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Towards Equality

Every year around this time, as we read *Acharei Mot* this Shabbat, and prepare to read *Kedoshim* in two weeks time, we chant aloud the biblical injunction against homosexuality. “Do not lie with a male as one lies with a woman; it is an abhorrence,”¹ reads our *parashah* this week, and later we discover that *Kedoshim* regards a homosexual act as a capital crime, an action punishable by death.² In a synagogue community that prides itself as warm and embracing, supportive of people regardless of their lifestyles, it is inordinately difficult to read aloud this passage year-after-year. How inconsistent is it to say, “Our community welcomes you and your partner,” but our holy Torah says that you should be put to death?

Of course, everyone has an opinion on this subject. “We shouldn’t take the Torah literally,” cries one voice. “The Torah presents ancient perspectives for an ancient community and many of the concepts included in the text aren’t necessarily applicable today,” cries another voice. And yet everyone seems to know, that because of these two verses in these parashioth, that homosexuality is traditionally condemned in Judaism. I am appalled when I hear an observant colleague in the community say, “We have no problems with homosexuals in general. Jewishly, we have problems with the homosexual act.” I am dumbfounded. I cannot understand how through our own understanding and awareness of ourselves as sexual beings, with needs and craving for sexual expression, that we would think to suggest that two men or two women could be free to be involved in a loving relationship, as long as they do not express themselves sexually in the way that is most meaningful to them. I cannot understand how our religion, based as it is on principles of love, compassion, and respect for all creatures, would seek to deny someone the pleasures of intimacy, when such intimacy is a part of any loving, devoted relationship. Love, compassion, and respect seem relative, as long as they take place within the context of a firmly established system. Why do such parameters need to be so?

I am not the first rabbi to confront this issue, nor will I be the last. And I recognise that the subject of homosexuality is controversial in the Jewish community, as it is presently a subject of controversy in the Australian community too. Our colleagues in the Conservative and Masorti Jewish world wrestled with this issue as recently as 2007, when the question of homosexuality, specifically as it related to the ordination of gay clergy, and clergy’s role in officiating at commitment ceremonies. The Committee on Jewish Law and Standards straddled the fence, passing resolutions enabling Conservative clergy to choose whether they would officiate at commitment ceremonies, at the same time, supporting those who chose not to officiate. And in a third ruling, the committee indicated that the homosexual act is still regarded as forbidden by Jewish law.

In the present day and age, in wanting to live a meaningful Jewish life as an observant Jew, in wanting to grow in knowledge of and commitment to *halakhah*, what do we do when we

¹ Leviticus 18:22.

² Leviticus 20:9.

see that *halakhah* stifles a person's lifestyle? Commentary was written by Rabbi Gordon Tucker of the Conservative movement around the time of the rulings passed by the Committee on Jewish Law and Standards. Rabbi Tucker comments:

When someone says, "What can we do? The Torah is clear on the subject!", what is being said amounts to a claim of infallibility and irrefutability for the text of the Torah. And that claim ultimately rests on the assumption that the words of Leviticus (and, of course, those of the other four books of the Pentateuch) express directly and completely the will of God. (Indeed, treating a text as infallible on any basis other than on such an assumption would surely count as a form of idolatry.) But that assumption (that the Torah is the direct and complete expression of God's will) is one that, for all its currency in parts of the Jewish world, is not accepted in our Conservative Jewish world.

No, the time has come for a movement that has finally published a Humash commentary that reflects the theology our masters have taught us to "come out of the closet". It is past time for us to be, in the prophet Elijah's words, "hopping between two opinions". If the axiom behind this theological argument is to be accepted, then let us forthrightly admit that we have been misled by the teachers at whose feet we have sat. But if we confess that we do not accept the axiom of biblical infallibility, then let us honour our teachers by abandoning this theological argument, and by no longer permitting ourselves to say, when the matter of gays and lesbians comes up, "What can we do? The Torah is clear on the subject!" Could it perhaps be that critical study itself was given to us precisely so that we would not let the text of the Torah stand as an impediment to the acceptance, fulfilment, and normalization of God's creatures?³

But sometimes, even critical study has its limitations. Sometimes a text that was presented for a society nearly three thousand years ago does not present the same reality as the contemporary circumstances in which we live. And at such a time, perhaps *halakhah* and our understanding of *halakhah* need to change with our times. For those who will say that my perspective is "Progressive" with a capital "P," I would argue in return that one can vouchsafe Jewish tradition while still being forward-thinking, while still being respectful of other people and their lifestyles, by being traditionally-inclined and "progressive" with a lowercase "p." I would argue that such mindfulness further opens the doors of our community, welcomes those who would otherwise walk away, and affords them an opportunity to be heard, to be supported, to be embraced, and to feel as if they can participate in the life and the liveliness of their rightful religion.

And yet I wonder why there is such resistance to change? Why when the Torah requires capital punishment for 37 different offences, is the "offence" we are most reminded of homosexuality? How preposterous is it, that in our present culture where people are covertly filming sexual acts on Skype, that the issue of true love, the issue of a devoted loving relationship between a man and a man, or between a woman and a woman, is the subject of ongoing political discussion and is still controversial!

³ http://en.wikipedia.org/wiki/Homosexuality_and_Conservative_Judaism

I find this outrageous, but again, outrage isn't necessarily constructive. But taking a positive stand can be constructive. But standing with a sense of value and purpose, with respect for other people, can be constructive. Appropriately challenging the foundations of our religious tradition can be constructive, if such an action seeks to benefit the whole of the Jewish community. Regardless of sexual orientation, all consenting adults should have the unalienable right to fall in love with a person of their choice, regardless of their gender. All consenting adults should have the right to marry, monogamously, the person of their choice, regardless of their gender. Any rights that are associated with heterosexual couples should be extended to homosexual couples too. And in the Jewish community, we need to develop a new definition of *kiddushin*. We need to recognise that it is possible for a Jewish same-sex couple, to live in accordance with traditional values, to raise children if they see fit, and to express themselves mentally, emotionally, physically, and sexually, with our support and our blessing.

There is too much taking place in the world today, too many questions that require our attention for us to spend our time bringing politics into the bedroom, especially amidst the most appropriate, loving, and beautiful of relationships. There are many other places that we can apply Jewish values to a relationship – but we need not worry or fear, or express words of shame – when a relationship involves loving, devoted partners, respectful of one another, who happen to be the same gender.

Discuss this subject with homosexual and heterosexual friends. Learn more about the issues as they are presenting themselves in Australian culture. Tap into your own conscience and understand what you believe about this subject. Take a stand. Place an orange on your seder plate as a symbol of the potential sweetness that could come about with the further integration of homosexuals in Jewish communal life. In the words of Rabbi Tucker, we must continue to practise Torah in a way whereby our Jewish values will stand for the best of what is possible in our community and world – the acceptance, fulfilment, and normalisation of all of God's creatures.