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Shabbat Shalom

This week the Jewish stage was taken by the Conservative movement. No doubt you have heard of the confusing vote of the Rabbinical Assembly's Committee on Jewish Law and Standards that took place on Wednesday. For some time the Conservative movement of Judaism has been trying to figure out its position on the issues of gay men and lesbians in their branch of Judaism. Are gays welcome? Can they serve as rabbis and educators? Can Conservative rabbis officiate at weddings and commitment ceremonies?

The Committee on Jewish Law and Standards sets halakhic or Jewish legal policy for Rabbinical Assembly rabbis and for the Conservative movement as a whole. Its membership consists of twenty-five rabbis who are voting-members, as well as five non-voting lay representatives of the United Synagogue and one non-voting cantor representing the Cantors' Assembly. In 1992 this committee of 25 of the conservative movement took up the issue and voted to welcome gays and lesbians to their congregations. However, they did not allow ordination as rabbis and cantors. They forbid their rabbis from officiating at ceremonies of commitment and they would not recognize gay partners as a family in their shuls. Truth be told some Conservative congregations did not follow these rulings. Some Conservative rabbis did not follow these rulings. Gay men and lesbians have been a part of conservative shuls and have been welcomed in some places and a handful of conservative rabbis have officiated at gay weddings. But they risked being kicked out of the Rabbinical Assembly. And further pain came at the seminary level at the University of Judaism and JTS in New York the Conservative movement's seminaries. Where gay students hid deeply in the closet for fear of expulsion and admission committee would automatically reject any candidate who identified as gay or lesbian.

In 2002 Judy Yudoff who was then the lay president of the Conservative Movement called upon the Committee to reconsider these issues. This was the beginning of the process that ended on Wednesday. What exactly did the Committee endorse?

The CJLS has a unique process which calls for papers to be presented that would be considered as Jewish legal rulings or halakhot. The unique voting of the committee allows for multiple positions on a topic. It takes six votes of the committee for a position to be endorsed. If it is a strong break with Jewish tradition called a *takanah*—it takes 13 votes. In this case on Wednesday 5 position papers were presented. The two most liberal papers which simply recognized that our understanding of homosexuality is radically different than what the Torah is talking about in Leviticus 18 were declined. They were voted down because they decided they would need 13 votes to pass. Each received only 7 votes.

Rabbi Elliot Dorff, Rector at the University of Judaism here in Los Angeles co-authored a paper that passed with more than 6 votes necessary. It passed with 14 votes.

Rabbi Dorff's paper argues for the ordination of gay men and lesbians as rabbis. It does so on the basis that Jewish tradition calls upon the community to bring dignity wherever and whenever it can. Dorff's paper uses the Jewish legal category of Kavod Habriot – human dignity. Dorff says in his paper

“For gay and lesbian Jews, it is impossible to ensure an internal state of dignity as long as their social status is one of utter humiliation. The Rabbis recognized the social component of shame in calling attention to the fact that people are shamed (and are owed compensation for that) not only when they themselves feel humiliated, but also when that person's family or community recognizes something that has happened to that person as embarrassing. (Homosexuality and Human Dignity, p.22)”

Dorff's contention is that Jewish tradition and society as a whole has brought humiliation upon gay men and lesbians for how they have been treated. Thus there cannot be a complete ban on gay men and lesbians and their sexual expression nor can there be a ban on their participation in the fullness of the Jewish community including as teachers of Torah.

Rabbi Dorff's paper is less than ideal however. And this is the difficulty. Because the Conservative movement is committed to the Halakhic, Jewish Legal, Process, Rabbi Dorff and his co-authors Rabbi Daniel Nevins and Rabbi Abraham Reisner, argue that there is one prohibition that still remains for gay men. They argue that there is no way around the received tradition about interpreting Leviticus 18- “A man shouldn't lie with a man the laying of a woman.” Dorff, Nevins and Reisner argue that this is understood universally in Jewish tradition as a ban on sodomy—or specifically anal sex. They argue that there is no way around it. And so their paper while still arguing for the dignity of gay men and lesbians and arguing for full inclusion in the conservative Jewish community, still prohibits this act of sexual intimacy between gay men. It permits other acts and their paper addresses that topic. But they also forbid certain sexual acts for heterosexual couples such as intercourse during menstruation which is also addressed in Leviticus.

The two other positions endorsed by the Committee on Jewish Laws and Standards of the RA are more troublesome. The first was endorsed with 14 votes. One authored by Rabbi Joel Roth (a professor at the Jewish Theological Seminary) argued for the upholding of the Conservative movement's 1992 position which was to ban ordination and commitment ceremonies. The third position they endorsed with six votes is the most troublesome. Written by Rabbi Leonard Levy called for reparative therapy for gay men and lesbians and upheld the ban. This position is so troublesome that in the press release immediately following the vote the United Synagogue—the synagogue arm of the Conservative movement said

“Although we have the greatest respect for the Law Committee's decisions, we do not agree with the recommendations of the third paper it accepted, which said that gay men and lesbians are best advised to find “restorative therapy” to change their sexual orientation (USCJ Memo, Dec. 6, 2006).”

How interesting that they can simply discard the binding decisions of their committee when convenient!

What remains encouraging despite this vote is that in this United Synagogue memo sent out immediately following the vote that calls upon their movement leaders to change the official hiring practices to that of non-discrimination. The memo states, “Given the Law Committee’s decision today, Rabbi Epstein, who is United Synagogue’s mara d’atra, has told United Synagogue’s leadership that he sees no reason why we should not revise our hiring policies. Based on this conclusion, we may consider applicants for United Synagogue jobs no matter what their sexual orientation. United Synagogue’s leadership will discuss the issue at its next scheduled meeting (memo, Dec. 6, 2006).”

Further this decision will open the doors of the Conservative movement’s seminaries to gay men and lesbians. JTS will engage in a process of examination on the issue. Their new chancellor Dr. Arnold Eisen who formerly was a professor at Stanford University, is on record as being in favor of gay ordination. And our own local seminary of the Conservative movement the University of Judaism’s Ziegler school of Rabbinic Studies will probably soon begin admitting openly gay students.

I would have rather seen the Conservative movement be honest with itself and pass the two more progressive papers rather the Dr. Dorff’s. Already in the press conferences following the leadership of the Conservative movement has stated that it will be impossible to police the sexual behaviors of gay men. Acknowledging that their ban on sodomy is frankly a bit of legal fiction.

And frankly, in my opinion, they completely misread what Leviticus is saying. Leviticus doesn’t say you should not like with a man like or as one lies with a woman.” There is no word for like or as in the sentence. But they could have applied a more creative reading to the text. Which in fact I believe would have been a more organic reading of the text.

But the goal to bring more justice and equality into the world for gay men and lesbians has been achieved this week. The conservative movement is opening up officially to our community and our Jews! And that is a blessing.

Our torah portion this week is a portion of brothers reconciling at the river. Jacob and Esau meet once again after many years apart. The last time they met Jacob had just received the blessing intended for Esau and Esau’s anger and hurt were palpable. Jacob fled the wrath of his brother. And now they meet again. Jacob with much trepidation and fear. The night before he meets up with his brother—he wrestles with an angel of God. But the tradition says it might be that he wrestled with himself. With his conscience, with his past. This week the Conservative movement has wrestled with its conscience and confronted one of the most important issues within our Jewish community. And now even with the difficulties of the relationship, even though the decision isn’t all we had

hoped for—there is a moment of acceptance and reconciliation. A coming together for justice for gay men and lesbians in the Conservative movement.

The work in the Conservative movement is far from over. Every congregation will decide for itself and every rabbi for his or her self. They didn't decide the issues around marriage and the seminaries of course must go through their processes to actually accept and ordain openly gay candidates for the rabbinate.

But it is a great day still of victory for what is right and for tikkun. A corrective action to heal the pain we have felt—a corrective action for uplifting our human dignity and in turn bringing honor and holiness to our world. That is the Jewish task.

Ken Yehi Ratzon—So may it be God's will