

PLACING HOMOSEXUAL RABBIS IN CONGREGATIONS

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This paper was approved by the CJLS on May 19, 1993, by a vote of seven in favor and fourteen opposed (7-14-0). Voting in favor: Rabbis Elliot N. Dorff, Myron S. Geller, Arnold M. Goodman, Susan Grossman, Jan Caryl Kaufman, Aaron L. Mackler, and Gordon Tucker. Voting against: Rabbis Kassel Abelson, Ben Zion Bergman, Stanley Bramnick, Jerome M. Epstein, Samuel Frint, Reuven Kimelman, Vernon H. Kurtz, Lionel E. Moses, Paul Plotkin, Mayer Rabinowitz, Avram Israel Reisner, Chaim A. Rogoff, Joel Roth, and Gerald Skolnik.

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

An avowed homosexual who is a member of the Rabbinical Assembly has asked that his name be sent by the Joint Placement Commission for rabbinic placement to congregations. May the Joint Placement Commission place such a rabbi in a congregation?

תשובה

The consensus statement passed by the CJLS on March 25, 1992, states:

1. We will not knowingly admit avowed homosexuals to our rabbinical or cantorial schools or to the Rabbinical Assembly or to the Cantors' Assembly.
2. At the same time we will not instigate witch hunts against those who are already members or students.

The first part of the statement makes it clear that avowed homosexuals are not to be trained as rabbis or cantors or admitted into the RA/CA.

The second sentence makes it clear that we are not to engage in a witch hunt to uncover the sexual preferences of any colleague. It leaves unsaid what, if any action, is to be undertaken if knowledge of homosexuality comes to the attention of the RA either through a colleague's public avowal of his or her homosexuality or through a revelation made public by a third party in the process commonly referred to as "outing." Do we grandfather such colleagues and allow them to continue in our Assembly, or do we request their resignation?

The thrust of the Roth paper is clear that a homosexual should not be permitted to serve as a rabbi or cantor. The tone of the paper would lead one to posit that the halakhic ban of homosexuality would take precedence over the “grandfather” principle, and the colleague would no longer be allowed to continue in the RA.

I am not at all certain that this was the intent of the majority of the CJLS. Certainly in many cases, justice would have us refrain from stripping a colleague from membership in the RA, and one such case should be in the case before us now: a colleague, having been “outed,” has avowed his homosexuality.

We can argue that a “closet” homosexual who accepted ordination from the Seminary and/or joined the RA following the 1992 CJLS statement may be charged with entering under false pretenses and perhaps not deserve the protection of the “grandfather” principle. Colleagues “on board” prior to the 1992 statement, however, should be “grandfathered” and allowed to continue as full fledged members of the RA.

The privileges of RA membership are many: *hevruta*, programming material, sermonic material, participation in convention, guidance when faced with job tensions or family tensions. For colleagues who desire to change their pulpits or who must change their pulpits, the most important RA privilege is placement. It is no accident that gross violation of placement procedure is grounds for expulsion from the RA.

For us to interpret the 1992 statement as grounds to refuse full placement privileges, on the grounds of homosexuality, to a colleague who entered the RA prior to 1992, will ultimately become the bases for challenging his or her right to remain in the RA. Denying placement is a grave injustice; to have this become the slippery slope which would ultimately become a precedent to justify expulsion would be an even graver injustice.

Conclusion

Given the silence of the 1992 statement on the question of placement of homosexual colleagues and give the importance of placement privileges, the Joint Placement Commission should recommend to congregations “avowed homosexuals” who were members prior to 1992.