

New Positions in Tradition: American Jewish Responses to Queer Jews

Master's Thesis

Presented to

The Faculty of the Graduate School of Arts and Sciences
Brandeis University
Department of Near Eastern and Judaic Studies
Ellen Kellman, Advisor
Marc Zvi Brettler, Advisor

In Partial Fulfillment
of the Requirements for

Master's Degree
by
Blossom Ruth Cohon

May 2012

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Acknowledgments

I would like to thank my advisors, Ellen Kellman and Marc Zvi Brettler, for the wisdom and guidance they provided throughout this process.

I would like to thank my father for reading drafts at every stage and for all his help editing.

I would like to thank my friends for all the reassurance, encouragement, and hugs along the way.

Finally, this is for my mother, who told me she would pick me back up if I fell.

ABSTRACT

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A thesis presented to the department of Near Eastern and Judaic Studies

Graduate School of Arts and Sciences
Brandeis University
Waltham, Massachusetts

By Blossom Ruth Cohon

This thesis examines the American Jewish response to queer Jews. All three of America's major movements, Reform, Conservative, and Orthodox, have approached the issue differently and drastically varying responses have been reached. I begin with a discussion of modern critical biblical scholarship and the notion that the Bible does not reflect a single, unified story. I then return to the prohibitions found in Leviticus and review different readings and interpretations of these texts. I demonstrate the wide array of meanings a seemingly simple passage can hold.

Next I transition to brief histories of each movement's dealings with the question of queer Jews. I discuss the role of halakha in each movement, as well as other traditional Jewish values that inform the decision making process that arises with issues of modernity. I then illustrate the experiences of queer Jews within the respective communities with a selection of personal accounts. I conclude that each movement places a different degree of importance on halakha and combines other traditional Jewish

values in such a way that allows for substantially different conclusions on the same issue. Increased weight given to halakha makes changes that come with modernity happen at a slower rate. In spite of the diverse decisions reached about queer members of the community, all three movements claim to have reached their decision by upholding Jewish values.

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INTRODUCTION

This paper explores different pieces of the interpretive puzzle that surround the American Jewish response to queer Jews. I use the term “queer” to include any Jew who considers him/herself to be outside the category of heterosexual. I seek explanations for the variety of approaches between the Reform, Conservative, and Orthodox movements when dealing with the issue of queer Jews. Each movement considers itself to be upholding values of traditional Judaism, yet reaches drastically different conclusions about the status of queer members in the community.

The paper begins with a description of modern critical biblical scholarship. I describe the position that informs modern scholars, which places high importance on the continuous discovery of new information that improves our understanding of the ancient world. Detaching the Bible from a representation of the infallible word of God, I uphold the position that the Bible is an anthology written by different people at different times, and represents a variety of social contexts and values.

Next, I examine the homosexuality prohibitions in Leviticus. I discuss authorship and possible meanings of the verses in their original context. Societal issues much different from the ones currently important to us may be able to explain the prohibitions in this text. I examine justifications against homosexuality - such as procreation, the mixing of categories that are meant to be separate, and the argument of nature – and

discuss the weaknesses in each. In addition, I highlight aspects of our modern understandings of homosexuality, to which the verse could not have been speaking. I look at terms in the prohibitions that do not lend themselves easily to translation, and therefore hold a wealth of ambiguity when it comes to modern understanding and application.

Informed by the above scholarly background, I move on to brief summaries of each movement's modern dealings with homosexuality, including their respective current positions. I then come to the question of determining which aspects of Judaism each movement emphasizes to arrive at its stance on queer Jews. I discuss the role of halakha in each movement, as well as the other Jewish values upon which the community places great weight in informing its position on modern issues. In order to give voice to each group about which I am writing, I include a sampling of personal experiences of queer Jews from a variety of communities.

I conclude with the notion that each movement finds backing in traditional Jewish values for the position it takes towards queer Jews. While some Jews put social equality ahead of adherence to halakha, others value this strict devotion to law to a degree that equates social change with a threat to the very foundation of the religion. Whether influenced primarily by a need to reconcile modernity with tradition, a need to make religion fit the community, or a need to obey halakha, each movement places emphasis on different aspects of Jewish tradition that it deems most important. In this way, the Reform, Conservative, and Orthodox movements reach different understandings regarding queer Jews, and justify these understandings with Jewish values.

CHAPTER ONE: MODERN CRITICAL BIBLICAL SCHOLARSHIP

During the 16th and 17th centuries, inspired by the rise of rationalism, the commonly held belief that the Torah was written by Moses and represented a unified whole was called into question.¹ Scholars today believe that four main sources were compiled together to form the Torah.² Two of these sources, J (Yahwist) and E (Elohist), are named after the ways they refer to God in the book of Genesis.³ The letter D stands for Deuteronomist and P for Priestly material.⁴

In this paper, I take the position common in current academia that views the Bible as an anthology. It is a collection of works by different authors from different times. Furthermore, with the concomitant variety of traditions, accounts, and opinions, the Bible is at times self-contradictory.⁵ The acknowledgement of this need not detract from the weight of the text, nor the value of the traditions.

¹*The Torah: A Modern Commentary*, ed W. Gunther Plaut (New York: Union of American Hebrew Congregations, 1981) xxi.

²Ibid, xxii.

³Ibid.

⁴Ibid.

⁵Marc Zvi Brettler, "Biblical Authority: A Jewish Pluralistic View," in *Engaging Biblical Authority: Perspectives on the Bible as Scripture*, ed. William P. Brown (Louisville: Westminster John Knox Press, 2007) 4.

The distinctions between the aforementioned sources can often be seen by their contradictions to one another.⁶ The Torah does not agree with itself on numerous issues; these include whether or not it is permissible to own slaves, and whether the sacredness of the Israelites is intrinsic and consecrated by God (D), or something that must be strived for (P).⁷ The foundations of the traditions represented by the different sources are inconsistent and do not represent unity in authorship, community or time period.⁸

Because the text is not always transparent and accessible, interpretation of the Bible has been an established practice in Judaism since biblical times.⁹ Wholly contradictory conclusions were not uncommon even among respected scholars from the first century.¹⁰ Far from attempting to reconcile the interpretations or disavow one in favor of the other, the rabbis declared both conclusions to be the word of God.¹¹ For those who take the Bible as the word of God, interpretation is a necessary part of reconciling contradictions. Engaging with the text is an integral aspect of Judaism and has never demanded a unanimous consensus. As Marc Zvi Brettler, professor of religion at Brandeis University, states, “There never has been, and likely will never be, *the* authoritative Jewish biblical interpretation.”¹²

⁶*The Torah: A Modern Commentary*, op. cit., xxii.

⁷Brettler, op. cit., 6.

⁸*The Torah: A Modern Commentary*, op. cit., xxii-xxiii.

⁹James L. Kugel, *Traditions of the Bible* (Cambridge: Harvard University Press, 1998) 2.

¹⁰Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 78.

¹¹*The Talmud Bavli*, Eruvin 13b.

¹²Marc Zvi Brettler, “Biblical Authority: A Jewish Pluralistic View,” in *Engaging Biblical Authority: Perspectives on the Bible as Scripture*, ed. William P. Brown (Louisville: Westminster John Know Press, 2007) 4.

Many Orthodox Jews, however, believe that the Bible was formed with a single viewpoint in mind. And when dogmatic positions are being advanced, one often hears the Bible cited as the ultimate authority. But when a controversy arises, it is important to remember the multi-dimensional ambiguity biblical texts presented from the time of their creation. Bible scholar and professor, James Kugel, explains that obscurities of word meaning, punctuation, sentence structure, and the simple passage of time, provided early interpreters with the necessary tools for vast interpretational bias. Indeed, with a different reading of a single word, interpreters could produce a conclusion of a passage that seemed to be wholly contradictory to the evident meaning.¹³

For those attempting to reconcile traditional Jewish beliefs with leading a queer lifestyle, it becomes necessary to question aspects of Judaism that others take at face value, and to challenge the authority many see as inherent in the Bible. From the perspective of the new knowledge offered to us by modern biblical scholarship, many questions arise regarding the notion of “biblical authority.” For instance, when a law is mentioned in only one source (J, E, D, P), and absent in all the others, what is the appropriate treatment? This situation begs the question, “Can the silence of two sources be more authoritative than the prohibition of one?”¹⁴

For those who take the Bible to be a unified whole, whose doctrines work in harmony with one another (the position of the rabbinic interpreters), reconciliation must take place in order to resolve incongruities found in the text.¹⁵ For others, however, the belief remains that the separate sources are reflective of different periods, authors and

¹³James L. Kugel, *Traditions of the Bible* (Cambridge: Harvard University Press, 1998) 4.

¹⁴Brettler, *op. cit.*, 5.

¹⁵Kugel, *op. cit.*, 17.

goals, and that instead of attempting to make the scripture support a single tradition, there is a wealth of insight to be gained by examining the points of opposition.

There are instances in the Bible of utter contradiction. Brettler cites one passage saying that slaves who love their master may remain slaves forever, and another that claims slaves of this sort must be released at the jubilee year.¹⁶ Early commentary reconciled this by simply deciding that the release of these slaves was the proper choice.¹⁷ In this way, these early rabbis selected for themselves which passage they felt was more authoritative. Brettler suggests that perhaps the number of sources that raise an issue is reflective of its importance. Alternately, importance could be measured by the number of times the issue is raised. In conclusion on this topic, he states, “The decision of what texts are ‘more authoritative’ than others, and which may be deselected, or revalued or reinterpreted to mean something fundamentally different, is a complex phenomenon that has no obvious guideline.”¹⁸ The realization that not only are contradictions and inconsistencies commonplace in the Bible, but also that the interpretations vary as greatly as the inconsistencies themselves, profoundly affects one’s reading of biblical text.

Following the practice of the historical critical method of Bible interpretation, a distinction needs to be made between what a text meant in earlier periods and what it means now. For instance, the word “homosexual” was coined in the 19th century, so we can rest assured that people were not being referred to as “homosexual” in biblical times. But more than terminology, this time period was not one in which people recognized

¹⁶Brettler, op. cit., 6.

¹⁷Ibid.

¹⁸Ibid.

same-sex preference as a specific identity or lifestyle.¹⁹ A lot has changed since biblical times and it does a disservice to both the text, and to the current society to which it is being applied, if we do not consider these differences. In current American society, homosexuality is an increasingly accepted lifestyle. It is considered neither a disease for which to seek treatment, nor a flaw. This increased social standing for the queer community is an issue that most Orthodox rabbis take as an example of social decline because, as they see it, the law does not change.²⁰

HOMOSEXUALITY PROHIBITIONS IN THE BIBLE:

LEVITICUS 18:22 AND 20:13

Any discussion of homosexuality in Judaism leads back to Leviticus. It is accepted among scholars that this entire book falls under P, the Priestly source.²¹ However, there are legal collections associated with the narrative sources (J, E, P, and D), one of which is found in Leviticus chapters 17-26, referred to as the Holiness Collection.²² The Holiness Collection portrays the Priestly theology, though it was not

¹⁹Martti Nissinen, *Homoeroticism in the Biblical World* (Minneapolis: Fortress Press, 1998) 36.

²⁰ Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 3.

²¹Gwen B. Saylor, "Beyond the Biblical Impasse: Homosexuality Through the Lens of Theological Anthropology," *Dialog: A Journal of Theology* 44 (2005) 82.

²²*The Jewish Study Bible*, eds Adele Berlin and Marc Zvi Brettler (New York: Oxford University Press, 2004) 5.

written by P.²³ Supplemental to the body of legal codes, Leviticus includes narratives that function as theological justification for the legal commandments set forth in this book.²⁴ The body of laws set out in Leviticus 17-26, the Holiness Collection, makes up one of three major collections, along with Deuteronomy and the Covenant Collection (found in Exodus).²⁵

The Holiness Collection is from the fifth century B.C.E., during the post-exilic period of the early Jewish community.²⁶ Written at a time when they were surrounded by other peoples with their own traditions and practices, the Holiness Collection reflects the attempt by the Jewish people to distinguish themselves from their neighbors by creating a framework of acceptable actions that would uphold the purity of the people.²⁷ In contrast to the former Israelite people, who were connected to a specific geographic location and kinship-based societal structure, the Israelite community reflected in the Holiness Collection is one that redefines its boundaries based largely on conduct. Emphasis on what not to do was used as a way to distinguish Jewish values from the mores of other surrounding tribes.²⁸

²³Jacob Milgrom, "Systemic Differences in the Priestly Corpus: A Response to Jonathan Klawans," *Revue Biblique* 112.3 (2005) 324.

²⁴*The Jewish Study Bible*, op. cit., 204-205.

²⁵Marc Zvi Brettler, "Biblical Authority: A Jewish Pluralistic View," in *Engaging Biblical Authority: Perspectives on the Bible as Scripture*, ed. William P. Brown (Louisville: Westminster John Knox Press, 2007) 5.

²⁶Martti Nissinen, *Homoeroticism in the Biblical World* (Minneapolis: Fortress Press, 1998) 38.

²⁷ *Ibid.*

²⁸Phyllis A. Bird, "The Bible in Christian Ethical Deliberation concerning Homosexuality: Old Testament Contributions," in *Homosexuality, Science, and the "Plain Sense" of Scripture*, ed. David L. Balch (Grand Rapids: William B. Eerdmans Publishing Company, 2000) 156.

In her work on the topic, Bible scholar Phyllis Bird asserts that chapter 18 of Leviticus urges the Israelites to follow the decrees of God and not to comply with the practices of the Canaanites, whom God had removed from the land because of their defiling actions.²⁹ She goes on to say that in this structure, divine law is presented as the origin for the established legal regulations, granting a stronger authority to the demand to be holy by distinguished actions. Central to chapter 18 is a list of prohibited sexual practices that both defile the people and threaten the boundary separating the Israelites from surrounding groups.³⁰

In line with the thinking of other scholars, Bird agrees that Leviticus chapter 20, though informed by chapter 18, is most likely a composition written later. She bases this claim on the organization of sexual prohibitions, altered from chapter 18, and the terminology that refers to idolatry and harlotry, as opposed to the emphasis on defilement. Instead of the focus on prohibited sexual actions between members of the same extended family, chapter 20 speaks to prohibited actions for the community at large and the immediate family.³¹ Bird proposes that the variance in the two lists is reflective of the changing socio-political climate that came with an increasingly cosmopolitan atmosphere, in addition to being under foreign rule. Prior to the composition of the Holiness Collection, male homosexual sex acts do not emerge as a perceived threat to the community.³²

CHALLENGES TO STRICT INTERPRETATIONS OF LEVITICUS PROHIBITIONS

²⁹Ibid, 149-150.

³⁰Ibid, 154.

³¹Ibid, 153.

³²Ibid, 156.

There are only two verses in the Bible that speak to homosexual sex acts. Both are addressed only to men, and both are found in the Holiness Collection. No other source makes any mention of the subject. The Jewish Study Bible translates the first of these verses as, “Do not lie with a male as one lies with a woman; it is an abhorrence.”³³ The second reads, “If a man lies with a male as one lies with a woman, the two of them have done an abhorrent thing; they shall be put to death - their bloodguilt is upon them.”³⁴ It is not possible to read these prohibitions in such a way that encourages male homosexual penetrative intercourse, but accurate historical and societal contextualization can help determine exactly what action was being proscribed, and under what circumstances.

The book of Leviticus follows the completion of the Tabernacle described in Exodus. This was a great achievement of a human-divine relationship, as the Tabernacle was said to be filled with the presence of the Lord.³⁵ Having accomplished this feat, the Israelites’ next task was to maintain this relationship. God does not allow impurity or sin, and the land spews out people who stray from following divine law, as exemplified by the Canaanites.³⁶ God created the Jewish community in order to sanctify Him through

³³*The Jewish Study Bible*, eds Adele Berlin and Marc Zvi Brettler (New York: Oxford University Press, 2004) ix.

³⁴*Ibid.*

³⁵Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 77.

³⁶*Ibid.*

worship and the adherence to His laws.³⁷ Leviticus provides the instructions for preserving purity and morality, thus maintaining the community's close tie to God.³⁸

The line in verse 28 in the first chapter of Genesis, "Be fertile and increase, fill the earth and master it," is one of the most commonly used justifications against homosexuality.³⁹ Bible scholar and Conservative Rabbi Jacob Milgrom contends that the biblical prohibitions against homosexual sex are based on the need for procreation and the discouragement of wasting seed.⁴⁰ Humans are situated below the realm of the divine but above earth's other creatures, and God-bestowed procreation serves as the boundary.⁴¹ God created the world to be populated, and procreative sex is the method.⁴² Procreation is central to Jewish values and tradition, and homosexual sex does not result in offspring.

Many Orthodox Jews stand by the argument that procreation is the primary function of intercourse.⁴³ For some in the Orthodox tradition, this, along with pleasing one's wife, constitute the sole reasons for sexual intercourse.⁴⁴ When referring to the decision to have children, Orthodox Rabbi Dr. Jonathan Sacks states, "The ideals of heterosexuality are written into the entire fabric of the biblical vision... traditional sexual

³⁷*The Jewish Study Bible*, eds Adele Berlin and Marc Zvi Brettler (New York: Oxford University Press, 2004) 206.

³⁸Greenberg, *op. cit.*, 77.

³⁹*Ibid*, 147.

⁴⁰Jacob Milgrom, "How Not to Read the Bible," *Bible Review* 10.2 (1994) 48.

⁴¹Jeremy Cohen, "*Be Fertile and Increase, Fill the Earth and Master It*": *The Ancient and Medieval Career of a Biblical Text* (Ithaca: Cornell University Press, 1989) 85.

⁴²*Ibid*, 84.

⁴³Chaim Rapoport, *Judaism and Homosexuality: An Authentic Orthodox View* (London: Vallentine Mitchell, 2004) 9.

⁴⁴Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 153.

ethics become the only persuasive way of life for those who want to engage in the ethical undertaking.”⁴⁵ Far beyond discouraging sexual relationships that can never result in offspring, Sacks’s view denigrates homosexual sex to the position of unethical, un-traditional, and un-Jewish.

The logic of the procreation argument is fallible. After all, it is permissible for a husband to have sex with his pregnant wife, rendering it impossible for the act to be procreative.⁴⁶ Additionally, sex with nursing mothers and menopausal women is also permitted.⁴⁷ To complicate things further, sodomy, within the bounds of marriage, was permitted by early rabbinic law (though this position has since been challenged).⁴⁸ Rabbi Steven Greenberg, the first openly gay Orthodox rabbi, challenges this justification by asking why legislation is needed to ensure that men are not tempted to have sex with other men and make sure they marry women and procreate.⁴⁹ Basing the challenge on the assumption that heterosexual sex is the natural order of humans and the typical life progression for the majority of Jews, he questions whether the act of homosexual male sex is so much a threat to the continuation of the people that this legislation is necessary for its very survival.⁵⁰

⁴⁵Rapoport, op. cit.

⁴⁶Robert A.J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001) 134.

⁴⁷Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 150.

⁴⁸Ibid,154.

⁴⁹Ibid, 151.

⁵⁰Ibid.

Also present is the argument that homosexual sex mixes two things that ought not be mixed. Textually, this argument is founded upon the emphasis that a man is not supposed to lie with another man “as one lies with a woman.”⁵¹ The fact that the restrictions in Leviticus are placed in opposition to holiness implies that there is something inherently un-holy about male homosexual sex.⁵² Mary Douglas, an anthropologist and scholar on the topic of symbolic boundary maintenance, proposes: “Holiness requires that individuals shall conform to the class to which they belong. And holiness requires that different classes of things shall not be confused.”⁵³ In other words, men are meant to have sex with women, so for two men to engage in this behavior with each other relegates one to the status of a woman.⁵⁴

Following this logic, we gain insight into the biblical society to which this verse was directed. The Bible makes no reference to a recognized category of men who would not lie with other men as if they were women, but would lie with men as men in fulfillment of sexual desire. We must keep this in mind when applying biblical text to our current-day lives. It is important to figure out what the context and function of the verse was then, and if, in order to do it justice, we might consider any societal changes that have since occurred that would make application of the verse different today. As

⁵¹Robert A.J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001) 136.

⁵²Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York: Frederick A. Praeger, Inc., Publishers, 1966) 49.

⁵³*Ibid*, 53.

⁵⁴Robert A.J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001) 140.

Douglas asserts, in order to understand a particular act that is considered defiling, we must contextualize it within the systematic structures in which it took place.⁵⁵

The Bible holds other examples of things that should not be mixed. Leviticus 19:19 reads, “You shall not let your cattle mate with a different kind; you shall not sow your field with two kinds of seed; you shall not put on cloth from a mixture of two kinds of material.”⁵⁶ Keeping things separate was of supreme importance, as also exemplified in the dietary laws. Family members were not to have sex with other members of their immediate family, and humans were not to have sex with animals.

The most compelling aspect of mixing is the relation it has to “gender bending.” God created man and woman with their complementary sexual parts and left humans in charge of procreation. In this framework, the existence of a strict gender binary is God’s intention, and the argument for “natural” order is supported by our anatomy. For a man to have sex with another man, according to this logic, insults the very intention of God and goes against the nature of one’s own body.⁵⁷

There are other reasons present within the Orthodox community for why homosexual male sex is prohibited in the Bible. Some believe homosexuality to be against nature. This argument holds if one believes that genitalia suggests vaginal intercourse to be the “natural” way, intended by God when he created human anatomy.⁵⁸ Orthodox Rabbi Moshe Feinstein states that not just the act itself, but the very desire that would cause someone to stray from heterosexuality and seek a homosexual relationship,

⁵⁵Douglas, op. cit., 41.

⁵⁶ *The Jewish Study Bible*, eds Adele Berlin and Marc Zvi Brettler (New York: Oxford University Press, 2004) 254.

⁵⁷Douglas, op. cit., 53.

⁵⁸Chaim Rapoport, *Judaism and Homosexuality: An Authentic Orthodox View* (London: Vallentine Mitchell, 2004) 12.

is unnatural.⁵⁹ What is more, he declares homosexuality to be “an affront to humanity” and an act that is “considered repugnant by the entire world who consider practicing homosexuals to be despicable and uncivilised.”⁶⁰

In opposition to the argument of “nature,” Jewish scholar and activist Jay Michaelson asserts that homosexuality is in fact natural. In every human culture around the globe, and in hundreds of species of animals, we find cases of homosexuality.⁶¹ Therefore, Michaelson claims homosexuality and sexual diversity to be part of the plan, rather than a deviation from divine will. He attributes God’s pairing of Adam and Eve to the divine solution for human loneliness, a condition declared in Genesis 2:18 to be “not good,” rather than serving as the example of the only permitted sex act.

TO’EVAH

Much of the discussion about Leviticus verses 18:22 and 20:13 hinges on the meaning of the Hebrew word *to’evah*. It is usually translated as either abhorrence or abomination, and both terms connote the intensity of arguments regarding the prohibited act. However, this word is not a clear term that lends itself easily to precise translation from the Hebrew.⁶² Bar Kapparah, a second-century Talmudic commentator, offers a fairly lenient explanation of *to’evah*: “you go astray because of it.”⁶³ This expounding allows for one to conclude that homosexual acts do indeed have negative consequences, but that they are not inherently evil. In addition, this begs the question, “From what is

⁵⁹Ibid, 10.

⁶⁰Ibid, 11.

⁶¹Jay Michaelson, *God vs. Gay?: The Religious Case for Equality* (Boston: Beacon Press, 2011) 5.

⁶²*Encyclopedia Judaica*, eds Fred Skolnik, Michael Berenbaum, (Detroit: Thomson Gale, 2009), s.v. “Abomination.”

⁶³*The Talmud Bavli*, Nedarim 51b.

one going astray?” The term suggests a deviation from the accepted social order, resulting in defilement or impurity.⁶⁴ The Theological Dictionary of the Old Testament proposes that the term “abomination” is a term used to represent the concept of an ethical or cultic taboo.⁶⁵ In addition to “an abhorrence” and “an abomination,” a *to’evah* has also been explained with increasing severity as, “something detestable, loathsome, utterly repugnant, disgusting.”⁶⁶ Such a translation indicates the sheer disdain and intolerability of violating an ordinance set out by God for the preservation and sanctity of His people. The term is sometimes boiled down to “something that God hates.”⁶⁷ Some queer Jews who seek acceptance in the Orthodox community have engaged with these verses in search of a more lenient interpretation.

Steven Greenberg grapples with the issue of being both Orthodox and gay. He writes that the interpretations of *to’evah* range in severity, but the essential meaning upheld in any translation is, “something that offends the accepted order, ritual or moral.”⁶⁸ Further, he points out that when the act at hand is not only spiteful but spiteful to God, the meaning of *to’evah* is much more formidable.⁶⁹ To glean further insight about the term, contextualization and other instances of its use can be elucidating.

⁶⁴Phyllis A. Bird, “The Bible in Christian Ethical Deliberation concerning Homosexuality: Old Testament Contributions,” in *Homosexuality, Science, and the “Plain Sense” of Scripture*, ed. David L. Balch (Grand Rapids: William B. Eerdmans Publishing Company, 2000) 152.

⁶⁵*Theological Dictionary of the Old Testament*, eds Johannes G. Botterweck, et al. (Grand Rapids: William B. Eerdmans Publishing Company, 2006), s.v. “To’eba.”

⁶⁶Robert A.J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001) 113.

⁶⁷Ibid, 120.

⁶⁸Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 82.

⁶⁹Ibid,

For greater contextual understanding, we may consider some of the other actions that are said to be *to'evot*. Disrespecting mother and father, profaning the sabbath, marriage to someone who worships a different god, murder, repeated lying, sacrificing a defective animal and thus cheating God, causing discord in one's family, and failing to provide help to, and/or oppressing subordinate groups such as widows and orphans, are all described as *to'evot*.⁷⁰ A *to'evah* seems to incorporate both something that goes against a boundary for purity set up by God, and an element of social construction, as an action whose deviance is easily recognizable to contemporaries in the community.⁷¹ These cases provide examples of the usage of *to'evah* by different authors throughout the Bible. To glean greater insight, we must examine the usage of the term specifically in the context of the Holiness Code.

According to the Theological Dictionary of the Old Testament, the uses of *to'evah* found in the Holiness Code add little additional insight to the specific meaning of the term.⁷² However, the fact that we do not see the term used anywhere in P, despite the location of the Holiness Code directly within P's writings, is surprising.⁷³ While the meaning of *to'evah* retains the notion of sinning by straying from societal boundaries, the specific use of it by H in this legal collection most likely served to justify the penalty of the given offense.⁷⁴ The offenses described by H to be *to'evot* are exclusively sexual.⁷⁵

⁷⁰Robert A.J. Gagnon, *The Bible and Homosexual Practice: Texts and Hermeneutics* (Nashville: Abingdon Press, 2001) 119.

⁷¹Ibid,120.

⁷²*Theological Dictionary of the Old Testament*, eds Johannes G. Botterweck, et al. (Grand Rapids: William B. Eerdmans Publishing Company, 2006), s.v. "To'eba."

⁷³Ibid.

⁷⁴Ibid.

⁷⁵Jacob Milgrom, *Leviticus 17-22* (New York: Doubleday, 2000) 1569.

Milgrom suggests that the sudden usage of the term *to'evah* in H to describe prohibited sex acts is indeed surprising in the context of P. He argues that H disregards the system of terminology set out in P, exemplifying the later school's different agenda.⁷⁶ As stated above, H was written at a time of increasing cosmopolitanism and interaction with foreign peoples. According to Milgrom, the fear in P is that impurity will pollute the sanctuary, whereas the fear in H is that impurity will spread to the entire land. In P there are measures to counteract the impurity of the sanctuary, but in H, the land stores up the impurity of its inhabitants until eventually purging them from the area.⁷⁷ To the author of H, Milgrom concludes, sexual sins are taken to decrease holiness, thus harming the overall sanctity of the people as a whole. By effectively expanding the realm of holiness to incorporate the Israelites and the land, H assigns harsh punishments to prohibited sexual actions in order to discourage the defilement of the people through boundary blurring.⁷⁸

This kind of historical analysis helps us reconstruct the possible reasons for the prohibitions in the first place. With a thorough understanding afforded us by modern critical biblical scholarship, we can hypothesize about the original intent of the authors and evaluate early rabbinic application from an informed position. Using this method, we can more accurately apply the motivating values of the prohibition to our current societal structure. However, this process meets a dilemma in the Orthodox movement, where the original rabbinic interpretations of the verse carry normative weight in the understanding of Jewish law. When those original interpretations are considered halakhic

⁷⁶Jacob Milgrom, "Systemic Differences in the Priestly Corpus: A Response to Jonathan Klawans," *Revue Biblique* 112.3 (2005) 324.

⁷⁷Milgrom, *op. cit.*, 1567.

⁷⁸Milgrom, *op. cit.*, 325.

and unchanging, a return to the verses themselves for re-interpretation becomes much less possible.

MISHKEVE ISHAH

Another piece of the interpretive puzzle these verses provide is the phrase *mishkeve ishah*, which literally translates to, “the lyings of a woman.” In typical translation it takes on a meaning along the lines of “as one does with a woman” or “as though lying with a woman.” Deciding to whom the prohibition in Leviticus 18:22 is directed is an issue which divides scholars. In his article on the prohibitions in Leviticus 18:22 and 20:13, Saul M. Olyan, a professor of Judaic studies, asserts that the prohibition in Leviticus 18:22 is directed exclusively to the penetrative man.⁷⁹ While he does not argue the obvious guilt assigned to both parties in chapter 20, he sees this sudden inclusion to be evidence of a later addition meant to widen the applicability of the law, and therefore claims that in the earlier formulation of the law, only the penetrative party was culpable.⁸⁰

In his review of Olyan’s article, Jerome T. Walsh asserts that *mishkeve ishah* targets the male in the submissive position.⁸¹ He argues that the one who is experiencing the “lyings of a woman” is the one allowing himself to be penetrated by a man, the way a female does during intercourse. Walsh contends that by directing the prohibition to both the receiver, in Leviticus 18:22, and the penetrator, in Leviticus 20:13, the Israelites make a further attempt to differentiate themselves from outside cultures. In many cultures,

⁷⁹Saul M. Olyan, “‘And with a Male You Shall Not Lie the Lying down of a Woman’: On the Meaning and Significance of Leviticus 18:22 and 20:13,” *Journal of the History of Sexuality* 5.2 (1994) 186.

⁸⁰Ibid, 187.

⁸¹Jerome T. Walsh, “Leviticus 18:22 and 20:13: Who Is Doing What To Whom?,” *Journal of Biblical Literature* 120.2 (2001) 205.

male homosexual sexual relations were condoned. In Rome for example, it was considered humiliating for a free man to take on the submissive sexual role, but acceptable to be the penetrator.⁸² By targeting both parties in Leviticus 20:13, the Israelite community strives to establish a code of sexual morals that will both reflect and perpetuate the sanctity of the community.

In his assessment of the term, Jacob Milgrom adds that the plural form of the word, *mishkeve*, as seen only in Leviticus and Genesis, is used exclusively in the context of sexual acts that are considered illicit.⁸³ He explains that the contrast is the singular, *mishkav*, used to refer to licit forms of sex. Following this argument, Milgrom proposes that, as with male-female sexual relations, there are some male-male sexual relations that are prohibited. However, the relations that fall outside the parallel prohibitions for male-female relations would not be prohibited for same-sex relations either. Prohibited sexual relations for two men would thus include sex with one's father, son, brother, nephew, uncle, and grandfather, in keeping with the laws for heterosexual relations.

In his book on homosexuality in Orthodox Judaism, Rabbi Chaim Rapoport explains that due to the early commentaries found in the Mishnah and Talmud, the Orthodox view condemns both men involved in penetrative sex, and extends the biblical prohibition to forbid fantasizing, masturbation, and interacting with materials that might lead to arousal.⁸⁴ This rabbinic interpretation of the law was also applied to female

⁸²Ibid, 203.

⁸³Jacob Milgrom, *Leviticus 17-22* (New York: Doubleday, 2000) 1569.

⁸⁴Chaim Rapoport, *Judaism and Homosexuality: An Authentic Orthodox View* (London: Vallentine Mitchell, 2004) 3.

homosexual activity, though there is disagreement about whether this is justified on biblical grounds, or merely a rabbinic expansion.⁸⁵

In contrast, Greenberg concludes that Leviticus 18:22 speaks against only one specific sex act, a man penetrating another man. The statement is directed to the active sexual partner and a man is quite simply prohibited from performing an act usually done to a woman, to another man.⁸⁶ Greenberg draws the conclusion that on the basis of this particular verse, no other sexual acts are being proscribed. In fact, he goes a step further and suggests that what is prohibited with the use of the term *mishkeve ishah* is actually a sex act that is being used for the purpose of violence or humiliation. He bases this argument on the other use of *mishkeve* found in the Bible, a scene in which Reuven rapes his father's concubine in an act of anger and desire to demonstrate power over his father.⁸⁷ Recognizing that this interpretation is radically different from the traditional one, Greenberg offers his translation of Leviticus 18:22: "And a male you shall not sexually penetrate to humiliate, it is abhorrent."⁸⁸

Jewish scholar and Rabbi Zev-Hayyim Feyer offers a modern interpretation of *to'evah*.⁸⁹ His understanding of the meaning of *to'evah* is contextually based on its usage in other instances in the Bible. He explains that the term is not used to express something that is universally forbidden, but is outside the acceptable practices for a specific group of people. Feyer reminds us that *to'evot* are not exclusively for the Israelites; each group has proscribed actions that are subversive to the barrier that separates their people from

⁸⁵Ibid.

⁸⁶Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 81.

⁸⁷Genesis 49:4.

⁸⁸Ibid. Op Cit. 206.

⁸⁹Zev-Hayyim Feyer, *It Is To'evah*, Parshat Aharei Mot (2003) 2.

others. We see that there are several instances of *to'evah* for the Egyptians that function to keep them separate from the Israelites.⁹⁰ Feyer suggests the translation: “An act which wholly violates one’s own personal integrity.”⁹¹

After constructing the above definition, Feyer suggests a modern application. He builds on his definition by searching for the group in today’s society for whom it would violate their personal integrity to lie with a man as if he were a woman. He argues that a homosexual man would not lie with a man as if he were a woman because he has no desire to lie with a woman to begin with.⁹² Therefore, when applied in a modern context in which we recognize homosexuality as a legitimate identity category, this verse cannot be directed towards homosexual men. Feyer then suggests a slightly different phrasing: “When you want a woman, do not lie with a man as a substitute, for that violates your personal integrity.”⁹³ He suggests the possibility that this verse is directed to heterosexual men who may find themselves in an all-male environment, such as that of certain military situations or prison. For a heterosexual man who has no desire for other men, acting out a lustful frustration and using a man to substitute for a woman is contrary to his personal integrity and should be avoided.⁹⁴

THE ABSENCE OF PROSCRIPTIONS OF FEMALE HOMOSEXUAL PRACTICES IN THE BIBLE

If one looks to these chapters of Leviticus for proscriptions of female homosexual practices, the silence speaks volumes. In fact, there is no explicit mention of sex between

⁹⁰Genesis 46:34, 43:32.

⁹¹Zev-Hayyim Feyer, *op. cit.*, 1.

⁹²*Ibid*, 2.

⁹³*Ibid*.

⁹⁴*Ibid*.

women anywhere in the Bible. It does not seem to be the case that the sexual practices of women did not matter to the men who authored these laws and to whom they were addressed. Women are mentioned numerous times in the verses surrounding Leviticus 18:22 and 20:13. There are sexual prohibitions concerning daughters, sisters, mothers, aunts, and even the neighbor's wife. However, all these prohibitions speak to men about what not to do with these women.

While this section of law is addressed entirely to men, that cannot be the reason female homosexual acts are not prohibited. In 18:23, we see a warning against bestiality extended to both sexes which states: "Do not have carnal relations with any beast and defile yourself thereby; and let no woman lend herself to a beast to mate with it; it is a perversion." In the same manner as with male homosexual contact, first a prohibition in chapter 18 and then the pronouncement that the offense is punishable by death in chapter 20, we read the following in verse 16: "If a woman approaches any beast to mate with it, you shall kill the woman and the beast; they shall be put to death-their bloodguilt is upon them."⁹⁵ Thus, if there were sexual practices for females that the author wanted to declare as punishable, he would have alerted the men at this point. Greenberg suggests that the absence of such prohibitions is attributable to the fact that the only sex acts under judicial survey in the Bible are those involving penile penetration.⁹⁶

⁹⁵Leviticus 20:16.

⁹⁶Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 86.

CHAPTER TWO: RESPONSES OF AMERICAN JUDAISM

Each of Judaism's three major movements has addressed the question of the status of queer Jews in the community differently. In this section I will discuss the modern emergence of the issue and the current state of each movement's response.

THE REFORM MOVEMENT

The Reform movement was the first to accept openly queer Jews into its community. After the dawn of the sexual revolution in the 1960's, sexuality, particularly homosexuality, began to be discussed openly. From this early time, many rabbis in the Reform movement joined the cause without hesitation, in keeping with their already liberal stance, and adopted queer rights as simply another social issue.⁹⁷ However, until the early 1970's, the assumption remained that a homosexual applicant would not be accepted to the Hebrew Union College Jewish Institute of Religion (HUC-JIR).⁹⁸ It was not until 1990 that the president of the HUC-JIR issued a merit-based admission policy that supposedly disregarded sexual orientation.⁹⁹

Great change began in 1972 with the foundation of the Metropolitan Community Temple. Inspired by the Metropolitan Community Church, a Christian organization with similar motives, the MCT formed as a way for queer Jews in Los Angeles to be part of a

⁹⁷Dana Evan Kaplan, *American Reform Judaism: An Introduction* (New Brunswick: Rutgers University Press, 2003) 217.

⁹⁸*Ibid*, 219-220.

⁹⁹*Ibid*, 219.

religious community while simultaneously embracing their sexual orientation.¹⁰⁰ Upon building their current synagogue, the MCT took on the name Beth Chayim Chadashim, a congregation affirming that every person is created in the divine image.¹⁰¹ In a paramount step for queer Jews, the BCC became the first gay and lesbian congregation to be accepted into the Union of American Hebrew Congregations (UAHC, now the Union for Reform Judaism) in 1974. The queer Jewish community in New York founded the like-minded Congregation Beth Simchat Torah in 1973. Senior Rabbi Sharon Kleinbaum sums up the mission of Beth Simchat Torah by explaining: “We have an obligation to do this, offering a place where homosexuals and their families can worship. Critics say that homosexuality destroys the family, but we reconstruct families that have been shattered.”¹⁰² This statement is simple and illuminating. Kleinbaum voices the fear commonly held in the more religious community, that homosexuality and family not only contradict one another, but that the former actively leads to the downfall of the latter. She challenges this assumption by sharing that she has witnessed families torn apart not because a member is queer, but because of the contempt and rigidity with which the other members treated him/her. Her synagogue, indeed started by queer Jews, is not on a mission to destroy the idea of family. To the contrary, with the love and acceptance shown in her community, family life can flourish in an environment free from bigotry.

In 1977, the Reform movement made an historic stride in favor of gay rights. In a break from the traditional Jewish perspective on homosexuality, the Central Conference of American Rabbis (CCAR) began to work for legislation that sought to eradicate

¹⁰⁰Ibid, 213.

¹⁰¹Ibid, 214.

¹⁰²Norman H. Finkelstein, *Forged in Freedom: Shaping the Jewish-American Experience* (Philadelphia: The Jewish Publication Society, 2002) 161.

discrimination against gays.¹⁰³ This would commence with the decriminalization of homosexual sex acts between consenting adults.¹⁰⁴ Programs were also instituted at the congregational level within the Reform movement to enact the principles laid out by the new resolution.¹⁰⁵ The Reform community deemed gay rights a humanitarian issue that required strong political action and took a unified stance as a movement. This was the Reform movement's first official move in favor of gay rights, despite the long-standing support of liberal convictions.¹⁰⁶

After great steps had been taken by the Reform movement as a whole, including the UAHC, making it a priority to support congregations that included queer members, the movement had yet to ordain an openly queer rabbi.¹⁰⁷ When Rabbi Allen B. Bennett finally came out publically in 1978, the vice president of the CCAR, Rabbi Joseph Glaser, confronted him: "What you have done has caused a great deal of difficulty for the movement and will probably cause a great deal of difficulty for you as well. Why would you do something like this?"¹⁰⁸ For a rabbi to be met with this response from one of the leaders of an organization that was in the midst of rallying for gay rights demonstrates surprising hypocrisy, but Bennett simply told Glaser: "Because it's the truth. Why would you want me to lie as a rabbi?"¹⁰⁹ Fortunately, Bennett's response to the situation and his willingness to converse about his experiences quickly inspired Glaser to change his tone

¹⁰³Ibid.

¹⁰⁴Dana Evan Kaplan, *American Reform Judaism: An Introduction* (New Brunswick: Rutgers University Press, 2003) 215.

¹⁰⁵Ibid.

¹⁰⁶Norman H. Finkelstein, *Forged in Freedom: Shaping the Jewish-American Experience* (Philadelphia: The Jewish Publication Society, 2002) 161.

¹⁰⁷Kaplan, op. cit., 214-215.

¹⁰⁸Ibid., 216.

¹⁰⁹Ibid.

from the adversarial one it had been for so long to a voice of equality on behalf of all queer rabbis.¹¹⁰

Any instances of doubt or hesitation by the Reform Movement or its leaders did not last long and were far overshadowed by the immense wave of support for the issue of gay rights. By 1990, in keeping with their credo of equal rights for all its members, openly queer rabbis could be ordained.¹¹¹ Ten years later, the CCAR pledged its support for same-sex commitment ceremonies with the following resolution:

“Whereas justice and human dignity are cherished Jewish values... We do hereby resolve, that the relationship of a Jewish, same gender couple is worthy of affirmation through appropriate Jewish ritual, and further resolved, that we recognize the diversity of opinions within our ranks on this issue. We support the decision of those who choose to officiate at rituals of union for same-gender couples, and we support the decision of those who do not...”¹¹²

As exemplified by the above excerpt, the umbrella organizations cannot dictate individual opinions. However, having the leaders at the top unabashedly declare this a simple human rights issue about equality influences the thinking of each individual if they are to remain a member of an organization taking such a definitive stance on a controversial religious idea. Despite the stance taken by the majority of Reform Jews, there remains a body of adherents who resist the full inclusion of same-sex couples in their congregation.¹¹³

THE CONSERVATIVE MOVEMENT

¹¹⁰Ibid.

¹¹¹Norman H. Finkelstein, *Forged in Freedom: Shaping the Jewish-American Experience* (Philadelphia: The Jewish Publication Society, 2002) 161.

¹¹²Dena S. Davis, “Religion, Genetics, and Sexual Orientation: The Jewish Tradition,” *Kennedy Institute of Ethics Journal* 18 (2008) 132.

¹¹³Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Wisconsin: University of Wisconsin Press, 2004) 30.

The Conservative movement acknowledges the complexity of God's word and the corresponding responsibility Jews have for careful examination when it comes to complicated issues.¹¹⁴ With respect to the question of homosexuality, the movement originally took an inconclusive position.¹¹⁵ The attitudes within the movement range from aligning with strict Orthodox views to aligning with liberal Reform ones. Neither as progressive and inclusive as the Reform movement, nor as staunchly oppositional as the Orthodox, the response given in 1992 by the Jewish Theological Seminary (JTS) was: "We will not knowingly admit avowed homosexuals to our rabbinical or cantorial schools, or to the Rabbinical Assembly or the Cantor's Assembly. At the same time, we will not instigate witch-hunts against those who are already members or students."¹¹⁶ This remained the official attitude for the next 14 years, but the movement was not oblivious to the increasingly accepting attitudes in both the Reform movement and society in general.

In 2006, the Committee on Jewish Law and Standards (CJLS), held a vote concerning the movement's possible responses to the issue of homosexuality. Of the three opinions that received the required number of votes to deem them official Conservative responses, one marked the first case of a movement-sanctioned opinion that accepted some forms of homosexual sex.¹¹⁷ The argument stated that rabbinic adjuncts to the original law prohibiting male anal sex are subject to scrutiny in matters of human

¹¹⁴Benjamin Edidin Scolnic, *Conservative Judaism and the Faces of God's Words* (Lanham: University Press of America, 2005) viii.

¹¹⁵Greenberg, op. cit.

¹¹⁶Norman H. Finkelstein, *Forged in Freedom: Shaping the Jewish-American Experience* (Philadelphia: The Jewish Publication Society, 2002) 161-162.

¹¹⁷Jay Michaelson, "Conservative Judaism: Good for the Gays?," *Tikkun* 22.2 (2007) 57.

dignity, and may in fact be changed.¹¹⁸ The position affirmed same-sex unions and the ordination of queer rabbis.¹¹⁹ However, the proposition maintained the forbidden status of male anal sex as proscribed in Leviticus.¹²⁰ Both of the other opinions that received majority vote maintained the movement's ban on same-sex unions and the ordination of queer rabbis.¹²¹ The progressive stance of the liberal proposition caused four of the 25 members on the committee to resign as a sign of protest, including the members who authored the conservative opinions.¹²² Other committee members submitted papers that did not prohibit male anal sex, and although none of these achieved majority vote, they exemplify the full spectrum of opinions held by the organization.¹²³

The opinions that come out of the CJLS are intended to be binding upon members of the Conservative movement.¹²⁴ Following the 2006 vote on homosexuality, all three majority opinions were deemed acceptable, leaving it up to individual rabbis and congregations to determine where they stood on the matter. With the ordination of queer rabbis now permitted by the movement, the Jewish Theological Seminary (JTS) was given a controversial issue to resolve.

The chancellor-elect of JTS, Arnold Eisen, took the issue of ordination seriously and began the process of deliberation. Forums were set up to discuss the issue, and a movement-wide survey went out to investigate the opinions of rabbis, cantors, educators,

¹¹⁸ Ibid.

¹¹⁹ Dena S. Davis, "Religion, Genetics, and Sexual Orientation: The Jewish Tradition," *Kennedy Institute of Ethics Journal* 18 (2008) 131.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Jay Michaelson, "Conservative Judaism: Good for the Gays?," *Tikkun* 22.2 (2007) 57.

and other members of the Conservative community nation wide.¹²⁵ The survey found that a majority, approximately two-thirds, favored ordination.¹²⁶ The survey was meant only to inform, not to decide, but was taken under consideration by the board of trustees.¹²⁷ The faculty committee discussed individual concerns and the weight of halakha.¹²⁸ In addition, the school held lectures on modern psychiatric insights into homosexuality as well as Jewish law. After thorough discourse on the matter, Eisen led the seminary to authorize the ordination of queer rabbis in 2007.

THE ORTHODOX MOVEMENT

Orthodox Judaism consists of 15-20% of Jews in America. Though there has been motion in recent years for increased acceptance, or at least tolerance, the official stance in Orthodox organizations remains strict. The Rabbinical Council of America (RCA) serves the Orthodox Jewish community worldwide and boasts a membership of over 1,000 Orthodox rabbis. The official stance taken by the RCA is that it does not accept homosexuality as a legitimate lifestyle.¹²⁹ Since the Conservative movement's decision in 2007, Orthodoxy remains the only movement that does not ordain queer rabbis.¹³⁰ However, there is an important sin-versus-sinner distinction exemplified by the following quote from the 1993 resolution entitled "Homosexuality": "At the same time that we reject homosexuality as a legitimate alternate lifestyle, we also condemn actions

¹²⁵Jewish Theological Seminary. "Chancellor-elect Eisen's Letter to the Community," March 26, 2007.

¹²⁶Ibid.

¹²⁷Ibid.

¹²⁸Ibid.

¹²⁹Rabbinical Council of America. "Resolution: Homosexuality." June 1, 1993.

¹³⁰Jay Michaelson, *God vs. Gay?: The Religious Case for Equality* (Boston: Beacon Press, 2011) 120.

that bash or persecute homosexuals.”¹³¹ There is a difference between having homosexual tendencies and acting upon them. Only the latter is prohibited.

Following the proclamation of the Central Conference of American Rabbis (CCAR), in 2000, that same-sex unions deserve ritual sanctification, the RCA expressed its horror with the reminder that Jewish law cannot be overturned or changed to suit what they refer to as “a current behavior pattern.”¹³² The president at the time, Rabbi Kenneth Hain, declared: “The decision by the Reform movement manifests another tragic assault on Kedushat Am Yisrael, the sanctity of our people. How unfortunate, that once again, the leaders of this movement have seen fit to undermine the unity of the Jewish people.”¹³³ His comment expresses both the fervor with which his organization opposes same-sex unions within its own ranks and the judgment to which he subjects any Jew who supports this step toward equality.

When the Conservative movement made the decision to ordain queer rabbis and condone same-sex unions in 2006, the RCA released a response on behalf of the Orthodox movement. Employing the same tone of disappointment with which the organization responded to the Reform movement’s decision, the RCA condemns attempts at alternate interpretation that would result in the acceptance of a wider range of behavior. The resolution proclaims it an impossibility to allow for both homosexual activity and a commitment to traditional Judaism, and warns against being duped into

¹³¹Ibid.

¹³²Rabbinical Council of America. “Homosexual Relationships: Rabbinical Council of America Condemns Reform Statement on Homosexual Relationships.” March 30, 2000.

¹³³ Ibid.

thinking so by recent progressive activity.¹³⁴ The resolution closes as follows:

“Regrettably, these decisions will in the end serve to further deepen the schisms within the Jewish people.”¹³⁵

In December of 2011, the RCA released a reaffirmation of its policy on homosexuality. The declaration is divided into five points. The first states that homosexuality is prohibited by both the Jewish tradition and the Torah, thus making the idea of same-sex unions an affront to the institution that binds a single man with a single woman.¹³⁶ Point number two proclaims any effort to honor same-sex unions to be in direct opposition to Jewish law, and warns rabbis that the officiation of such a union places them outside the bounds of Orthodox Judaism.¹³⁷ The third point is two-fold. In an affirmation of compassion, the organization recognizes that everyone who experiences homosexual desires must be afforded the same care and devotion shown to all other humans.¹³⁸ However, it goes on to describe homosexual tendencies as an “acute” and “painful” trial for those who wish to maintain a connection with God and tradition.¹³⁹ Jews with these tendencies are encouraged to confide in their rabbis for guidance, and rabbis are encouraged to be compassionate.¹⁴⁰ The fourth point concerns reparative

¹³⁴Rabbinical Council of America. “Response to Rabbinical Assembly’s Decisions Regarding Ordination of Gays and Lesbians, and ‘Commitment Ceremonies.’” December, 7, 2006.

¹³⁵Ibid.

¹³⁶Rabbinical Council of America. “RCA Reaffirms Policies Regarding Same Sex Attraction and Marriage, while Clarifying its Position on Reparative Therapy.” December 12, 2011.

¹³⁷Ibid.

¹³⁸Ibid.

¹³⁹Ibid.

¹⁴⁰Ibid.

therapy and states that rabbis are neither to reject, nor promote any particular treatment.¹⁴¹

The final point says: “We pray that God will ease the way for all who struggle with a full heart to feel His presence in their lives.”¹⁴²

WHY THE VARYING RESPONSES?

JEWISH VALUES

Adherence to halakha is a highly valued aspect of Jewish tradition for many Jews, yet one cannot only follow the laws. Halakha must work in conjunction with the practice of a certain standard for human conduct.¹⁴³ Besides living a halakhic lifestyle, there are other values that contribute to making one a good Jew and a good person.

The late professor and Jewish scholar, Yeshayahu Leibowitz, warns against the understanding that halakha embodies “religious fossilization.”¹⁴⁴ His work promotes the notion that halakha need not confine our current day understanding of Jewish life to the understanding reflected in the rabbinic period. Contrary to being rigid he states that, “The Halakhah represents Judaism in its full vitality.”¹⁴⁵ In reference to the status of women in the Jewish community, Leibowitz proposed that halakhic restrictions provide a great understanding of “what actually was the case” rather than “what ought to be.” He expresses the need for humans to intervene and correct established, oppressive norms, as a Jewish value. The struggle against dogmatism when confronting modernity has

¹⁴¹Ibid.

¹⁴²Ibid.

¹⁴³Dov Peretz Elkins, *The Wisdom of Judaism: An Introduction to the Study of the Talmud* (Woodstock: Jewish Lights Publishing, 2007) 146.

¹⁴⁴Yeshayahu Leibowitz, *Judaism, Human Values, and the Jewish State* (Cambridge: Harvard University Press, 1992) 4.

¹⁴⁵Ibid.

become an ethical responsibility.¹⁴⁶ Again on the topic of women, Leibowitz says: “This is the point at which we—those of us resolved to practice Torah—cannot perpetuate the halakhic decisions of our fathers dating from a social reality which differed radically from our own.”¹⁴⁷ Part of being a good Jew is to avoid hiding behind the fossilization of ancient societal practices, and to apply halakha using the wealth of new knowledge that modern thought affords us.

Similar to Leibowitz’s opinion, Talmudic scholar Daniel Sperber insists that halakha has been both flexible and adaptable throughout history.¹⁴⁸ Sperber uses a wide variety of legal disputes, such as drinking wine made by non-Jews, selling leavening agents before Passover, and using electricity on a Shabbat, to exemplify challenges that brought change to traditional halakha. In each of these cases change was first met with resistance, but later the new interpretation came to be fully accepted.

In his book on Talmudic values, scholar and Rabbi Dov Peretz Elkins expresses his sadness that halakha, an advanced and rational system, is misused by extremists to depict Judaism as an unyielding framework.¹⁴⁹ He warns readers of Jews who make use of halakhic observance to argue their religious superiority over Jews who chose to be less observant of the laws. In reference to Judaism of the Talmudic period, Elkins claims: “That Judaism combined the best of traditional ritual with the authenticity, honesty, and

¹⁴⁶Mordecai M. Kaplan, *Basic Values in Jewish Religion* (New York: Jewish Reconstructionist Press, 1957) 2.

¹⁴⁷Leibowitz, op. cit., 131.

¹⁴⁸Daniel Sperber, “Paralysis in Contemporary Halakha?” *Tradition* 36.3 (2002) 1.

¹⁴⁹Dov Peretz Elkins, *The Wisdom of Judaism: An Introduction to the Study of the Talmud* (Woodstock: Jewish Lights Publishing, 2007) 146.

genuineness of the human soul.”¹⁵⁰ Elkins asserts that ritual is indeed important, but that the aforementioned human values are equally, if not more vital to the Jewish religion.

In his book on Jewish values, Louis Jacobs emphasizes qualities of humility, love of God, compassion, truth, and love of neighbor as holding a special place in the Jewish religion.¹⁵¹ He explains that these values are not merely abstract, but a “vital force in the lives of Jews.”¹⁵² Even for Jews who adhere strictly to halakha, individual decisions must be made in everyday life about how to behave and how to interact with other people. Especially during periods of societal change, when traditional interpretations of halakha are being challenged, Jews must rely on other core values to guide them. Issues like homosexuality provide opportunities for us to examine the different configurations of values deemed most important by the Reform, Conservative, and Orthodox movements.

REFORM APPLICATION OF VALUES

According to Dena Davis, scholar of religion and professor of bioethics, the Reform movement integrates halakha into the tradition, and uses it as a conduit to deeper understanding of the history of the religion, not to construct acceptable norms for the community.¹⁵³ For this, Reform Jews rely primarily on the prophetically inspired obligation to strive for social justice and allow other values, such as individual autonomy, to take precedence over the need for strict adherence to religious law.¹⁵⁴ In stark opposition to Jews who consider halakha to be binding, Dana Kaplan, Judaic scholar and

¹⁵⁰Ibid.

¹⁵¹Louis Jacobs, *Jewish Values* (Hartford: Hartmore House, Inc., 1960) 7.

¹⁵²Ibid.

¹⁵³Dena S. Davis, “Religion, Genetics, and Sexual Orientation: The Jewish Tradition,” *Kennedy Institute of Ethics Journal* 18 (2008) 131.

¹⁵⁴Dana Evan Kaplan, *American Reform Judaism: An Introduction* (New Brunswick: Rutgers University Press, 2003) 8.

reform rabbi, explains that, “Reform Jews by definition would never commit themselves to doing something automatically out of a sense of obligation.”¹⁵⁵

Addressing what he sees as a misconception held by some in the Orthodox world that Jews in the Reform movement have given up their religious beliefs, Kaplan states:

“Reform Jews believe that religious change is legitimate and that Judaism has changed over the centuries as society has changed. While in the past this evolutionary process was subconscious and organic, in the modern world it has become deliberate. The guiding principal of the contemporary Reform movement is that it can adapt Jewish religious beliefs and practices to the needs of the Jewish people from generation to generation.”¹⁵⁶

Reform Jews have beliefs about how Judaism can inform daily life in modern society, and conversely, how modern life interacts with and shapes Judaism. Individually based spiritual desires figure heavily into a Reform Jew’s commitment to the religion.¹⁵⁷

With the movement’s position on halakha firmly in place, coupled with the emphasis on freedom of the individual and a movement-wide commitment to social justice, the Reform movement was prepared to take on momentous questions of social change, such as the emergence of homosexuality in American culture. As with any emerging social issue, there were individuals who were initially uncomfortable. However, having the central organizations take the position of inclusion from early on meant that movement-wide change could happen rapidly. According to Allen B. Bennett, the first openly gay rabbi in America, the success of the movement’s position for full inclusion of queer Jews was attributable to the fact that it was a top-down resolution.¹⁵⁸ This made it possible for the majority of Reform rabbis to position the acceptance of queers as inherent to the values of Judaism, and freed everyone from the burden of

¹⁵⁵Ibid, 76.

¹⁵⁶Ibid, 8.

¹⁵⁷Ibid, 76.

¹⁵⁸Ibid, 216.

justifying the legitimacy of their lifestyle.¹⁵⁹ As Judith Plaskow, professor of religion and feminist scholar says, “Homosexuality, then, does not necessarily represent a rejection of Jewish values but the choice of certain Jewish values over others - where these conflict with each other, the choice of the possibility of holiness over control and law [*sic*].”¹⁶⁰

CONSERVATIVE APPLICATION OF VALUES

From its beginning, Conservative Judaism has considered halakhah to be binding.¹⁶¹ However, unlike the Orthodox movement, halakhah is considered a human institution and therefore accepts the influence of non-halakhic material when making decisions in modern society.¹⁶² The movement includes Jews with the full spectrum of beliefs with regard to whether the Bible is the word of God or not.¹⁶³ Commentary on the Torah is considered to exemplify the process (which continues today and allows Judaism to grow continuously) through which the word of God perpetually evolves, thereby keeping the Bible open to interpretation.¹⁶⁴ Conservative Judaism works to retain the normative aspect of halakha while simultaneously keeping it open to interpretation and allowing modernity its due influence.¹⁶⁵

When societal circumstances shift, the Rabbinical Assembly’s Committee on Jewish Law and Standards (CJLS) comes to a decision on the interpretation and

¹⁵⁹Ibid, 212.

¹⁶⁰Judith Plaskow, *Standing Again At Sinai* (New York: Harper & Row, 1990) 209.

¹⁶¹Jewish Theological Seminary, “Chancellor-elect Eisen’s Letter to the Community,” March 26, 2007.

¹⁶²Dena S. Davis, “Religion, Genetics, and Sexual Orientation: The Jewish Tradition,” *Kennedy Institute of Ethics Journal* 18 (2008) 131.

¹⁶³Benjamin Edidin Scolnic, *Conservative Judaism and the Faces of God’s Words* (Lanham: University Press of America, 2005) 124.

¹⁶⁴Ibid.

¹⁶⁵Jewish Theological Seminary, “Chancellor-elect Eisen’s Letter to the Community,” March 26, 2007.

application of halakhah.¹⁶⁶ Following the decision to ordain queer rabbis, Chancellor-elect Eisen released a letter to the community in which he thoroughly explains the deliberation process. He explains that the committee strives to reach an implementation that incorporates change in such a way that upholds the authenticity of Judaism, while simultaneously taking into consideration the needs of the communities they serve. He assures that changes to established belief are not taken lightly or made easily, but they are part of the Jewish tradition. In reference to Deuteronomy's prescription to kill a rebellious son, Eisen notes "The rabbis effectively rendered that injunction unenforceable. They have defined and limited the applicability of numerous other biblical ordinances, including some set forth in Leviticus."¹⁶⁷ Eisen acknowledges that some instances demand change.

In his letter to the community, Eisen explains that on the topic of homosexuality, the variety of opinions held by Conservative Jews spans the full spectrum from Orthodox to the most liberal of Reform. However, the official position within the governing organizations is one that has made room for the inclusion of the queer community.¹⁶⁸ According to Eisen, a major factor in this decision was the centrality of the Jewish value that insists upon the treatment of all God's creatures with equal respect. He believes that our current-day understanding of homosexuality must inform the movement's stance and replace the position set out by ancient interpreters who read the texts in a wholly different societal context.¹⁶⁹ Eisen explains in his letter: "...We are convinced that change in this

¹⁶⁶Ibid.

¹⁶⁷Ibid.

¹⁶⁸Ibid.

¹⁶⁹Ibid.

case is permitted and required, precisely in order to preserve the tradition charged with guiding us in greatly altered circumstances.”¹⁷⁰

ORTHODOX APPLICATION OF VALUES

Halakha is considered by the Orthodox movement to be a divinely set up system of laws that does not inherently evolve as society develops.¹⁷¹ While there are some Orthodox Jews who take into account aspects of modernity such as scientific material,¹⁷² many in the movement agree with the opinion of the former president of the Orthodox Rabbinical Council of American (RCA), who stated, “Judaism’s laws cannot be abrogated by fiat or majority vote or redesigned to fit a current behavior pattern.”¹⁷³ The strict observance of God’s law is of paramount importance to being a good Jew.¹⁷⁴ The Orthodox movement considers itself to be a continuation of medieval Judaism because of its rigorous adherence to halakha, as interpreted by ancient sages.¹⁷⁵ As the guardians of Judaism’s traditional values, the movement takes great care to protect its rituals from the “corrosive effects of modernity.”¹⁷⁶ The RCA’s portrayal of the Orthodox stance on

¹⁷⁰Ibid.

¹⁷¹Dena S. Davis, “Religion, Genetics, and Sexual Orientation: The Jewish Tradition,” *Kennedy Institute of Ethics Journal* 18 (2008) 130.

¹⁷²Ibid.

¹⁷³Norman H. Finkelstein, *Forged in Freedom: Shaping the Jewish-American Experience* (Philadelphia: The Jewish Publication Society, 2002) 161.

¹⁷⁴Dov Peretz Elkins, *The Wisdom of Judaism: An Introduction to the Study of the Talmud* (Woodstock: Jewish Lights Publishing, 2007) 163.

¹⁷⁵Dana Evan Kaplan, *American Reform Judaism: An Introduction* (New Brunswick: Rutgers University Press, 2003) 7.

¹⁷⁶Ibid.

homosexuality is straightforward, stating that it is unquestionably prohibited and runs in direct contradiction to the Bible, halakha, and Jewish tradition.¹⁷⁷ Their position equates Jews who engage in homosexual activity with those who “...openly proclaim their non-adherence to Torah law.”¹⁷⁸ In addition, the RCA warns those committed to traditional Judaism not to be swayed by anyone who tries to engage in new interpretations of halakha when it comes to this particular matter.¹⁷⁹

There are situations in which halakha must be applied to a new set of circumstances for which there is no biblical precedent. For instance, last year the RCA experienced much debate over the issue of brain stem death, and whether or not it meets the halakhic specifications for death. Halakhic authorities scrutinized the corpus of legal texts, and emerged on contradictory sides of the debate.¹⁸⁰ The RCA released a statement of clarifications in which, out of respect for the halakhic authorities on both sides, it concluded that the organization could not reach a definitive opinion, and determined it could best serve the Orthodox community by bestowing upon each individual rabbi the responsibility of making an independent, informed decision.¹⁸¹

In the same way that one cannot be a good Jew without the observance of halakhic ritual, so too must one be a good person by upholding an ethical standard for

¹⁷⁷Rabbinical Council of America, “Response to Rabbinical Assembly’s Decisions Regarding Ordination of Gays and Lesbians, and ‘Commitment Ceremonies,’” December, 7, 2006.

¹⁷⁸Ibid.

¹⁷⁹Ibid.

¹⁸⁰Rabbinical Council of America, “Brain Stem Death and Jewish Law,” January 7, 2011.

¹⁸¹Ibid.

living in harmony with God's other creatures.¹⁸² With the *Shulchan Aruch* as his source, Chaim Rapoport reminds his readers that "...we should seek to stretch out a hand of help, of understanding, of solace, of compassion one can to sufferers, not to inflict, in addition to the agony through which they go, the additional humiliation and indignity of saying 'you deserve it [*sic*].'"¹⁸³ Rapoport makes a distinction between condoning a halakhically forbidden behavior and being tolerant of that behavior, asserting that it is in keeping with the spirit of the Torah to welcome into the synagogue people who violate the laws, but it is forbidden to sanction the violation of Jewish law in either an active or passive manner.¹⁸⁴

While many Orthodox Jews believe that it would be possible for a queer person to develop the ability to live a healthy heterosexual life, they also acknowledge that there are people for whom that could never work, and recognize that God did not exempt people in this group from the human needs for intimacy and connection that come with being in a loving relationship with another person.¹⁸⁵ However, representing the Orthodox view, Rapoport states that any Jew in this category who wishes to remain observant must seek no outlet for these feelings.¹⁸⁶ He goes on to say that these individuals are to accept the fact that God has placed them in this painful situation and robbed them of life's aforementioned blessings. Rapoport asserts that the need to understand the prohibitions against homosexuality laid out by the sages is unnecessary,

¹⁸²Dov Peretz Elkins, *The Wisdom of Judaism: An Introduction to the Study of the Talmud* (Woodstock: Jewish Lights Publishing, 2007) 163-164.

¹⁸³Chaim Rapoport, *Judaism and Homosexuality: An Authentic Orthodox View* (London: Vallentine Mitchell, 2004) 14.

¹⁸⁴*Ibid*, 87.

¹⁸⁵*Ibid*, 35, 17.

¹⁸⁶*Ibid*, 17.

and queer Jews who wish to remain Orthodox are encouraged to put their own needs below the laws of Judaism and strive to overcome temptation for sexual fulfillment.¹⁸⁷

The official position of the Movement allows no place for a queer Jew who wishes to be Orthodox and experience the joy that comes from a loving, committed, sexual relationship.

¹⁸⁷Ibid.

CHAPTER THREE: PERSONAL ACCOUNTS

To gain an understanding of how American Jews approach the issue of queerness, it is important to familiarize oneself with the official positions held by the governing bodies in each movement, and it is also crucial to hear the voices of those who have the lived experience of being both queer and Jewish. In almost every story I have encountered, there is a striking theme that plagues individuals as they begin to discover the truth about their identity. Queer Jews commonly experience the fear that they cannot be both queer and Jewish.¹⁸⁸ The view that Judaism and queerness do not go together is so pervasive that it causes individuals to see central pieces of their identity as mutually exclusive, causing a great deal of suffering. This negative consequence, as well as others, is best illustrated through personal experiences.

The issue of homosexuality continues to show its prevalence in the Jewish community and challenge the more observant spheres to confront this increasingly mainstream aspect of modernity. As a result, an increasing number of queer Jews are finding it pertinent to share their stories, either through written anthologies or documentary film. The primary focus of these collections is the experience of queer Jews in the Orthodox community. These collections have very few accounts of the current

¹⁸⁸Dana Evan Kaplan, *American Reform Judaism: An Introduction* (New Brunswick: Rutgers University Press, 2003) 213.

Keep Your Wives Away from Them: Orthodox Women, Unorthodox Desires, ed Miryam Kabakov (Berkeley: North Atlantic Books, 2010) 54.

Jay Michaelson, *God vs. Gay?: The Religious Case for Equality* (Boston: Beacon Press, 2011) 4.

situation in the Conservative and Reform movements. Perhaps this can attest to the continuing identity struggle that plagues queer Orthodox Jews, while queers in Conservative and Reform congregations feel less excluded.

One personal story that does in fact take place in the Reform community is narrated not by the gay individual, but by his mother. Though the timing of the story, in the late 1960's and early 1970's, disallows it to speak credibly of the current situation, its early beginning and the broad period of time it spans illustrates the rapid reformation that took place in the Reform movement. The essay, "A Parent's Journey out of the Closet," is featured in the anthology *Twice Blessed: On Being Lesbian or Gay and Jewish*.¹⁸⁹

Agnes and her husband, Erv, a rabbi who joined the Union of Reform Jews (URJ) in 1957, were not equipped to face the reality of their son's identity when he first told them he was gay. After telling Jeff they would discuss the matter later, Agnes ran to the bathroom and collapsed on the floor crying. The following stage for Agnes and Erv was one of painful soul-searching. Racked with uncertainty about the future of their only son, the couple worried that they would not be able to keep him in the family circle and that he would be lost to them as he joined the alien world of homosexuality. Agnes reports that "Everything I had ever heard about homosexuality destroyed all my dreams about our son's future." She mourned the shattered dream of Jeff getting married and passing along all his charming qualities to a child. Thinking that their son's gay identity resulted from a flaw in their parenting, Agnes and Erv tried in earnest to figure out what they did wrong. Agnes describes this as "our most devastating, yet unspoken, anxiety." It was

¹⁸⁹*Twice Blessed: On Being Lesbian or Gay and Jewish*, eds Christie Balka and Andy Rose (Boston: Beacon Press, 1989) 118-125.

Jeff who finally expunged this unsettling notion from the minds of his parents by assuring them that it was not their fault and that they had no cause for blame in his being gay.

Agnes reflects back on the time when Jeff came out, 1969, and explains that a child's sexuality was not a topic for discussion. It took them a long time to be ready to come out as parents of a gay man, despite Erv's work in gay outreach within the Jewish community of Los Angeles. When they finally did in 1986, they were overwhelmed by the support and reassurance of the community they had been so hesitant to trust with their secret.

From the moment Jeff came out, his parents embarked on a life-changing journey of education, love and understanding. Despite disappointment and grief, they never stopped loving him. Agnes recalls the moment at which she realized that Jeff and his partner, Alex, were meant for one another.¹⁹⁰ She remembers the joy that came with knowing not only that her son loved someone, but that someone loved her son.¹⁹¹ When Jeff, and shortly after Alex, died of AIDS, Erv conducted memorial services in honor of them both.¹⁹² Erv and Agnes illustrate the change in thinking that begins with ignorance and ends with love and acceptance. When reflecting back on the chronology of events, Agnes asks herself,

“Would we have done anything differently? Yes. We would have paid heed to the ‘flashing lights,’ the warnings of parenthood. We would have helped our son as early as possible to like himself and to make peace with himself. And when he did break the news to us in 1969, I wish we would have been wise enough to hug our beloved son and say, ‘We love you very much. Let’s talk about it.’”¹⁹³

¹⁹⁰Hebrew Union College Jewish Institute of Religion, “Alex Was Our Son-in-Law, Our Son’s Beloved” Agnes G. Herman, March 2004.

¹⁹¹Ibid.

¹⁹²Ibid.

¹⁹³*Twice Blessed: On Being Lesbian or Gay and Jewish*, eds Christie Balka and Andy Rose (Boston: Beacon Press, 1989) 124-125.

In his book *God vs Gay?*, Jay Michaelson shares his experience of being raised in a conservative household under the certainty that he could not be both gay and Jewish.¹⁹⁴ The prevalent message about homosexuality was one that instilled in him the impossibility of ever having a family or continuing a Jewish life. He recalls that the surroundings in which he was raised caused him to feel like an absolute outcast, as if there was something inherently evil about his very soul. Michaelson reports the effort he made to conceal the truth about his identity by lying and building barriers to separate himself from others. He describes the sense of hopelessness that accompanied the feeling that God hated him because of something he could not change. When reflecting on his Jewish upbringing, he shares, "...I absorbed the message that being Gay was about the worst thing in the world." Following the unfortunately all-too-common trend of queer teenagers, seeing no solution to the irreconcilable pieces of his identity, Michaelson considered taking his own life.

In the anthology *Queer Jews*, Steven Greenberg describes his gradual coming to terms with his gay identity while deeply embedded in the Jewish community.¹⁹⁵ There was no doubt that the Orthodox world and the gay world shared no common ground. Gay friends counseled him to leave the religious world that heartlessly oppressed his identity, and a religious friend warned him about the spiritual damage that would result from acting upon his sexual desires. The feeling of a split identity is prominent in Greenberg's narrative. Wanting to distance himself from neither the Orthodox nor the gay pieces of his identity, he asked himself, "If gay experience is part of God's creation,

¹⁹⁴Jay Michaelson, *God vs. Gay?: The Religious Case for Equality* (Boston: Beacon Press, 2011) 3-4.

¹⁹⁵*Queer Jews*, eds David Shneer and Caryn Aviv (New York: Routledge, 2002) 36-43.

why, I began to ask, was it so reviled by God's law?" There was no space in Orthodoxy for a gay man and Greenberg remembers the contrast between becoming increasingly more comfortable with himself while simultaneously feeling increasingly out of place in synagogue.

On Yom Kippur, when the Leviticus prohibitions are read aloud, Greenberg experienced great dejection and pain:

"I cringed to hear my shame read aloud on the Day of Atonement...At first, what I felt was guilt and contrition. Later, I felt a deep sadness for being caught up in a gay desire and I would petition heaven for understanding. At other times, I would sob in my corner seat of the shul, acknowledging the pain of those verses upon my body and spirit. I have tried to connect myself with Jews of countless ages; listening in shul, their deepest feelings of love and desire tuned abhorrent, ugly, sinful."¹⁹⁶

In an effort to make sense of this turmoil on a personal level, Greenberg began an individual practice of standing while the verses are read, and eventually requested to be the honoree who reads them aloud before the congregation. Since coming out publicly in 1998, Greenberg has been a prominent force against the conviction that Orthodoxy and queerness are mutually exclusive.

A man named David, who grew up in a modern Orthodox household, is interviewed in the film *Trembling Before G-D*, a documentary about queer Jews.¹⁹⁷ Judaism was an integral and important part of David's life from a young age and he did

¹⁹⁶Ibid, 41.

¹⁹⁷*Trembling Before God*, dir, Sandi Simcha Dubowski (2001, DVD, Simcha Leib Productions).

not think a family could be more observant than his. Upon realizing the possibility that he was gay, David sought counsel from a rabbi about how he could change. The rabbi instructed him to eat figs and provided a list of 10 specific prayers to be repeated daily. This advice proved ineffective in changing David's sexuality, so he made an appointment to see a therapist. He recalls his desperation to purge himself of his homosexuality so that he could be free to be a good Jew. The therapist prescribed David a conditioning exercise that involved wearing a rubber band on his wrist and snapping it every time he saw a man he thought was attractive. After trying this method in earnest, he reported to the doctor that it was not proving effective and that he was also forced to lie to people about why he was wearing a rubber band on his wrist. The therapist had a solution in mind and told him to just bite his tongue instead of snapping the rubber band. For two years David tried these methods under the care of his therapist.

One day, David's dad, a Hebrew school teacher, confronted his son when he found an article about homosexuality in the pocket of David's jacket. Feeling hopeless and lost, he told his parents that he was gay but that they need not worry. He shared with them that he wanted to change and was in therapy to help this process. After a couple of years went by, his parents asked him why he was not changing. Finally David was able to comprehend the reality that he was not going to change. This actualization was not the turning point at which he began to feel at ease with himself. Instead, it resulted in mourning the loss of a family he always dreamed he would have.

The un-attainability of the correct life path in Orthodoxy, a heterosexual marriage with children, left David feeling ashamed of who he was and deeply depressed. Because he did not fit into the acceptable Orthodox lifestyle, he felt that there was something

wrong with him. Reflecting back on his attempt to “get better,” and mentioning additional methods to which others in his position resort (such as drugs and electroconvulsive therapy), David comments: “I can’t imagine halakha sanctioning this. It seems so anti-halakhic to me to do these things to a human being.”¹⁹⁸

¹⁹⁸Ibid.

CONCLUSION

With the emergence of modern critical biblical scholarship, we are now able to construct a better understanding of the contextual world of the Bible. Verses that at one time seemed clear may express a different meaning in light of a more thorough historical grasp of the reality in which they were authored. Scholars currently see the Leviticus prohibitions against homosexuality as proscribing specific male-male sex acts and not as prohibiting our current day awareness of the lifestyle. The field of critical biblical scholarship has opened up the text to new interpretations and understandings if one wishes to look for them. However, critical biblical scholarship is not the sole factor for decision making in the Jewish community.

The Reform, Conservative, and Orthodox movements place emphasis on different values they consider to be most important, but all three movements insist that they are upholding Jewish values. During moments of societal change, we are afforded the opportunity to see how the application of these different configurations of values looks in applied situations and not just in theory. Viewing themselves as the arbiters of Judaism, whose survival and existence throughout history is directly linked to the strict adherence to Jewish law, Orthodox Jews place a high importance on halakhah. It is a system that has been put in place to distinguish and preserve the Jewish community and is not to be changed for something seen as a modern behavioral pattern. Orthodoxy considers the combination of following halakha and being an ethically minded Jew to be the guiding principles of leading a good Jewish life. Following this prescription, the approach to the

queer community is one that de-legitimizes the queer lifestyle because of halakhic prohibitions, while concurrently calling for sympathy to those who suffer the disposition. We have seen that Orthodox Jews consider it antithetical to Jewish values to cause suffering. Yet we have also read accounts of suffering endured by queer Orthodox Jews as a result of the unwillingness to modify halakha on this subject. But in this current set of circumstances, retention of the strict adherence to the prohibition outweighs the relief of suffering that would come from making room in the Orthodox life for queers to be both Orthodox and live a full life with all the blessings afforded to heterosexuals.

With the priority in the Reform movement given to individual autonomy, social equality, and the need for religion to adapt to the needs of modernity, inclusion of queers in the Jewish community was a decision supported by the governing organizations. The traditional prohibition against homosexual sex acts was simply viewed as an archaic remnant of the past. According to the Reform leaders, halakhic proscriptions need not be binding if they do not serve the spiritual needs of the community. Once the transition began, it was quick to reach the point where full inclusion of the queer community was assumed.

The Conservative movement's emphasis on both halakha and the needs of the modern Jewish community made the question of queer Jews difficult. Owing to the movement's view of halakha as binding, the decision process was arduous and required the utmost sensitivity to tradition and modernity. The movement decided that societal changes resulting in the modern understanding of homosexuality, combined with the Jewish moral obligation to show all of God's creatures equal respect, justified the change of traditional law.

The Reform, Conservative, and Orthodox communities approach the issue of queer Jews from contrasting theological positions. With different aspects of Judaism emphasized to varying degrees, each movement addresses the matter with its own procedure. The more importance placed on following halakha, the more resistant the movement is to changes brought on by modernization. As exemplified by issues such as the ordination of woman and the position of queers in the community, the Reform movement adopts the change first, followed by the Conservative movement, leaving the Orthodox movement strictly following halakhic prohibitions. As history advances we will continue to witness Jewish values applied in vastly divergent styles and used to support contradictory conclusions.

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