

History and Texts

At present, no single, definitive statement on homosexuality and the Reform movement exists. There are, in fact, many statements on subjects ranging from full inclusion of lesbian and gay Jews in our congregations to the acceptance of lesbian and gay rabbis as members of the Central Conference of American Rabbis (the recognized Reform Rabbinic organization). There are position papers on the kedusha (sanctity) of lesbian and gay unions (also known as Commitment Ceremonies, Brit Ahavah, or even marriages). There are scholarly articles and responsa (opinions based on halacha—Jewish law) that span the last two decades. The accumulated total of these documents, when objectively analyzed, falls clearly on the side of full acceptance of all Jews as members of our congregations, as leaders of our congregations, as professionals in our congregations. There is a growing body of literature that calls for full inclusion in all life cycle ceremonies. Recognizing that Reform Judaism calls upon each of us to make informed decisions on such matters, this chapter will present an overview of the texts that have bearing on Reform Judaism and homosexuality. The question before us is not one of acceptance. Rather, it is one of moving beyond the rhetoric of countless resolutions and intangible agreements to meaningful action.

When we, as Reform Jews, are called upon to make ethical and moral decisions, we turn to the classical texts of our tradition. But we do not stop there. We consider the cultural, sociological and religious mi-

lieu in which they were written. We acknowledge that they were written by Divinely inspired human beings, not necessarily dictated by God. We recognize that as Reform Jews, we have never understood halacha as binding, and have historically given more weight to some mitzvot than to others. We also live our lives very much in the present day, with learning and integrating new insights and understandings. It is in that spirit that we turn to the texts now before us.

The two most often cited Biblical texts regarding homosexuality are found in the book of Leviticus. They are found in the context of a larger section regulating sexual behavior:

Leviticus 18:22 (Parashat Achare Mot) "Do not lie with a male as one lies with a woman; it is an abhorrence".

Leviticus 20:13 (Parashat Kedoshim) "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 blood guilt is upon them."

While scholars are quick to point out that there is no record of the death penalty being invoked in such cases, the texts are nonetheless strongly worded. The reason for such a severe prohibition is generally linked to the notion of separating the Jewish people from their idolatrous neighbors. Male homosexuality was linked to cultic practices of neighboring peoples. Furthermore, such behavior was considered to be volitional. It was a willful choice, and

thus, a conscious sin. The preponderance of scientific evidence today points to a different conclusion. The word "abhorrent" or "abhorrence", in the Hebrew *toevah*, is "generally used to proscribe Canaanite practices", according to Zvi Weinberg in *Beth Mikra*, 69 (1977), and noted in the Plaut Torah Commentary (p. 1437). Plaut cites this in regard to animals that were forbidden for consumption. While some Reform Jews do observe the laws of kashrut, those who chose not to keep kosher are not considered to be performing an abhorrent act. There are several other references to *toevah* in the Bible, such as the prohibition against marrying an ex-wife (Deuteronomy 24:4), and a woman wearing a man's clothing (Deut. 22:5).

Clearly, prohibitions deemed *toevah* are not universally followed by Reform Jews. But what about the death penalty proscribed in Lev. 20:13? In Deuteronomy 21:18, the wayward and defiant son is to be stoned to death, if he does not heed either his parents or the elders of the town (Deut. 21:18-21). There is no proof that this punishment was ever carried out, yet it remains part of the Torah. Still another example of a capital offense that would be unimaginable today is found in Deut. 22:20, where a young girl, married as a virgin, is found not to be a virgin. She is to be stoned to death at the entrance to her father's house. We choose not to observe these prohibitions with hardly a second thought.

Other Biblical references to homosexuality are the subject of contemporary interpretation, or even midrashic treatment. Several do shed a more positive light on loving relationships between two women or two men. For example, see the story of Ruth and Naomi (Ruth, chapter 1) or Jonathan and David (I Samuel, chapters 18-20 and II Samuel 1:26).

The rabbinic literature has relatively little to say about male homosexual behavior, and even less to say about lesbian behavior. In B. Kiddushin 82a, two bachelors are permitted to sleep under the same blanket because "Jews are not suspect" of homosexual behavior. In the Jerusalem Talmud (Gittin 49b) there is a discussion on whether or not a Cohen is allowed to marry a lesbian. (A Cohen could only marry a maiden woman, not a widow or a divorcee.) The majority opinion was that such a marriage was permissible since intercourse did not take place. Maimonides codifies the prohibitions in his eleventh century work, the Mishneh Torah.

To date there have been hundreds of pages written presenting halachic arguments that speak for and against lesbian and gay inclusion, recognizing lesbian and gay outreach synagogues, recognizing lesbian and gay relationships, and debating whether or not such behavior is even acceptable within Judaism. An extensive bibliography is found elsewhere in this manual for those who would like to do further reading. The arguments that challenge a traditional reading of the text are manifold. Among them are:

- God does not create in vain. That is, all of us are created by God, and God would not create a creature to be treated any less equally than all the rest. Heterosexual and homosexual expressions are variations on the theme of a positive inherent sexuality.
- Loving, committed and monogamous lesbian and gay relationships are more akin to the loving, committed monogamous heterosexual relationships than to the other types of prohibited unions traditionally regarded as "abominations" (such as bestiality or incest). Today's understanding of lesbian and gay relationships is vastly different from the Biblical perspective.
- There are other prohibitions, also punishable by death, that have been changed through an interpretive halachic process (e.g. the rebellious son, Deut. 21:18-21).
- Halacha is indeed dynamic. The heresh (deaf-mute) is no longer classified with the minor or the mentally retarded as incapable of understanding and making legal decisions. In light of modern understandings of homosexuality, why must the old prohibitions hold?
- More specifically, the sin of Sodom and Gomorrah was not homosexual license, but rather the lack of hospitality afforded to strangers; and the verse, "not to lie with a man as one lies with a woman" can be simply understood as acknowledging that there is a physical difference in homosexual and heterosexual sexual relations.

The Central Conference of American Rabbis is in the process of drafting a document on human sexu-

ality and Reform Judaism that will presumably include a position statement regarding lesbian and gay relationships.* Until that time, there are a number of papers included in this handbook, or in the bibliography, that can guide a congregation wishing to

include a review of halachic materials and their interpretations in its decision making.

*In March 1996, the CCAR did vote to support civil marriage as a matter of civil rights for gays and lesbians (See resolutions for full text.)

Steps for Further Action:

1. Consider holding a class (or classes) on the literature regarding male homosexuality and lesbianism from Biblical and extra-Biblical texts.
2. Survey the congregation with regard to adherence to other Biblically based practices (Why do we observe some things and not others?).
3. Have the Confirmation class prepare a debate on the issue using materials from this chapter and the bibliography and/or appendix.
4. Read any of the Reform Responsa books for examples of how we, as Reform Jews make decisions based on textual sources. Write a response based on some of the issues raised by this chapter.
5. "Re-write" the Leviticus passages as if they were being written in the late twentieth century.
What follows are some examples based on the contents of this chapter.