



TACITUS
(BORN CA. A.D. 55–56)

Roman historian and ethnographer. Tacitus had a public career which ended in service as proconsul in Asia circa 112–113, but even earlier he had begun to compose the works on which his later fame rests.

The *Germania* was published in all likelihood in 98, but contains material from sources of earlier decades; it is the most extensive source that has survived from classical antiquity on the customs and beliefs of the Germanic barbarians who lived east of the Roman province of Gaul. The text that is most often quoted as evidence for the attitude of the pagan Germanic tribes toward homosexuality is in the twelfth chapter: "Penalties are proportional to the gravity of the offense; traitors and deserters they hang on a tree, the slothful and cowardly and sexually infamous (*ignavos et imbelles et corpore infames*) they drown in mud and swamps with a wicker basket placed over their heads." This passage has been interpreted as expressing an intolerance of homosexual behavior that preceded any contact with the Christianity of the Mediterranean world, but in fact the three Latin words express a single Germanic one, corresponding to Old Norse *argr*, which is a designation for the male who is in general passive, cowardly, and effeminate; the penalty named is for cowardice and lack of manliness on the battlefield, not for sexual activity per se. However, right-wing circles in twentieth-century Germany conceived on the basis of this text the notion that their pagan ancestors punished homosexuals by drowning them.

The *Histories* and the *Annals* are Tacitus' great contribution to Roman history. Composed in an exceedingly refined and concise style, they are informed by the ideology of the Senatorial aristocracy and its resentment of the power of the imperial regime that had supplanted the Roman republic. These works include occasional references to homosexual matters, such as that under Tiberius men were forbidden to wear thin silk clothing of the sort in which handsome slave boys were appareled (*Annals*, 2:33). He mentions that Nero had sexual connections with his stepbrother Britannicus—whom he poisoned shortly after coming to power—(*Annals*, 13:17), with the actor Paris, and with boys of free birth, thus using freemen for his own gratification as if they were slaves. Tacitus also describes Nero's "marriage" with a male favorite whose name is given as Pythagoras or Sporus, and says that he went in disguise to participate in lewd revels in the city of Rome, accompanied by other men who robbed and assaulted those who crossed their path (*Annals*, 13:25). Another story (*Annals*, 14:42) tells how Pedanius Secundus, the prefect of Rome, was murdered by one of his slaves, either because he had been refused the liberty that he had purchased or because he was in love with a youth and could not bear to be supplanted by his master. When all the slaves living under the same roof were to be executed as retribution, a mass meeting called to protest this excessive penalty turned into a riot. This incident, like others, shows that homosexual attachments in no way diminished the esteem which even a slave could enjoy in antiquity. Tacitus also recounts (*Annals*, 16:18) the

life and death of Nero's favorite **Petronius**, the probable author of the *Satyricon* which, even preserved as it is in a fragmentary form, still affords a panorama of the sexual life of first-century Rome. Thus while Tacitus does not describe the homosexuality of that period in as much detail as do **Suetonius** and **Martial**, his work is a valuable supplement to other contemporary portrayals of Roman eroticism.

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TALMUD

A collection of 67 treatises, the Talmud interprets and elaborates the commandments of the Torah and the narratives of the **Old Testament**; the legal portion is known as *halakhah*, the folklore is called *agadah*. There are two redactions of the Talmud, the Jerusalem Talmud and the Babylonian Talmud. Both have as their core the Mishnah, the decisions of the sages of the preceding three centuries that was edited by Rabbi Judah the Prince in 193. Written in late Hebrew, it served as the basis for subsequent teaching and interpretation that lasted from the first half of the third century to the year 499. These secondary deliberations, not in the Mishnah and assembled in the Gemara, were mainly conducted in Aramaic, the spoken language of the Jews of Palestine and Babylonia (each with its own dialect). The final process of redaction probably began before the end of the fifth century and lasted into the seventh. The *editio princeps* of the Babylonian Talmud is that of Venice: Daniel Bomberg, 1520–23, the numbering of whose folios is the basis for later citation; the standard modern edition is that of Vilnius: Romm, 1922, with the classic commentary in Rabbinic Hebrew of Solomon ben Isaac of Troyes (1040–1105) and numerous minor glosses.

The largest part of the material relative to homosexuality in the Talmud is in the treatise Sanhedrin, which deals with the capital crimes adjudicated by the Beth Din, the high court of the Jewish religious community. In Sanhedrin 53a it is stated that death by stoning is the penalty for two groups of offenses, the first of which constitute violations of the *patria potestas*—the authority of the head of the patriarchal extended family—the second the propagation or practice of idolatry or magic:

incest with mother	blasphemy
father's sexual intercourse with daughter in law	idolatry
intercourse with another male or with a beast	giving one's seed to Molech
cursing one's father or mother	necromancy or divination
adultery with a betrothed maiden	incitement to idolatry
a wayward and rebellious son	sorcery

In Sanhedrin 54a–55a the Gemara elaborates this prescription as follows: In Leviticus 20:13 "if a man also lie with mankind" means "a man" not a minor, "mankind" both adult and minor; "their blood shall be upon them" is by analogy with Leviticus 20:27 (the penalty for one who "hath a familiar spirit" or "is a wizard" is interpreted to ordain death by stoning). Leviticus 18:22 is taken to apply to the active partner, Deuteronomy 23:18 to the passive, proving that the *kadesh* mentioned in the latter verse was the sacred prostitute who served the male worshipper in the Ishtar–Tammuz cult; but Rabbi Akiba derived both prohibitions from the former by reading the consonantal text as both *tishkabh*, "thou shalt lie" and *tishshakebh*, "thou shalt be lain with." Legal responsibility commenced at the age of nine years and a day, which was also the lower limit for the emancipation of the child from the *patria potestas* in sexual matters in later Islamic law.