

Mark Your Ballots

The Conservative movement gets closer to a decision on gay ordination and marriage.

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In a closely watched meeting, Conservative leaders met for two days to debate four *halachic* (Jewish law) approaches to the status of gay and lesbian Jews and their relationships.

While some media has proclaimed that a vote — by the movement's Rabbinical Assembly's Committee on Jewish Law and Standards (CJLS) — on possible changes to the movement's current stance had been scheduled and then delayed, Rabbi Daniel Nevins of Farmington Hills said that is inaccurate.

A member of the CJLS, the Adat Shalom Synagogue rabbi said there was no postponement of the vote. "Our normal procedure is to vote only after the second reading of a paper," he said. "This was officially a first reading for all four papers, though some people wanted to vote anyway."

Authors of the papers were asked to make revisions ahead of a vote scheduled for December.

"I was not at all surprised that the CJLS did not vote on any of the four," said Rabbi Jason Miller, associate director of University of Michigan Hillel Foundation in Ann Arbor, and rabbinic advisor to Congregation Beit Kodesh in Livonia. "On a topic as controversial as this, I would have been shocked had they voted so quickly. Activists must demonstrate patience while allowing the process to take place."

"However, I do feel badly that many things will happen before the committee meets again in December," Rabbi Miller said. "There will be a new chancellor of the Jewish Theological Seminary [in New York] who will begin his term without this

matter being resolved, the terms of some of the law committee members deeply involved in this matter will expire and, most important, there will be many proud homosexuals who will continue to feel excluded from Conservative Judaism."

Some who anticipated a vote, hoped it would bring about a change, while others looked at it to reaffirm the status quo, created by a 1992 decision barring openly gay individuals from its rabbinical seminaries — and forbidding its rabbis to perform same-sex marriages.

"It's yet another disappointment," said Rabbi Ayelet Cohen, associate rabbi at New York's Congregation Beth Simchat Torah, a synagogue for gay, lesbian, bisexual and transgender Jews. "It feels like yet another missed opportunity for the law committee to take a position of moral leadership."

The debate during the past three years on amending the 1992 policy has highlighted some of the difficulties Conservative Jewry faces in its approach to religious law.

Since its inception, the stream — once America's dominant religious movement, recently surpassed by Reform Judaism — has walked a fine line between adhering to Jewish law, and embracing a modern approach to religious observance.

"The pain that so many real people are experiencing because of their love for tradition and their hope for a supportive community clearly hasn't moved the Rabbinical Assembly to

move more quickly," said Rabbi Menachem Creditor, one of the founder of Keshet Rabbis, an independent organization of JTS community members supporting gay rights in the movement.

But even for some supporters of a new approach, the outcome wasn't all negative.

"I understand that it's frustrating, and there's a piece of me that feels frustrated as well," said Rabbi Elliot Dorff, rector of Los Angeles' University of Judaism and a co-author of one of the responsa, recommending a more liberal approach to homosexuality. "But, in the end, I would rather have well-honed and clearly

articulated positions that people can study and understand than positions that are not well-argued."

In the aftermath of a meeting in April, where the law committee met but took no action on the 1992 decision, Rabbi Joel Meyers, executive vice president of the assembly, urged his colleagues to be patient.

The movement has repeatedly affirmed that it welcomes gay and lesbian individuals in its congregations. The 1992 vote, however, allows for individual congregations to decide whether or not gays may be hired as teachers or youth leaders.

Discussion on the papers reaffirming the 1992 opinion focused around what the status quo means: Would the committee change the tone, if not the substance, of the movement's approach to homosexuality? If so, how?

According to the *Forward*, the current opinions relate "to the

historical ban on homosexuality stemming from *Leviticus 18:22*, which states, 'Do not lie with a man as one lies with a woman: it is an abomination.'"

The *Forward* stated, "Two of the decisions uphold prohibitions against homosexual sex, relationships and ordination; one overturns all gay-related prohibitions, and another interprets the biblical verse as a narrow prohibition against homosexual anal sex, while permitting homosexual affection and relationships in general, as well as gay unions and ordination."

"For this meeting, Rabbis Dorff, (Avram) Reisner and I combined our separate papers into one responsum called 'Homosexuality, Human Dignity and Halakhah,'" said Rabbi Nevins, co-author of one of the opinions. "Our goal is to protect the dignity of gay and lesbian Jews in a way that maintains the integrity of Jewish law. Human dignity is one of the highest values in Judaism, yet it is considered secondary to divine dignity."

He said, "In order to protect the dignity of an individual, rabbinic prohibitions may be superseded, but the Bible's authority remains intact. We have applied this talmudic principle to the plight of gay and lesbian Jews who are doomed to celibacy by the established precedents. Untangling the biblical from the rabbinic level prohibitions allows us to remain within the parameters of Jewish law while normalizing the status of gay and lesbian Jews within the community."

Rabbi Nevins added, "Our paper has been criticized from the left for not going far enough, and from the right for going too far. We are revising it for the next round of discussions. I hope that our argument will be convincing not only to a plurality of CJLS members, but also to other people who are committed to Jewish observance and are also

concerned for the welfare of gay and lesbian Jews."

Rabbi Dorff said he thought the committee was split on the need for change. "I think we're not unanimous, to put it mildly," he said. "Roughly half of us are interested in making some change, and half are not interested in making a change. I think that reflects the movement and reflects America generally. This is the moral issue of our time."

"It's a rough moment for Conservative Judaism," Rabbi Meyers said. "It's the kind of issue that confronts us in which I don't believe there will be contentment on any side of this debate."

Some, like Rabbi Miller, still are hopeful of change.

"I am optimistic about the future of the Conservative movement and believe it will become a more welcoming denomination of modern Judaism," he said.

"One reason for this is that there will be a change in the current policy concerning admission of openly homosexual candidates to the Conservative movement's rabbinical and cantoral schools."

He also said even though some Conservative rabbis already perform commitment ceremonies without consequence from the movement, "a number of my colleagues will not perform them until they have the authority of the Rabbinical Assembly."

"I am confident the law committee will soon arrive at an answer that interprets the Torah in a way that respects the human dignity of homosexual Jews, considering how we understand sexual orientation in the 21st century, while also respecting our Jewish legal tradition. That is the beauty of Conservative Judaism: finding the balance between our cherished tradition and our modern-day knowledge and sensibilities," he said. □



Rabbi Miller



Rabbi Nevins