

How can you be gay and Jewish?
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I am sometimes asked: "How can you be gay and Jewish? Doesn't the Bible forbid homosexuality?" Here is my attempt at an answer.

At the outset, I am only answering this question as part of a subset of a subset of Jews: religious Jews who feel themselves bound or in some way affected by the Torah and Jewish law. Of course, the majority of Jews do not believe themselves to be bound in any such way. For them, the issue is much simpler: any prohibitions which may exist are historical in nature and far less important than conscience, ethics, culture, and other values. The law evolves, or doesn't matter anyway. So what the questioner really means is: how can one be gay and religiously Jewish, with a religious consciousness that, for whatever reasons, treats what the Bible says with seriousness. That is the question I mean to answer.

The Bible does not forbid homosexuality. 'Homosexuality' is a modern term, a pseudo-scientific category created in 1869. It refers not only to sexual acts, but to a sexual orientation, an identity, and is today used (imprecisely) to describe a range of sexual behaviors, attractions, and ideas about the self. This way of looking at sex acts was unknown both to the Bible and to the Talmud. Where the Torah does speak of sexual acts, as we will see below, it has no conception that these acts relate to personal identity, or to love. It expresses no belief that such acts are indicative of an inborn proclivity, and no conception that acts "make you gay," or even that one type sex act is necessarily related to another. Those who say that the Bible (or Torah, or Talmud, or halacha) forbids homosexuality are simply wrong. There is no such thing as Biblical homosexuality.

What the Bible does forbid is contained in one sentence, found in two different places in Leviticus: "And at a man you shall not lie the lyings of woman." This language is awkward in English, but, as we will see, it is necessary to capture the nuances of the Hebrew: v'et zachar lo tishkav mishkevei ishah. We will return to the grammar and vocabulary below. Notice at the outset, however, the parameters of the prohibition. Lesbian sexual activity is not mentioned at all; this was treated very lightly by the Talmudic rabbis (as a form of "mere lewdness," akin to wearing a bikini bathing suit) and was not proscribed until much later in Jewish history. So for all but Orthodox Jews who regard later rabbinic decisions as irreversibly binding, lesbianism is not under discussion here. Second, sexual acts which do not count as "the lyings of woman" are not included. Such acts may later be rabbinically prohibited under the rubric of "building a fence around the Torah." However, the unclear verse itself only prohibits this one kind of behavior between men.

How, then, do we understand the verse? The answer depends on how one reads Jewish texts, which in turn depends on one's overall Jewish philosophy.

For many religious Jews, the Torah is only one source of many for religious norms. If our moral sense, or other considerations, after careful deliberation and thought, lead to a different conclusion from the text, then these Jews respectfully set aside the Levitical prohibition. They understand it as a product of its place and time, and recognize that we have evolved morally, widening our sphere of consideration, becoming more tolerant. This is true even if God "wrote" the Torah, because, as the saying goes "the Torah speaks in the language of men [sic]."

Few halachically observant Jews, however, take such a view. For them - the "subset of a subset" I referred to earlier - the reasoning above is specious at best, blasphemous at worst. These Jews cannot simply set aside the text, even for a very good reason, and thus adopt a range of strategies for interpreting it when it is ambiguous or troubling.

Within this subset of a subset, there is still a wide range of textual strategies available. On the far "right," the Torah is the explicit word of God, and is interpreted strictly according to tradition. If the text appears to be unclear, we turn first to the Talmud, then to later authorities, and defer to their interpretations, because they represent an unbroken chain of interpretation dating back to Sinai itself.

Somewhat more liberally, many halachic Jews recognize certain authorities as empowered to interpret Scripture, and defer to precedent except in rare circumstances. We respect the tradition so highly that we are loathe to ever depart from precedent. Clear statements in the Talmud are never (Orthodox) or hardly ever (Conservative) overturned. Opinions of prominent later authorities are set aside either never (Orthodox) or only after careful, written discussion and analysis (Conservative).

However, even for Orthodox Jews, the apparent literal meaning of Torah verses is often not the true meaning. Few, for example, adhere to Deuteronomy 22:13-21, which states that a marriage is only valid if the bride is a virgin. All Jews who know their Talmud know that Talmudic rabbis if not contemporary ones read entire laws right out of the Bible, such as the provisions regarding the 'rebellious son' and 'leprous house.' Guiding these interpretations, in proportions which vary by community, are hermeneutic principles, precedents, conscience, and the needs of the community.

Applying these principles to the verse in Leviticus 18 is difficult. The precedents vary, the words are unclear, the conscience is often confused, and the expressed needs of the contemporary community conflict with one another. Turning to precedent, the Talmud is surprisingly vague on what acts the verse's prohibition includes within its ambit. (See Steve Greenberg, *On Wrestling with God and Men* [and my interview with him in an earlier issue of *Zeek*], and my own *Response to the Roth Tshuvah* for discussion of these points.) Questions that are left open

include: Does the verse only apply to anal sex, or to a wider range of behavior? Is it, like the laws of Shabbat, to be understood according to its context (it, and other sexual purity laws, are contained in the context of discussions of idolatry)? What does *toevah*, the category of offense, mean?

In contrast to the Talmud, later authorities have been very unambiguous in their condemnation of all homosexual acts. Critically, though, these authorities generally base their decisions on adequate factual grounds. They are rarely acquainted with gay or lesbian people, and lack data that is absolutely necessary in order to properly understand the verse: the voices of those who know that their sexuality is either genetic or so deeply environmentally conditioned that it is unchangeable. In other words, the knowledge that God makes some people gay and lesbian. For these reasons, our deference to such opinions ought to be very limited, premised as they are upon ignorance, rather than upon knowledge. With the Talmud unclear and later authorities undermined by their lack of complete knowledge, a responsible halachic Jew must turn to the text itself and - in a way previous authorities were unable -- to all the realities which bear upon the question at issue.

There are three points which are the fulcrum of our whole understanding of the question:

1. God makes some people gay and lesbian.
2. God is a loving God. (This premise is based on fundamental principles of Jewish theology, as well as the experiential knowledge of Jewish contemplatives.) and thus, the question:
3. If God makes some people gay, and God is a loving God, can Leviticus 18 possibly mean to proscribe all gay activity?

This conundrum is an inexorable one. Although some continue to deny the first premise, neither science nor the lived experience of gay and lesbian people is on their side. Since God loves truth, we cannot be satisfied with convenient untruths which happen to support a particular ideological position. This is not responsible halacha. And notice that the more we believe that God wrote the Torah i.e., the more "traditional" our theology the more compelled we are to make sense of this difficult verse. If we have the liberal view that the Torah is merely human, then no theological position is implicated: The verse can include all male-male sexual activity, and God is "off the hook." But if the Torah is, in some sense, Divine, then the verse must be read in a way as to comport with our foundational, fundamental beliefs about God.

Of course, one cannot presume to know all the ways of the Ineffable One. But, if we look at the facts without blinders, this is not a subtle issue. On the one hand, gays who have accepted themselves (we will now speak only of gay men, since lesbians are not included in the Levitical prohibition) are capable of warm,

loving, honest, sustained family relationships. They, like straight people, can experience God in their loving relations, in their erotic union, and in their emotional, physical, intellectual, and spiritual integration, and can reflect that experience in meaningful, moral, and productive lifelong relationships. On the other hand, gays who have not accepted themselves are repressed, distorted, and prone to erratic, dangerous, or inappropriate sexual activities. (One thinks of the recent Catholic church scandals, for example, or of comparable scandals, less well-known, within the Jewish community -- scandals which happen to affect certain key decisionmakers on this very issue.) Speaking from my own experience, the "closet" is a far too gentle term for an all-encompassing net of lies, self-hatred, and desires for self-mutilation. Studies conducted in the 1990s showed that almost half of gay and lesbian youth in the U.S. attempt suicide more than once; almost 90,000 per year succeed. Does a loving God want this?

We also know, for a fact, that sexual orientation, while perhaps fluid, is irreversible. On the negative side, it cannot be "cured" with "reparative" therapy, actually a form of aversion therapy designed to cause pain or nausea at the sight of an inappropriate sexual object. (Given the horrible psychological mutilation involved in such "therapy," I believe it should be banned by all responsible Jewish authorities as a form of [harm to the self].) On the positive side, sexual orientation is part of who gay people are. It is how God made us, and the way we love. And love, according to countless Jewish texts and traditions, is one of God's greatest gifts and a way in which God makes Godself knowable to us. Does a loving God want people to mutilate precisely those parts of themselves designed to express love?

I do not believe the existence of a loving God can be squared with a blanket prohibition on homosexuality. However, we should note that such a view is theoretically possible. Perhaps homosexuality is a special challenge which, like disability or a propensity to sin, is inexplicably bestowed upon some people for reasons we may only guess. If this is the case, we would expect those pious saints who abstain from all sexual contact to be blessed with especially intense devotion for God. Indeed, this may be the case in the Jewish tradition, as we know of many great rabbis who never married, or who married only very late in life. (Examples include the tanna Ben Zoma and the ethicist/kabbalist Rabbi Moshe Chaim Luzzatto.) Perhaps these were the celibate gay sages we would expect to find. Since we have no way of knowing the sexuality of these men, I can only reply on the basis of anecdotal evidence from contemporary sources. I know few closeted, celibate men who are joyous, generous, loving, and in love with God. Quite the contrary: most closeted men I know are conflicted, distorted, and only partially alive. On the other hand, in my own life and in the lives of many friends of mine, ending the lies, self-deceptions, self-mutilations, and repressions of the "closet" opens the door to being a full ethical, religious Jew. Instead of cursing God, one makes peace with and learns to love God. Instead of seeing oneself as especially prone to evil, one begins to see oneself as a special Divine vessel. And instead of hating the means to love, the gates of love are open.

Admittedly, this evidence is only personal and anecdotal. It is sufficient for me; it may be insufficient for someone else. However, having spent many years meeting both open and secret gay Jews, across all movements and religious affiliations, I have not met a single repressed gay Jew who is healthy, happy, wise, and living a full life of traditional Jewish values. I have met many open gay Jews who do all of these, in joy and in holiness.

For these reasons, it is impossible to conceive of a loving God who creates gay men only to demand their repression and distortion. Consequently, the interpretation that Leviticus 18 condemns all homosexual activity must be wrong.

What do I offer in its place?

In fact, many different interpretations of Leviticus 18 suggest themselves. Some approve of all forms of same-sex activity. Some approve of only certain kinds of acts. Others approve of none but seek place the acts in 'proper' perspective. Here are some of the interpretations of Leviticus that have been offered by scholars:

- Leviticus 18 is only about sexual violence and humiliation. In the misogynistic culture to which the Torah was given ("The Torah speaks in the language of man"), to be sexually penetrated was a form of degradation. Leviticus 18 demands that this degradation never be visited upon another man. This explains the use of the word *et* and the strange locution *mishkevei ishah*: it refers to doing something humiliating to a man. If the prohibition meant something other than degradation, it would have said *im adam* - "with" a man, rather than *et adam*, which means, roughly, "to" or "at" a man. Thus only male-male sex acts which can be characterized as being done *et adam*, "at a man," are forbidden. As Rabbi Steve Greenberg develops in his book, where penetration has none of the earmarks of violence or humiliation as in a loving relationship between men in our culture the prohibition does not apply.

- Leviticus 18 is only about sex acts in the context of idolatry. The evidence for this reading is textual, and twofold. First, the prohibition is located in the larger textual context of prohibitions against idolatry. (Textual juxtaposition is how the rabbis derived the prohibitions of the Sabbath, and is a central halachic hermeneutic.) Second, the Torah goes out of its way to specify that male-male sexual activity is *toevah*, a label it does not apply in this way to other sexual prohibitions. *Toevah* basically means taboo -- a word to which it may be etymologically related. *Toevah* is a practice not intrinsically wrong (the Torah speaks of things that are *toevah l'mitzrayim*, taboo to Egyptians) but wrong because it is what other nations do, and thus forbidden to us. This explains the *toevah* categorization applied to same-sex acts, but not to other proscribed sex acts, and the location of the verse in the context of prohibitions against idolatry. Where sex has nothing to do with idolatry, i.e., when it is not a *toevah*, the prohibition does not apply. (One might even translate the concept idolatry homiletically, perhaps to mean "making an idol out of sexuality," although such a reading is not required by this interpretation.) The purpose of the act matters

more than the form. Put simply, if gay sex is prohibited by Leviticus 18, then Michelangelo is prohibited by the Ten Commandments.

One compromise reading of Leviticus 18 is the following:

- Leviticus 18 is only about anal sex. Other forms of sexual activity are permitted. And, just as we do not query heterosexual couples about their adherence to the laws of family purity much more important, legally speaking, than the anal sex prohibition, we do not query homosexual couples about their practices here. We thus can publicly recognize and honor gay couples because there is a wide range of sexual behavior to which the prohibition does not apply. What goes on behind closed doors is their business, and we infer or intrude no more about it than we do about the sexual purity practices of straight couples.

Other 'compromise' readings preserve an expansive reading of Leviticus 18 but nonetheless embrace and support gay people. These include:

- Gay people may fall under the category of ones, or those who sin through compulsion. Because they are acting under compulsion, there is no sin.

- There are some readings of the Jewish tradition which hold that we can never judge what another person's romantic path is meant to be. (See the Ishbitzer rebbe on the character of Pinchas on this point.) Therefore, although we do not resolve the verse, we assume that gay people are, in ways unfathomable to us, fulfilling their own Divine destinies.

- Some forms of gay sex acts may be sins, but everyone sins. There may be special opportunities to being gay, or there may not be. But in any case, if gay people sin through their sexuality, they are no different from everyone else. This is why we have tshuvah, return to God. Moreover, at the very least, society's wildly disproportionate attention to homosexuality needs to be corrected; this is a sin far less important than driving on the Sabbath, or scrupulously observing the laws of family purity. Those who desecrate the Sabbath on the one hand, but condemn homosexuality on the other, may be called, charitably, ignorant and inconsistent. Uncharitably, they are hypocrites. But they are worse than ordinary hypocrites, since the sins they commit are far more grievous than those which they condemn.

Personally, I find these compromise views to be insufficient, because they treat what is actually a great gift to intimacy, sexuality, as a form of disability, inscrutability, or imperfection. I find the textual interpretations of Leviticus to be more satisfying, not because they are permissive, but because they reconcile an otherwise impossible contradiction: that a loving God has asked that 5% of Jews repress their sexual urges and distort their loving souls. Moreover, I see the restriction against idolatrous sex as recognizing precisely the power and importance of human sexuality that is in evidence throughout Jewish law and tradition. Unlike the vaguely "don't ask, don't tell" policies of the compromise

positions, the 'violence' and 'idolatry' interpretations situate Leviticus 18 squarely in the context of Jewish ideological and textual norms. They reconcile the contradiction, and show that when core Jewish values (about text, about violence, about idolatry) are applied to this verse, other core values (about God, about love) are upheld. This makes sense to me.

In any case, the onus should be on those who would prohibit same-sex relations to explain their theology, the grammar of the verse, and the place of gay men (remember, none of the above applies to lesbians) in the Jewish community if their souls are to be cut off in this way. After all, they are the ones who are causing irrefutable and grievous harm in the name of their reading. Therefore, rather than placing the burden of proof on those who would alleviate harm, our default position ought to be that halacha is never supposed to hurt anyone, even in a trivial way. (There are exceptions made in Jewish law for reasons as small as the physical discomfort a lulav may cause in one's hands.) Consequently, those who would read the ambiguous verse in a way that would cause repression and distortion must meet a heavy burden for their reading to be theologically and jurisprudentially tenable.

In fact, I would go further. Given that negative attitudes towards homosexuality cause up to 8,000 deaths each year in the United States alone [see sites], I believe those who propound such views are complicit in death and suffering. I believe God is present in love, and know from simple empiricism that God has created a spectrum of loves for a purpose we cannot understand. For these reasons, I believe it is a profanation of the Divine Name to say that God desires self-mutilation or self-annihilation. To say "the Bible forbids homosexuality," knowing the consequences of saying so, is the true abomination. It is a chillul hashem, a profanation of the Divine name. It leads unknowledgeable people astray, giving them false and destructive ideas about the Divine will, leading them to reject the Torah, or Judaism as whole. And it leads impressionable young people to mutilate their souls. To say "the Bible forbids homosexuality" causes error, suffering, and misunderstanding, and yokes the name of God to the suppression of the Godly. It is, in a word, blasphemy.