 18:7–17) focusing on incest prohibitions[2] and prefaced with:

ויקרא יח:ואִישׁ אִישׁ אֶל כָּל שְׁאֵר בְּשָׂרוֹ לֹא תִקְרְבוּ לְגַלּוֹת עֶרְוָה אֲנִי יְ-הוָה.

Lev 18:6 None of you shall come near anyone of his own flesh to reveal nakedness: I am YHWH.[3]

A rigid structural framework runs through this sequence:

עֶרְוַת X לֹא תְגַלֵּה

## The nakedness of X you shall not uncover

This formula sets the material in these verses apart from the assorted prohibitions that follow this list, which are written in a different style (vv. 18-23).[4] The meaning of לגלות ערוה in this chapter initially seems clear: It refers to sexual intercourse. The definition offered by Shadal (Samuel David Luzzatto, 1800–1865) is straightforward:

“To uncover nakedness”: To reveal the place of shame—a euphemism for sex.[5]

## Whose Nakedness Is Being Revealed?

Several unambiguous statutes are consistent with the claim that “uncover the nakedness of X” means to have sex with X. Verse 15, for example, reads:

ויקרא יח:טועֶרְוַת כַּלָּתְךָ לֹא תְגַלֵּה אֵשֶׁת בִּנְךָ הִוא לֹא תְגַלֶּה עֶרְוָתָהּ.

Lev 18:15 The nakedness of your daughter-in-law you shall not uncover: she is your son’s wife; you shall not uncover her nakedness.

The phrase “she is your son’s wife” makes the obvious explicit: To uncover the nakedness of one’s daughter-in-law is to have sex with her. But in other verses, this does not seem to be the meaning:

ויקרא יח:ידעֶרְוַת אֲחִי אָבִיךָ לֹא תְגַלֵּה אֶל אִשְׁתּוֹ לֹא תִקְרָב דֹּדָתְךָ הִוא.

Lev 18:14 The nakedness of your father’s brother you shall not uncover: do not approach his wife; she is your aunt.

Rather than clarify the initial prohibition, the second half of this verse transforms the law’s meaning entirely, suggesting that “The nakedness of your father’s brother” does not refer to said uncle, but to his wife.[6]

The same shift in referent, and consequent shift in meaning, appears in the verse about parents:

ויקרא יח:זעֶרְוַת אָבִיךָ וְעֶרְוַת אִמְּךָ לֹא תְגַלֵּה אִמְּךָ הִוא לֹא תְגַלֶּה עֶרְוָתָהּ

She is your mother – you shall not uncover her nakedness.

Read on its own, the opening of the verse appears to forbid sexual intercourse with one’s parents. Nevertheless, the continuation of the verse forces the reader to conclude that the prohibition of uncovering “the nakedness of your father and the nakedness of your mother” refers only to sex with one’s mother.[7] Once again, the ostensible clarification transforms the meaning of the statute.

### The Definition of ערוה?

The usages of “uncovering nakedness” noted above pose a lexical problem: The term ערוה appears to refer to female sexual organs in some cases, and in others to something belonging to that person’s husband—or in the case of v. 10, that person’s grandfather. A single, coherent definition constituting the common denominator between these senses has proven elusive.

## Traditional Solutions

### A Law for Females (Pseudo-Jonathan)

Targum Pseudo-Jonathan (ca. 7th-8th cent. C.E.) resolved the tension by introducing a second subject to v. 7, the female Israelite:

עֶרְיַית אָבוּךְ וְעֶרְיַית אִמָךְ לָא תְבַזֵי אִיתָא לָא תְשַׁמֵשׁ עִם אַבְהָא וּגְבַר לָא יְשַׁמֵשׁ עִם אִמֵיהּ אִמָךְ הִיא לָא תְגַלֵי עִרְיָיתָהּ:

The nakedness of your father and the nakedness of your mother you shall not expose (or “despise”). A female shall not have intercourse with her father and a male shall not have intercourse with his mother. She is your mother; do not uncover her nakedness.

Thus, the prohibition against intercourse with one’s father, which is spoken in the second person masculine singular, is—uniquely—directed toward females. This leaves the semantics of the term essentially intact and also introduces a law forbidding father-daughter incest, which is otherwise conspicuously absent.

Nevertheless, this reading introduces tension with the previous verse: “Every man of you shall not approach his kin to uncover nakedness.” Moreover, it is in tension with the ending explanatory clause, which states “she is your mother” but not the parallel “he is your father.”

### A Term with Two Meanings (Ramban)

Ramban (Moses Naḥmanides, 1194–1270) suggested that the term simply has two definitions, both of which are present in v. 7:

הנכון בעיני על דרך הפשט כי ערות אביך וערות אמך לאו אחד הוא ואזהרה אחת ימנע שלא יבא על אמו כי בבואו עליה יגלה ערות אביו וערות אמו וזהו שאמר (כאן) אמך היא כי עשית בה שתים רעות שגלית ערות אם וערות אב

The correct peshat interpretation, in my view, is that “the nakedness of your father and the nakedness of your mother” is a single prohibition and a single warning: to refrain from having intercourse with one’s mother, since in so doing he would uncover both his father’s and his mother’s nakedness. This is why it says “she is your mother,” for you have transgressed doubly…[8]

Sarah J. Melcher (Professor Emerita of Hebrew Scriptures at Xavier University) elaborated on this idea, writing:

Most frequently the concept ʿerwâ appears in the form ʿerwat of a [woman designated as inappropriate]. This basic usage denotes “sexual or­gans” of a woman. In chapter 18, ʿerwâ has another related connotation as well. When it is used in construct with a noun referring to a man, it con­notes the man’s jurisdiction over the woman’s sexual function. Verse 8b in 18 is the first clear usage of this idiom, but the structure of the verse makes this usage clear: “The sexual organs of your father’s wife you shall not uncover, your father’s sexual function it is.”[9]

As Jacob Milgrom wrote, this interpretation would yield the following for v. 7: “The sexual jurisdiction (ערות) of your father, namely (ו), the sexual organs (ערות) of your mother you shall not uncover.”[10] This is a cumbersome way for the text to express itself.

### Man and Wife are One Flesh (Shadal)

Shadal suggested that the term can refer equally to man and his wife, because they are said in Gen 2:24 to be a single flesh:

When “uncovering nakedness” is written with regard to males, for instance “your father’s nakedness” or “your brother’s nakedness” [sic], the intention is the nakedness of [that person’s] wife, since man and wife are considered “one flesh”; and in verse 10, one’s offspring are also considered “one flesh.”[11]

This midrashic interpretation breaks down when applied to v. 10, where עֶרְוָתְךָ הֵנָּה “your own nakedness” refers to a granddaughter:

יח:יעֶרְוַת בַּת בִּנְךָ אוֹ בַת בִּתְּךָ לֹא תְגַלֶּה עֶרְוָתָן כִּי עֶרְוָתְךָ הֵנָּה.

18:10 The nakedness of your son’s daughter, or of your daughter’s daughter — do not uncover their nakedness; for their nakedness is yours.

A granddaughter is certainly not “one flesh” with her grandfather (as per Gen 2:24).

### As If Revealing His Father’s Genitalia (Eilberg-Schwartz)

Howard I. Schwartz (formerly Eilberg-Schwartz) focuses on the element of exposure, arguing that by revealing his mother’s genitalia, the miscreant also reveals, by one degree of separation, his father’s genitalia:

This curious expression means that when one has relations with this woman, one is trespassing upon the spot where the nakedness of one’s father has already been exposed.[12]

Again, this would not seem to apply to intercourse with one’s granddaughter (v. 10).

### Shaming your Father (Porter)

In his commentary on Leviticus, J. Roy Porter suggested an alternative definition:

Uncovering the nakedness of a male means bringing shame upon him; uncovering the nakedness of a female sometimes means having sexual intercourse with her and sometimes means bringing shame upon her. “You shall not bring shame on your father by intercourse with your mother: she is your mother; you shall not bring shame upon her.”[13]

But this interpretation is convoluted. The intended audience of v. 7 would have been unlikely to understand that “the nakedness of your father” means “shame on your father,” “the nakedness of your mother” means “intercourse with your mother,” and “her nakedness” means “shame upon her.”

## Reconstructing an Older List

I believe the reason גלה ערוה cannot be clearly defined is because the list has been edited and expanded with the intention of changing its meaning.[14] Originally, the core text was simply a list of people whose nakedness may not be exposed, and in every single case this meant to have sex with that person.

עֶרְוַת אָבִיךָ וְעֶרְוַת אִמְּךָ לֹא תְגַלֵּה

The nakedness of your father and the nakedness of your mother you shall not uncover.

עֶרְוַת אֵשֶׁת אָבִיךָ לֹא תְגַלֵּה

The nakedness of your father’s wife you shall not uncover.

עֶרְוַת אֲחוֹתְךָ לֹא תְגַלֶּה

The nakedness of your sister you shall not uncover.

(See appendix for the full list.)

### Hittite Incest Laws

The Hittite Laws (mid-second millennium B.C.E.) contain a list of incest prohibitions in a similar style (2.19; §189):

If a man has sexual relations with his own mother, it is an unpermitted sexual pairing (ḫurkel).

If a man has sexual relations with (his own) daughter, it is an unpermitted sexual pairing.

If a man has sexual relations with (his own) son, it is an unpermitted sexual pairing.[15]

The core text upon which Leviticus 18 is built is longer, but of the same type to what we find in this ancient series of Hittite laws.

## Addition as Subtraction

To each prohibition in this core text, the Holiness editor of ch. 18 added commentary. For example (italics):

יח:חעֶרְוַת אֵשֶׁת אָבִיךָ לֹא תְגַלֵּה עֶרְוַת אָבִיךָ הִוא.

18:8 The nakedness of your father’s wife you shall not uncover; it is the nakedness of your father….

יח:יבעֶרְוַת אֲחוֹת אָבִיךָ לֹא תְגַלֵּה שְׁאֵר אָבִיךָ הִוא.

18:12 The nakedness of your father’s sister you shall not uncover; she is your father’s flesh.

יח:יגעֶרְוַת אֲחוֹת אִמְּךָ לֹא תְגַלֵּה כִּי שְׁאֵר אִמְּךָ הִוא.

18:13 The nakedness of your mother’s sister you shall not uncover; for she is your mother’s flesh.

יח:טועֶרְוַת כַּלָּתְךָ לֹא תְגַלֵּה אֵשֶׁת בִּנְךָ הִוא לֹא תְגַלֶּה עֶרְוָתָהּ.

18:15 The nakedness of your daughter-in-law you shall not uncover: she is your son’s wife; you shall not uncover her nakedness.

In most cases, the editorial expansions simply added clarification, but in the two instances discussed above (father and father’s brother) it changed the prohibition’s original meaning:

ויקרא יח:זעֶרְוַת אָבִיךָ וְעֶרְוַת אִמְּךָ לֹא תְגַלֵּה אִמְּךָ הִוא לֹא תְגַלֶּה עֶרְוָתָהּ.

Lev 18:7 The nakedness of your father and the nakedness of your mother, you shall not uncover; she is your mother — you shall not uncover her nakedness.

ויקרא יח:ידעֶרְוַת אֲחִי אָבִיךָ לֹא תְגַלֵּה אֶל אִשְׁתּוֹ לֹא תִקְרָב דֹּדָתְךָ הִוא.

Lev 18:14 The nakedness of your father’s brother you shall not uncover: do not approach his wife; she is your aunt.

The common denominator between these two verses is that the editor’s expansions alter the sex of the forbidden partner. Only here do we find what appear to be male-male pairings, and only here do we find commentaries that transform the prohibitions themselves.

## The Implication of Prohibiting Male-Male Incest

The reason why a redactor might have adjusted the meaning here is clear: Forbidding a man from having sex with his father and his uncle implies that sex with other men is not forbidden. The logic at play is “the exception proves the rule.” In other words, the presence of a specific exception betrays the existence of a general rule.[16]

The parallel Talmudic term is מכלל לאו אתה שומע הן: Out of a “no” you hear a “yes.”[17] If sex is forbidden with one’s father and uncle, that could be taken to mean that it is permitted with other men. In fact, this is what scholars deduce from the Hittite prohibition against sex with one’s son. Thus, as Harry Hoffner notes:

A man who sodomizes his son is guilty of ḫurkel because his partner is his son, not because they are of the same sex. […] [It] would appear that homosexuality was not outlawed among the Hittites.[18]

### Revising the List

But if this is what the original versions of the father and uncle prohibitions in Leviticus 18 imply, then it would be in tension with the categorical prohibition later in the chapter against male-male sex:

ויקרא יח:כבוְאֶת זָכָר לֹא תִשְׁכַּב מִשְׁכְּבֵי אִשָּׁה תּוֹעֵבָה הִוא.

Lev 18:22 You shall not lie with a male as one lies with a woman; it is an abhorrence.[19]

The verse prohibiting male-male intercourse is not part of the core “uncovering nakedness” list (vv. 7–17) and was likely added at the same time that the core list was revised with the expansions.

In the process of rewriting and expanding the original list of terse dicta, the redactor decided to eliminate the two injunctions against male same-sex intercourse by “clarifying” that they refer to females, not males, thus bringing the unit in line with the new material. Only heterosexual pairs were now included in the list of forbidden unions, and the categorical prohibitions of male homosexual intercourse no longer faced internal competition.

## Semantic and Religious Consequences of the Holiness Revision

The core text upon which the expanded Leviticus 18 is built lacked any categorical prohibition against male-male relations. Instead, it merely listed two examples of such pairings that it forbade as incestuous.

But when the Holiness editor decided to include this ancient list in his text, the singling out of certain male-male pairings as forbidden became problematic, as it suggested that other male couplings might be sanctioned. Rather than remove the offending laws, however, he supplemented and reinterpreted the existing text, to bring the list in line with this school’s new prescription of male homosexual intercourse.

This revision changed the meaning of the text while at the same time complicating the semantics of the phrase, “uncover nakedness.” One can hardly overstate the impact that this editor had upon sexual laws and norms in the Judeo-Christian world and beyond.

Appendix

## The Original List of Incest Prohibitions in Leviticus 18

My reconstruction:

עֶרְוַת אָבִיךָ וְעֶרְוַת אִמְּךָ לֹא תְגַלֵּה

The nakedness of your father and the nakedness of your mother you shall not uncover.

עֶרְוַת אֵשֶׁת אָבִיךָ לֹא תְגַלֵּה

The nakedness of your father’s wife you shall not uncover.

עֶרְוַת אֲחוֹתְךָ לֹא תְגַלֶּה

The nakedness of your sister you shall not uncover.

עֶרְוַת בַּת בִּנְךָ אוֹ בַת בִּתְּךָ לֹא תְגַלֶּה

The nakedness of your son’s daughter or your daughter’s daughter you shall not uncover.

עֶרְוַת בַּת אֵשֶׁת אָבִיךָ לֹא תְגַלֶּה

The nakedness of the daughter of your father’s wife you shall not uncover.

עֶרְוַת אֲחוֹת אָבִיךָ לֹא תְגַלֵּה

The nakedness of your father’s sister you shall not uncover.

עֶרְוַת אֲחוֹת אִמְּךָ לֹא תְגַלֵּה

The nakedness of your mother’s sister you shall not uncover.

עֶרְוַת אֲחִי אָבִיךָ לֹא תְגַלֵּה

The nakedness of your father’s brother you shall not uncover.

עֶרְוַת כַּלָּתְךָ לֹא תְגַלֵּה

The nakedness of your daughter-in-law you shall not uncover.

עֶרְוַת אֵשֶׁת אָחִיךָ לֹא תְגַלֵּה

The nakedness of your brother’s wife you shall not uncover.

עֶרְוַת אִשָּׁה וּבִתָּהּ לֹא תְגַלֵּה

The nakedness of a woman and her daughter you shall not uncover.

[View Footnotes](https://www.thetorah.com/article/how-the-prohibition-of-male-homosexual-intercourse-altered-the-laws-of-incest)

1. This article is an adaption of Idan Dershowitz, “Revealing Nakedness and Concealing Homosexual Intercourse: Legal and Lexical Evolution in Leviticus 18,” *Hebrew Bible and Ancient Israel* 6:4 (2017).
2. The only exception within the unit is v. 16, where X itself refers to two relatives: a woman and her daughter.
3. Whether the preface is original to the core list or part of an editorial expansion is hard to say.
4. These verses forbid intercourse with sisters (v. 18), menstruants (v. 19), married women (v. 20), males (v. 22), and beasts (v. 23). Verse 21 forbids offering a child to the god, Molech, which seems unconnected to the theme of this chapter.
5. S. D. Luzzatto, *Il Pentateuco, volgarizzato e commentato da Samuel Davide Luzzatto, Vol. III — Levitico* (F. Sacchetto: Padua, 1874), 137. My translation. “Sex” may not fully capture the nuance of the biblical text. גלה ערוה has an inherent directionality with an active (גלה) and a passive (ערוה) participant; the phrase “sexual penetration” better reflects this asymmetry.
6. Several manuscripts have a reconciling conjunction between the two halves of the last verse, suggesting that there are two prohibited individuals here: paternal uncle, and wife of paternal uncle (see SP, LXX, Neofiti, Pseudo-Jonathan, Vulgate, Syriac, *inter alia*).
7. The possibility that this prohibits a son from intercourse with his father was nevertheless considered in b. San. 54a. Cf. *Sifra*, Qedoshim 9:12; j. *Sanhedrin* 7:8, 24d. Maimonides lists intercourse between a male and his father, and between a male and his paternal uncle, among the Pentateuchal prohibitions. (*Sefer Hamitzvot*, negative commandments 351 and 352.) Among more recent scholars, Daube is noteworthy for preferring the simple reading of 7a at the expense of 7b: “Verse 7 forbids intercourse with father or mother.” See D. Daube, *Studies in Biblical Law* (Cambridge: Cambridge University Press, 1947), 81.
8. My translation.
9. Sarah J. Melcher, “The Holiness Code and Human Sexuality,” in *Biblical Ethics and Homosexuality* (ed. R. L. Brawley; Louisville: Westminster–John Knox Press, 1996), 87–102, here 94.
10. *Leviticus 17–22,*1537. Emphasis and parentheticals mine.
11. Luzzatto, *Il Pentateuco*, 137. My translation. This view has been adopted by some modern scholars, including Gordon J. Wenham, *The Book of Leviticus* (Grand Rapids: Eerdmans, 1979), 255.
12. Howard Eilberg-Schwartz, *The Savage in Judaism* (Bloomington: Indiana University Press, 1990), 170–171.
13. J. Roy Porter, *Leviticus*, 143.
14. Several scholars have, in fact, suggested that the elaborations in this unit are late. Separately, some have argued that “the nakedness of your father” is an interpolation, leaving only the mother in the proposed original version of v. 7. See, especially, K. Elliger “Das Gesetz Leviticus 18,” *ZAW*67 (1955): 1–24, here 1–2. See also M. Noth, *Das Dritte Buch Mose, Leviticus* (Göttingen: Vandenhoeck & Ruprecht, 1962), 116–117; J. Roy Porter, *Leviticus* (Cambridge: Cambridge University Press, 1976), 145–146.
15. Harry A. Hoffner, “Hittite Laws,” *CoS*2.19:118. “Unpermitted sexual pairing” corresponds to the Hittite term *ḫurkel.*
16. Like “begging the question,” whose colloquial sense differs significantly from the formal one, “the exception proves the rule” is often used to mean “the counterexample (counterintuitively) supports the argument,” rather than “the exception indicates the existence of an implicit rule.”
17. For example, a sign that reads “OFFICE CLOSED ON WEEKENDS” can be reasonably taken to indicate that said office is open on weekdays. I. Sassoon employs this same principle in his analysis of the Deuteronomic law of the *kadesh*. See Isaac Sassoon, “What Does Deuteronomy Say about Homosexuality?” *TheTorah.com*(2017).
18. Harry A. Hoffner, “Incest, Sodomy and Bestiality in the Ancient Near East,” in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Occasion of his Sixty-Fifth Birthday*(ed., Harry A. Hoffner, Jr.; AOAT 22; Neukirchen-Vluyn: Neukirchener Verlag, 1973), 81–90. Similarly, Olyan states: “Paragraph 189 of the Hittite Laws states that a man may not have sexual relations with his mother, daughter, or son. The context suggests that kinship is the issue in the case of the son, not his sex.” (“‘And with a Male,’” 192.)
19. Editor’s note: For discussion on the meaning of this verse, see Shawna Dolansky,[“Regarding Azazel and Homosexuals in the same Parasha,”](https://www.thetorah.com/article/regarding-azazel-and-homosexuals-in-the-same-parasha) *TheTorah.com* (2015); David Frankel, [“Male Homosexual Intercourse Is Prohibited: In One Part of the Torah,”*TheTorah.com*](https://www.thetorah.com/article/male-homosexual-intercourse-is-prohibited-in-one-part-of-the-torah) (2017).