

THE STATUS OF HOMOSEXUALS IN THE SYNAGOGUE: A CONCURRING OPINION

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This paper was submitted as a concurrence to the CJLS “Consensus Statement on Homosexuality” and the papers by Rabbis Roth, Kimelman, Rabinowitz, and Dorff. Concurring and dissenting opinions are not official positions of the Committee on Jewish Law and Standards.

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

Has the time come for the Conservative synagogue to change its attitude towards homosexuality and lesbianism and accord gay couples full recognition as alternative family units, sanctifying marriages and arranging divorces?

תשובה

The question as formulated above seems to be the real question that the CJLS should be dealing with. To my mind, neither Rabbi Roth’s nor Rabbi Artson’s paper deals directly with this question, though both have mustered much learning and given deep thought to their papers. However I think that there are weaknesses in both papers that make them difficult to accept as the approach of the Conservative movement to this difficult problem.

Rabbi Roth bases his case on the term **תועבה**. And he points out that “the Torah recognizes **תועבה** as an attributed quality for matters that are abhorrent to Jews, too.” He brilliantly analyses the context in which the word **תועבה** is found in the Torah, and succinctly summarizes the traditional approach to sex and procreation. His summary of the present-day approaches to the causes of homosexuality is masterful, but superfluous in view of his conviction: “And, if we rejected the classical explanations for why the Torah calls homosexuality **תועבה**, we would still find ourselves in the position of affirming that homosexuality is **תועבה** because the Torah attributes that quality to it, and we would still not know why the Torah does so. But, whatever the reason for such attribution by the Torah, knowledge of the etiology of homosexuality would not render it false or unacceptable.”

If it is true, as he states that **תועבה** is an “attributed quality,” then the answer turns on who is doing the “attributing.” If it is God, then the question is the difficult theological one,

“Does God ever change His mind?” This leaves us with an easy way to avoid grappling with difficult questions – and not only the question of homosexuality, but with most every difficult question where change from an accepted practice is involved, whether it is Toraitic or Rabbinic. However, if the answer is that homosexuality is “abhorrent to Jews” then the question is a sociological one, and answered best by פּוֹקֵךְ וְהוֹי, by acknowledging that the Torah reflected the abhorrence for homosexuality by the Jews of its day, and it is up to us to determine what Conservative Jews think and feel today – and then to determine, as responsible halakhists, whether this is the direction that we should be endorsing or discouraging.

Rabbi Artson’s paper is a fascinating re-creation of a past that may never have existed. “The idea of two men or two women loving each other, living together, nurturing each other – and in that context making love – became a possible self identity only with modernity. The Torah did not prohibit what it did not know.” The past did know of close relationships between individuals of the same sex: Damon and Pythias in Greek culture, and David and Jonathan in Hebrew culture. If such close loving friendships existed, why suppose that the existence of such loving steadfast devotion did not also exist in homosexual relationships of the time? If we assume that such relationships did not then exist, if they had existed, why should we assume that the Torah, and later the Rabbis, would have sanctified them? The objections of the later commentaries that homosexual relationships would preclude procreation and lead to family instability would have applied even at the earlier period. In any event, the argument from the imagined past does not point to what we should do today in our communities.

I would agree with Rabbi Dorff that we do not have sufficient information on what our community thinks, feels and is doing in the area of sexuality in general and in the area of homosexuality in particular. We do need more information and a systematic process of collecting such information should be undertaken. The information should then be fully evaluated in the light of the values of the tradition, before we issue definitive responsa on the subject. In the interim there is a need for guidance for our congregations and our congregants. What follows is an outline of recommendations which should be helpful in dealing with situations which arise in our congregations.

Conclusion

1. Our rabbis and our congregations should not accord new status to homosexual/lesbian relationships.
2. Our rabbis should not be involved in affirmation nor separation ceremonies for gay couples.
3. Synagogue facilities should not be made available for gay ceremonies.
4. Gay individuals should be accepted as members of our congregations. Two individuals living in the same household should be eligible to join the synagogue with separate membership.
5. If gay couples raise children, the children may be named in the synagogue, become bar/bat mitzvah, or be confirmed, for they are Jews in their own right. Special ceremonies for the acting parents will have to be worked out, acknowledging their roles in the lives of the children, while avoiding any hint of sanctifying their relationship to one another.
6. Individuals who become active in congregations should be allowed to be elected to office and to head committees, but it should be made clear that their significant other will not be given special recognition.
7. Gay individuals who openly profess their homosexuality should not be admitted to rabbinical or cantorial school, for rabbis and cantors serve as exemplars of the Jewish way of life.