

December 8, 2006

Is it possible to deplore something and celebrate it at the same time? If so, then I suppose it would best reflect how I feel about the recent decision of the Conservative movement's Committee on Jewish Laws and Standards, and particularly about the celebratory discussion of the Dorff-Nevins-Reisner paper.

What is there to celebrate, from a queer/Jewish/rabbinic perspective? I can celebrate that the hard work over the years of my Conservative rabbinic friends has borne fruit; that their diligent activism and willingness to speak out and focus on this issue from within their movement provided the necessary impetus for the discussions, and this outcome. Yet the fact that the outcome will allow talented queer folk who wish to serve the Jewish people to do so as Conservative rabbis is just one of the aspects of this decision, and the years of discussion and activism, that leave me queasy.

I truly feel it viscerally when I think about the damaged, even broken, lives of talented people – those already ordained, those who sought ordination, and those who were still approaching those choices, particularly in the past twenty years. Where, when and how will the movement be held accountable for what they previously did, in the name of the same halakhic process they now celebrate?

I can't help thinking about some of my friends who are plaintiffs in the same-sex marriage case just argued before the Maryland Court of Appeals. During oral arguments I listened to some specious claims about the particularities of marriage between a man and a woman, not analogous to but just as disturbing as statements about which sexual behaviors are permitted or forbidden according to interpretations of biblical passages. Lest the parallel seem too stretched, remember that the prevailing normative definitions of marriage are similarly based on constrained interpretations of verses from our canon.

Damage was done here as well, when one of the plaintiffs could not get information about her partner's life-threatening heart condition in an emergency situation; when the heart patient could not later participate in decision making and support as the labor during their first-born's birth took a difficult turn. I see the traumas replaying on their faces, ever so faintly, as the state's attorney stumbles over the legalese holding that the passage of Maryland's Equal Rights Amendment in the 1970's affirmed that the benefits and institution marriage, while reserved for a man and a woman, are not discriminatory on the basis of sex.

Rabbi Danny Nevis, co-author of the permissive *teshuvah*, is himself very clear on the connection between heterosexual marriage/*kiddushin* and the lifting of the ban on homosexual rabbis. The term homosexual is explicitly used here, as nowhere in the discussion around this process have I read any allusions to lesbians. The focus clearly seems to be on gay male sex.

Sex. Our consideration of it can no longer be avoided, though the CJLS's liberalizing folks would prefer that we not examine, or consider, what appears to be at best fear and

suspicion of a particular sex act - one, I may add, that may also bring delight and enjoyment to men and women with each other, and women with women as well. They might prefer that we not consider genitals and orifices, body parts and sex toys.

But we shall not pussy-foot around. The decision determines that future rabbis may be who they are and do what they do professionally, and that same-sex ceremonies may now be presided over by the movement's rabbis, as long as there is no anal sex. Again, we presume, though it is not yet clear to me how the *teshuvah* spells it out, that only men-with-men are addressed here.

The CJLS, and particularly Rabbis Dorff, Nevins and Reisner, seem comfortable designating such a boundary in order to achieve their desired goal of *keruv* to future colleagues, and potential mates, under their denomination's umbrella. Their view that the process had to be a halakhic one, as they define it, serves secondarily to cover any direct discussion of their making such an apparently intimate choice. Laughable images of potential enforcement practices of course only highlight the absurdity of the position (sic). Even Rabbi Nevins acknowledges as much in a commentary on his own paper, likening it to the absence of enforcement to *taharat hamishpahah* in the Conservative world, coupled with an assumption that since it is still "on the books" the movement can still attest to a halakhic view of the issue.

In the same commentary, Rabbi Nevins writes: "It is forbidden to humiliate another person, and yet our policy on homosexuality is clearly humiliating." That he intended this statement to refer to the *previously-held* policy only highlights the offense.

The current policy, too, is indeed humiliating. Yet I ask, again, can I deplore and celebrate it simultaneously? Can I celebrate the work it took to achieve this change, celebrate the uninhibited joys in study, in celebration, in spiritual life, in partnership, that will ensue and be Jewishly celebrated, while deploring the appalling hubris and degrading attitude that buttress its purported religious reasoning?

I think I'll hold off on my *lechayyim* for now, and perhaps reserve them for other occasions, ones that more powerfully honest, more unambiguously healthy, more proudly transgressive. *Lechayyim* to the children who are now confronting their sexual and gender identities in loving and supportive families. *Lechayyim* to the congregations, like the one I serve, who celebrate me, my partner and my family without attachment to state or rabbinic definitions of commitment. *Lechayyim* to those who held on, despite the psychic battering, to their emotional health while battling those who would ask them to divide their sexual and spiritual selves. And a bittersweet *lechayyim* to those who could not.

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