

HOMOSEXUALITY AND THE POLICY DECISIONS OF THE CJLS

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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.

Whereas the halakhic issues regarding homosexuality have already been dealt with in other responsa, this response deals with the public policy issues.

Many of the issues that I raise with regard to Rabbi Artson's thesis have already been dealt with considerable acumen by its author. He is aware of the dangers of the slippery slope and believes that the necessary precautions have been taken. Accordingly, he strives to build a wall between a permissive position on "monogamous" homosexuality and a prohibitive one on intermarriage. He is also quite aware that the sole use of the criterion of compassion would undermine any overall standards, for any standard can be shown to be lacking compassion in a specific case. It is well known that hard cases make poor laws. Laws command respect by working most of the time. Extra-legal compassion often consists of responding to particular cases as opposed to a class of cases. Any assessment of the resolution has to weigh the chances of avoiding the slippery slope based on compassion alone.

The author is also fully aware that whether the prohibition of homosexuality in the Torah is of attributed or of intrinsic status is a red herring. He writes as follows:

The argument about whether **תועבה** is an attributed or an intrinsic status becomes irrelevant when it is recognized that all values in the Torah are understood to be attributed – by God. The Torah doesn't distinguish between what we would call morality and ritual. Rather the biblical standard is one of obedience, of making God's will one's own. God may designate something as a **תועבה** for Jews but not so for non-Jews, or may label a practice abhorrent for all humankind. In either case, attribution of a status is a

reflection of a (perceived) divine evaluation not an independent human assessment.

In actuality, the move from attributed to intrinsic status is part of the process of providing rationales for the mitzvot. It is not unusual to have something in the Bible of attributed status to assume metaphysical status in medieval literature, especially in Kabbalah. For example, things in the Bible which defile (Lev. 11:43) can in the Talmud desensitize (B. Yoma 39a) and in Kabbalah render the soul defective. A good example of this is the history of the explanation of nonkosher food.¹ Such explanations seek to demonstrate the convergence between human experience and divine evaluation.

Finally, Rabbi Artson is also aware of the recent research that has severed the connection between the terms *קדש/קדשה* and the cult thereby weakening the link between harlotry or homosexuality with that of idolatry. The fact that Deuteronomy's diatribe against all forms of idolatry does not include homosexuality and that the prohibition against *קדש* and *קדשה* (Deut. 23:18) appears in a list of moral wrongs indicates that homosexuality is understood in the context of immoral sexuality, not idolatry.

My remarks therefore focus on those beliefs that inform Rabbi Artson's resolution. These include the belief that:

1. Loving stable homosexuality can be a good.
2. It should be sanctified through Jewish ritual, because "a willingness to perform a commitment ceremony for monogamous homosexuals strengthens Judaism."
3. "Encouraging sexual responsibility and stability among homosexuals can only strengthen family values and traditional communities for all."
4. "We must find a way to draw these people into the fabric of Jewish community, with the goal of bringing them to a life of Torah and mitzvot."

Just because many will resolve the issue on straight halakhic considerations does not mean that these arguments should not receive their due. It is no small matter to claim that a single resolution will strengthen Judaism, strengthen family values, and bring people to a life of Torah and mitzvot. Indeed were this resolution to achieve all this it would be quite remarkable. After all, how many of our Movements' resolutions have in fact strengthened Judaism, family values, and brought many to a life of Torah and mitzvot?

The question for anyone willing to vote for this resolution, regardless of its halakhic validity, is the likelihood of the prognosis. This century does not suffer from a shortage of resolutions calling for the abrogation of Jewish law for the greater good of Judaism.

In periods of ethical relativism such as ours, ethical issues tend to be reduced to other categories. A powerful tactic in the arsenal of ethical relativism is the displacement of the language of ethics by the language of medicine and aesthetics. In a universe of discourse circumscribed by medicine and aesthetics, evil becomes unhealthy and wrong becomes distasteful. The ultimate in the relativizing or trivializing of the ethical is its psychologization. The reductionism which follows in its wake is the categorization of ethical issues as health ones and ethical objections as phobias. The triumph of the therapeutic is the victory of good feelings over bad deeds. In such an atmosphere, negative behavior can be legitimated by positive feelings. All that is needed is a nice-sounding therapeutic term for a morally condemnable act. When the aversion against murder is dubbed "androphobia" or "phobicide" and cannibalism dubbed "carniphobia," the victory of the medical-psychological over the religio-ethical will be complete. This terminological shift from the moral to the medical is

¹ Compare *The Letter of Aristeas*, 142-151, with Isaac Arama, *Akedat Yitsak*, Eighth Gate, end of ch. 60, or with Elijah Vidah, *Reshit Hokhmah*, Gate of Holiness 15:1.

not that far off. Just consider how the slope that runs from the condemnation of “murder” down to the purported neutrality of “euthanasia” becomes slippery when greased by mediating expressions such as “killing,” “mercy-killing,” and “putting him out of his misery.”

The phenomena of the slippery slope pinpoints the dilemma in the transfer of objections from the ethical to any of its alternatives. The latter cannot provide clear demarcations between the permitted and the prohibited. The result is that the relaxation of one standard induces the relaxation of another until the very idea of standards gets called into question. In the absence of standards, ethical issues become matters of taste. Issues of taste are rarely subject to debate and when debatable are rarely resolvable. Since whether something is healthy or unhealthy, beautiful or ugly, is insufficient to determine whether it is right or wrong, neither the language of aesthetics nor that of health is adequate for the formulation of a religious policy analysis.

Social science is also not our salvation. It cannot be relied upon to resolve our problem as there is almost always available an alternative reading of the data. This is so not just because value-free research is rare or non-existent, but rather because values are built into the way research questions are formulated. Indeed, values frequently determine what is considered data. Othertimes, research itself is driven by values. Facts do not speak for themselves. Contexts give them both voice and meaning. It is rare that a context is not generated by perspectives charged with values. There is hence hardly a field of human consequence in which researchers of different values do not produce different conclusions. Since values have consequences, the consequences that we seek to promote should be driven by religious values. We cannot abdicate our obligation to make value judgments.

This obligation is especially pertinent in the light of contemporary approaches of seeking to understand even sexuality, that most-biologically rooted of human phenomena, in terms of social construction. Social constructionists believe that we only experience the world in terms of the shared meanings that we have collectively built. It is through these shared meanings that we interpret one another's words and actions. All understanding takes place within these shared meanings or perspectives. Since assessments can only be made from within a perspective, there is no perspective-free understanding from which other perspectives can be judged. This way of understanding the human construal of reality means that nobody sees things as they really are. Indeed there is no such thing; there is only the way things appear from a perspective. By exposing the absence of any unmediated facts or neutral perception, the point is made that everything we know or see is known and seen as a function of some perspective or paradigm. It is not unusual for those who adhere to this mode of argumentation to go on and claim that all perspectives are beclouded by interests, indeed that all arguments over principle are really arguments over interests, as there is no disinterested way of understanding.

Those who apply this epistemology to sexuality argue that all sexual norms are a result of a perspective and thus no one perspective has a right, in the absence of any foundational perspective, to dictate to another perspective. Those who advocate this position, and their number is legion as their intellectual pedigree is long, frequently do so in order to argue for a change in policy. The difficulty is that once the argument has been made for undermining the ultimate validity of any one perspective, the basis for arguing for a change dissipates. One cannot, with any degree of methodological consistency, argue for a change in sexual perspective while undermining the foundation of all sexual perspectives. Once the anchors are lifted, all perspectives become free-floating.

On the contrary, those who argue for the social construction of sexuality deprive themselves of any basis for change. They cannot argue for any fundamental right of sexual

expression believing as they do that all such arguments are rooted in a particular perspective and are solely a function of the interests of the advocate.

Indeed, by the very nature of their argument social constructionists would have to concede a community's right to promote its interests. If one cannot advocate a policy because of its rootedness in reality, then one can only advocate it because of one's interests. It is not past reality but future results that are decisive. Removing metaphysical considerations from policy analysis paves the way for pure consequentialism. On those grounds, religious public policy has only to ask itself about the consequences of its policies. Authorized to promote those policies that will sustain and enhance its chances for continuity, the argument for the social construction of reality provides yet another reason for the religious community to implement policies based on its value-judgments.

From the perspective of framing the issue of homosexuality in terms of public policy rather than private morality means asking whether there is a Gresham law of sexuality. That is to say, that as bad coinage drives out good coinage, so bad sex drives out good sex. This applies all the more so were the bad sex a norm rather than an exception. Ascertaining whether valorizing homosexuality is at all detrimental to family-producing sexuality is at the heart of public policy analysis. If it is, then the approval of *a priori* non-procreative marriages as a class could tend to devalue the type of sexuality that leads to procreation.

The devaluation of procreative sex is not inconsequential. Without commitments of time, money, and emotions, there will be no family to speak of. The creation of families is a major investment. Because of the toil, anguish, and expense of raising children, societies concerned with their biological future extend special inducements for the assumption of such responsibility. Economically, these inducements can come in the form of tax deductions, tax-supported public education, tax write-offs, tax deductions for interest on mortgage loans, and so on. Religiously, the inducements include the reward of doing a commandment, genetic and cultural continuity, family and social expectations, and that joy of raising children properly.

The religious meaning of marriage is not exhausted by human intimacy. By contributing to an ethos that sees the relationship as the sole end of marriage, we undermine efforts to persuade couples to assume their responsibility for the type of investment in the future that childbearing entails. Our credibility is compromised when we promote child-bearing families while sanctifying relationships which are inherently childless. The religious community has a vested interest in getting people to deal with their sexuality in a manner that is supportive of family and children. Indeed, the strength of the community is dependent upon persuading its members to define their self-interest in terms of responsibility for others, starting with spouse and children. In order for such a family-centered message to be received unambiguously, there is a need to filter out any messages that could relativize the social and moral status of heterosexuality and the family.

Modern Jewish life is already marked by too many couples declining to invest in the future by replenishing themselves. We have little control over that. We are responsible, however, for that which we affect. The performing of homosexual "marriages" abets that trend. It is difficult to maintain credibility advocating the importance of child-bearing families while sanctifying marriages which in their essence are not reproductive. By contributing to an ethos that sees the relationship as the sole end of marriage, we undermine efforts to persuade couples to assume their responsibility for the type of investment in the future that childbearing entails. Our cause is not helped by delivering mixed messages.

Childless marriages are different from those with children in their impact on the parents and on society. It is the birth of a child that most fully validates sexual partnership as

a means of continuity. As the Talmud (Yevamot 64a) notes, a childless marriage brings about a withdrawal of the divine presence from Israel, as it says, “to be a God to you and to your seed after you” (Gen. 17:7) – “Whenever your seed is after you, the divine presence dwells, [whenever] there is no seed after you, upon whom will the divine presence dwell, on wood and stones?” Apparently, there is a special divine concern for those who invest in progeny. Rabbis are acutely aware of the impact of children from their involvements in divorce cases. When there are children the sense of tragedy is qualitatively different. The presence of children intensifies the feeling that marriage break-up frays the social fabric of community. There is of course a considerable difference in having compassion for a couple who cannot have children as opposed to one for which it was never biologically intended.

Contemporary technology and mores have widened the gap between sex and love as well as between childbearing and parenting. In cases where medical intervention is needed to induce pregnancy, this may accrue to the benefit of all involved. Sundering these links for a whole class of people, however, undermines the centrality of the family for the locus of love, sex, childbearing, and parenting. Judaism would be false to its own best insights were it to become a partner to the dissolution of its major contribution to the civilization of humanity – the family.

The building blocks of family are male and female. A man without a wife, according to the Midrash (Genesis Rabbah 17:2 and parallels), lacks blessing, bliss, well-being, protection, and atonement. There is even the opinion there that a single male, unable to realize his full humanity, cannot be called אדם. Male-female interaction contributes to the stabilizing of gender identity along with the flowering of masculinity and femininity. Although they share much, the differences between the two should not be underestimated. Male and female love are not identical. Besides the obvious differences, female love possesses a futurity that cannot easily be duplicated by male love. Anatomically and psychologically, feminine love is more bound up in creating a future than its masculine counterpart. When male love is female-centered, it thinks beyond itself. Without the female pull toward the future, male love can become exclusively focused on the present.

It is through commitment to the female that male sexuality lays claim to the future. As George Guilder writes in his book *Sexual Suicide*, a man’s “participation in the chain of nature, his access to social immortality, the very meaning of his potency, of his life energy, are all profoundly” bound up with a woman’s durable love. Traditionally, women have leveraged the male sexual drive into domestication. Without channeling the sexual drive into family making, we could become totally enmeshed in “nowness” with little thought of the future. It is precisely the link with the future inherent in heterosexual relations that allows glimmers of the transcendent to be refracted through human sexuality. When the Midrash (Genesis Rabbah 9:7) notes that “were it not for the evil impulse, a man would not build a house, marry a wife, and produce children,” it is expressing appreciation for the divine cunning in the use of our physical sensations to enhance our concerns for building a better tomorrow.

It is no wonder that the talmudic Rabbis saw in a loving husband-wife relationship a fitting dwelling place for the divine presence. The Kabbalah went one step further by picturing the husband-wife relationship as capable of completing the circuit of divine electricity, as it were, that charges all of life. Since the unity of husband and wife is a source of special blessing, there is a linkage with the divine made possible through marriage. Indeed, it is precisely in the complementarity of husband and wife that humanity realizes the fullness of the divine image. Kabbalistically-speaking, marriage makes possible a certain plugging into the Infinite. As such, it entitles one to don the

mantle of infinity – a טלית. This understanding may lie behind the traditional requirement of a married cantor for the High Holy Days.

Over the years, family in Judaism has come to serve the ideal of monogamy. Since in nature the male of the species is rarely monogamous, it is unlikely that most men are naturally monogamous. Those who are have so committed themselves to marriage that they have appropriated their wives psychic predisposition toward monogamy. The multiple encirclings of the groom by the bride under the marriage huppah can be understood as seeking to weld man's polymorphic sexuality to his wife. For civilization to succeed, male sexual impulses and psychology need to be subordinated to the long-term horizons of female psychology and biology. Through love of wife, husbands can achieve a futurity that many women are graced with biologically. This helps explain the fact that so many happily married men deep down believe, however loath they may be to admit it, that marriage has had a domesticating, indeed civilizing, effect on them. We males frequently become nurturers through our wives and in return extend their nurturing capabilities. Just contrast the statistics of the leisure activities and acts of violence of single men with their married counterparts. It is no wonder that Judaism has found no better civilizers than the life of Torah and a good family.

Despite the fragility of the contemporary husband-wife bond, it remains surprisingly stable in comparison with other chosen, nonbiological relationships. Such stability is undoubtedly anchored in a profound biological and psychological basis.

Marriage involves more than the ratification of love between two people. It is the transformation of love into a biological and social continuity that transcends the participants to become the basis of human community. Married love is an investment of faith in the future of the family, society, and humanity. A couple's love for their children properly nurtured can lead to care for the community that supports them and to a willingness to work for a future to house them.

Family involvement leads to the expansion of both horizontal and vertical horizons. Horizontally, concern for family can lead to concern for community and ultimately for the extended human family. The mutual helpfulness that takes place within the family can set the pattern for such throughout society. Having a family reinforces the sense of an interdependent humanity. This understanding may lie behind the talmudic exclusion of a childless judge from adjudicating cases of capital punishment. Vertically, continuity is epitomized through having children. Anybody who has counselled a barren couple knows how much the absence of children can undermine the professed motives of marriage. Marriage both institutionalizes the desire for continuity and spurs it on.

At least since the first paschal offering upon the redemption from Egypt, biblical religion has invested in the family as its central vehicle of education and continuity. Ever since, this holiday of redemption has become the quintessential family holiday. It is clear that a religion committed to a multi-generational covenant to bring about the redemption will be inclined to invest in that agency that is intrinsically multi-generational. As no other biological community can so easily become a historical community as the family, so no other institution has the wherewithal to stretch from the first to the final redemption.

The two themes of redemption and family are linked, according to the Talmud (Shabbat 31a), on the day of judgment. At that time, we are asked about trying to have children right before we are asked about awaiting the redemption. The sequence and juxtaposition of the two highlights their relationship and commonality. Both attest to long-term commitments. Indeed, the extended vision produced through having children can enhance the capacity for the long-term envisioning required for redemption. A perspective that limits itself to the self and its indulgences will tend to exclude both. Family, for its part, forces us to see ourselves

in a larger context of meaning both within a generation of humanity and throughout the generations. Any effort that serves to undermine, whether intentionally or not, the primacy of the family is *eo ipso* inimical to the interests of religion and its vision of redemption. This may explain why the Talmud (Pesahim 88b) cites the verse from Isaiah, “He did not create it a waste, but formed it for habitation,” in support of the idea of תיקון עולם. This weave of family, religion, and redemption also stands behind the proclamation of the psalmist:

He established a testimony in Jacob and appointed a law in Israel which He commanded our fathers to teach to their children; that the next generation might know them, the children yet unborn, and arise to tell them to their children, so that they should set their hope in God (Ps. 78:4-7).

The sense of family as expressed in biblical law and narrative underscores both marital and filial bonds. Much of the prohibited sexual activity serves to maintain and enhance these bonds by focusing on the exclusivity of these relationships. Besides undermining the primacy of the family, same sex activity has the potential of undermining the whole idea of sexual prohibitions. The legitimization of loving homosexual relations easily slides into the legitimization of “loving” incestuous, pedophilic, and adulterous relationships. Such is the slippery slope in today’s sexual climate as it was apparently in antiquity. Accordingly, Rabbi Akiba in Talmud Sanhedrin (58a) derives the prohibition of incest, homosexuality, adultery, and bestiality all from different parts of the same verse of Gen. 2:24.

To note that Torah is a reflection of culture without underscoring how often it was and remains a protest against the ethos of the day is to do a disservice to the biblical impact on civilization. In the same vein, Jewish political thought from Albo to Luzzatto opposed utopian schemes of social organization from Plato to Thomas Moore precisely on the issue of the inviolability of the family unit. The biblical sexual ethos with all its prohibitions is but the flip side of its commitment to the sanctity of the family unit.

Sociologically speaking, deviations from the norm come in clusters. One could easily imagine somebody contending that he is sexually functional only with other married women or with his daughters. Once a dysfunctionality becomes respectable it tends to attract others. There are now support groups called NAMBLA for men with sexual appetites for children, of course only consenting [*sic*] children. Once feelings are accepted as the criterion for overturning a prohibition, every leak in the dam threatens to become a flood. Moreover, if there is a market for promoting incestuous relations and the like, there will always be some health expert ready to publish a book on how loving, stable, incestuous relations are healthy for the participants. They are already appearing on TV talk shows. Books that tout the benefits of extra-marital relations for “healthy” marriages are readily available. Capitalistic cultures are most effective in producing suppliers for demands.

Those who advocate an abdication of the norms of the Torah frequently do so on the assumption that the prohibition against homosexuality was based on health considerations and its voluntary nature, both of which they claim no longer obtain. Whatever the health status of homosexuality or its etiology, it bears little on the issue of maintaining the privileged position of the normative family in Jewish life. Its impact is independent of its origin. Moreover, we lack the evidence to assess whether health considerations played any role in the Torah’s prohibition. Those who claim to know have already made up their mind on the validity of the prohibition as those who ruled against the validity of kashrut, a century ago, had made up their mind on the Torah’s assessment of health factors.

There is also no evidence to suggest that homosexual behavior was condemned on the

basis of choice. Indeed, both Talmuds (B. Sanhedrin 75a; J. Shabbat 14:4, 14d) roundly prohibit even for curative purposes a sexually sick man from having relations with a woman otherwise prohibited to him (see Maimonides, M.T. Hilkhot Yesodei Ha-Torah 5:9). Note that it is not the sexual orientation, which may or may not be of one's choosing, that is subject to opprobrium, but its expression in behavior. It is precisely the chosenness of the behavior that argues against any analogy with the mamzer (i.e., a child of a biblically prohibited relationship).

The subject of choice is important for the understanding of the nature of love. Despite the fact that love is the quintessential expression of human choice, many claim to be its victim as if love were a condition. This sense is reinforced by the metaphor "falling in love." Nothing creates the sense of helplessness more than the feeling of falling. Although this sense of helplessness may characterize the feelings of teenage love, it rarely characterizes mature adult love. As M. Scott Peck's notes in his chapter "Love is Not a Feeling," in his book *The Road Less Traveled*, the misconception that love is a feeling results from confusing the process by which an object become important to us with actual loving. Mature love, according to him, is less a feeling than a commitment and the exercise of wisdom, since love is, "the will to extend oneself for the purpose of nurturing one's own or another's spiritual growth." Love cannot be reduced to a happening, nor is it effortless. On the contrary, love is a process that demands considerable investment of resources, material and spiritual. It is at least as much volitional as it is emotional. In this sense, true love is not the feeling of being overwhelmed, but a purposeful thoughtful decision. Thus a better metaphor than "falling in love" is that of "a labor of love." Indeed, without labor there may be no love, for no love will long last without laboring at it.

The biblical expression "Love your neighbor as yourself" reads literally "Love to your neighbor. . . ," meaning, "Act lovingly to your neighbor as you would have your neighbor act lovingly to you." The point is that love is as love does. Precisely because love is as love does, one cannot claim to love while one is abusing. How often have abusive husbands excused their behavior while protesting their love. Describing love as "falling" promotes the belief that one has no control over whom one loves. From here to believing that one can love while mistreating is not a big step.

The belief that being in love is being passive or being out of control engenders the belief that one is a victim of love. Such expressions facilitate the refusal to take responsibility for one's acts. As long as I am allowed to perceive love as an external force operating on me, I do not have to own up to the attendant commitments of a relationship. In fact, whereas teenagers fall in love, adults commit to love. Loving is correlated with the will to love. Adopting teenage love as the model of love results in still another case where the claim to victimization can be exploited to avoid moral accountability.

The result of teenage love becoming the model of human love has also had a destabilizing impact on married love as a long-term relationship. How often have we heard of people justifying their divorce on the claim that they do not feel the same way as when they were married. The assumption is that love is static. Static love can easily ooze into stagnant love. No adult loves their spouse thirty years after marriage the same way they did upon marriage. Mature love assumes growth. The difference is more of quality than quantity. While teenage love is oftentimes a losing of oneself in the other, adult love is just as often a gaining of self. In the former, people live off each other; in the latter, they nurture each other. So often teenage love claims that it cannot live without the other, whereas adult love is more often a living for each other. This accounts for the intensity of teenage love being swallowed up in the present as if there were no tomorrow, while adult love is so future oriented. When love is felt as a losing of self or as being swallowed up, it evidences total emo-

tional dependency. As such, its dissolution can lead to the contemplation of taking one's own life or even the other's. In the former, the rejected despairs over a life no longer felt worth living; in the latter, he figures that if he cannot have her nobody can. In either case, such responses to unrequited love show how much the love involved a feeding off of each other. This is quite visible evidence to how much the gap between teenage and adult love is comparable to the gap between symbiotic love and synergetic love.

The difference is most evident when viewing the beloved not only as a mate but also as a parent of one's children. Where there is no commitment to the welfare of the other, there is no commitment to the future. In such cases, it is as easy to fall out of love as it is to fall in. In neither case is there any residue of responsibility. When marriages, which never got beyond teenage love, end in divorce, they tend to produce deadbeat dads who refuse to meet their obligations to wife and child. Conceiving and experiencing love as a losing of a sense of self paves the way for a losing of a sense of responsibility.

Once love is understood as a choice and not as a falling, it becomes subject to the standards of adult accountability. Adults choose to love, choose whom to love, and choose how to love. In so far as love is expressed in behavior it is a product of choice. This applies whether it be heterosexual or homosexual behavior. It is precisely the chosenness of such behavior that argues against any analogy with the mamzer. A mamzer is a product of parental behavior, not one's own. If an analogy is in order, kleptomania may, however poor, be an instructive one. Feeling that what is their own cannot have much worth, kleptomaniacs take things precisely because they belong to others. Notwithstanding our compassion for the low esteem that generates the characterological problem of kleptomania, we still cannot condone the stealing. In both cases, compassion for a person's orientation however involuntary does not entail approval of behavior. Moreover, even if judgments are to be mitigated because of duress, psychological pressure is still not the mitigating factor that physical coercion is.

Whatever the truth of the genetic origin of homosexuality, it is evident that social conditions enhance its expression especially for borderline cases. Even the advocates of a neurobiological etiology are unable to identify those genes which carry, as it were, a homosexual code. The most that can be affirmed is that it is polygenic. Even those who argue for a neurobiological base realize that it is only part, however great, of the case. It is simply not possible to achieve total correlation between genes or chromozones and behavior in healthy people. Were it otherwise, the spiritual dignity of humankind would be seriously compromised, for human beings would be nothing more than automatons of the body. A total correlation between chromosomes and behavior would reduce human behavior to instinct and undermine any claim to human freedom. In actuality, there is hardly any human behavior that is not a product of both biology and choice. It is precisely the distinctive combination between the two that makes humans unique in the animal kingdom. Since no single factor accounts for sexual identity all the more so for its existence, it is clear that expressions of homosexuality as that of heterosexuality are multifactorial.

Gender distinctions are not absolute. Male and female represent the neurobiological and psychological poles of a continuum. Whereas moving from one pole to the other is rare, sliding along the continuum is not, especially among the young when gender identity is still in formation. Such sliding may be a product of nurture as much as nature. Much of the content of sexual roles results from observation and imitation of others. If neural correlates are as plastic as some researchers claim, then clearly some neural links are reinforced by repeated behavior. In any case, certain environments encourage the expression of one predisposition over another. Latent tendencies properly cultivated become overt. Frequently, all that

is needed are role-models and supportive surroundings. While it is theoretically possible to distinguish between biological gender and gender identity and to make a further distinction between them and sexual orientation, those concerned with the stability of family life have a vested interest in maximizing the convergence between the three so that gender, identity, and orientation follow normative lines. It is precisely because we understand our social codes to be the result of nature and design, human and divine, that we are so concerned that Jewish life foster environments which encourage optimal Jewish behavior.

Jewish public policy is responsible for the health of the Jewish community. As such its primary, though not exclusive, concern is with those trying to raise wholesome Jewish families. While it is admirable to reach out and to “enfranchise” a group of Jews into the community, it is important to realize that outreach always has an impact on the cohesiveness of any community. Frequently, it is a price worth paying, but not at the expense of those whose life-style reflects a long term commitment to the continuity of the community. From the point of view of market strategy, it is unwise to risk the loyalty of an already committed population for the possibility of securing that of a questionable one, especially one unable to perform the basic function of continuity.

Some people have considered leaving more liberal movements for more conservative ones when the former legitimate homosexuality. To call this “homophobia” sheds no more light on the phenomenon than calling its opposite “heterophobia.” People tend to join synagogues in search of a community of shared values in order to provide themselves and their children with a haven from the corrosive impact of popular culture. Common values are predicated on shared convictions about what is right and what is wrong, what is decent, and what is obscene. Otherwise, there is no communal bonding. For a religious community to bond, it must not only share a sense of what is noble and what is base, but also what is sacred and what is profane.

There are those who would preclude rabbinic involvement in commitment ceremonies for homosexuals, but allow for their presence. Rabbinic presence at alternative lifestyle ceremonies, however, can serve to validate the lifestyle. The nonverbal message could be that one lifestyle is as good as another. Since the implication of the term “lifestyle” itself is that choice is the basis of validity, it would border on naïveté to discount the symbolic meaning of rabbinic presence. Regardless of what is said to the contrary, words rarely erase visual perceptions. What we do speaks so loudly, it is difficult to hear what we say to the contrary. Prohibiting rabbis from the performance of such ceremonies while permitting their presence *qua* rabbis is disingenuous. To make public distinctions the significance of which is not comprehensible by the public is poor policy. In the public mind, rabbinic presence is understood as condonation if not approval.

In sum, religious legitimation of extra-normative sexual relationships threatens to undermine the privileged position of normative marriage. Such legitimation tends to equalize the status of the two especially in the eyes of children. Instead of being a social ideal, family-centered marriage would become simply another alternative. Reduced to an option for some, it would lose its status as social ideal. Already a besieged institution, it is questionable whether its protective walls can withstand much more battering.

What should be done? I move that: We affirm the privileged position of the family as the key to Jewish life and continuity; we express our concern for the humanity and the plight of the homosexual; we ban all homosexual activity for candidates and members of the rabbinate and cantorate, thereby setting standards for the Conservative movement as a whole; we not ordain self-declared homosexuals nor accept them into our professional organizations; and, we prohibit any involvement with ceremonies which serve to confirm Jewishly homosexual relationships.