

## The Religious War Continues

ness of gay and lesbian people, some of whom were clergy, to educate me. When I became open to new possibilities, then the humanity of representatives of the homosexual world was able to touch my humanity. They loved me and they invited me into the integrity and life-giving power present in their relationships. It was my recognition of the meaning and validity at work in their mutually committed lives that enabled me to accept the new data and to walk slowly but surely away from the prejudice of a lifetime. . . .

### **The *Kedushah* of Homosexual Relationships**

R A B B I Y O E L H . K A H N

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*If God made some people homosexual, a rabbi at the Congregation Sha'ar Zahav in San Francisco argues, why would He not want them brought fully into the Jewish community of faith and custom?*

**I**f the goal of Jewish life is to live in *kedushah* (sanctity), can we sanctify and bless homosexual relationships without compromising the integrity of our tradition? If we do wish to bless these relationships, can we reconcile this new strand with the historical

Jewish teaching in favor of heterosexual, procreative marriage as the normative and ideal form of Jewish family life? . . . We will examine this question in relation to God, Torah and Israel.

I begin with the most fundamental yet unanswerable question: What does God want of us? As a liberal Jew, I am usually reluctant to assert that I know precisely what "God wants." For me to begin by stating that "God calls us to affirm the sanctity of homosexual relationships" (a statement I believe to be true) would be to assert a privileged claim as little open to dispute as the counter-assertion by Rabbi David Bleich that these relationships today remain "*to evdah*" (an abomination). How would one respond to such an argument?

Thus, although our assertion of what God wants properly begins our debate, in fact it cannot. Our conclusions about God's expectations of us in a particular matter develop against the background of our unfolding, wider understanding of what God summons us to do—rooted in what we know about God and God's nature. In the foreground is all that we have learned from the scientific disciplines, from universal ethics, from Jewish tradition, and from our own prayerful conscience. It is when they touch, where the background of what we have already learned of God's expectations of us and God's nature meets foreground of knowledge, prayer, and conscientious reflection about a subject, that we may discern God's will.

My teacher Eugene Borowitz writes that he does not hear a clear message from God about homosexuality, as he has in other areas. I differ from Rabbi Borowitz. I believe that we can hear and affirm what God expects of us in this matter. My understanding of what God wants emerges from the background of God's justice and compassion, and is shaped in the foreground by religious interpretation of the insights of modern science. It is this foreground which has changed in recent years and leads me to dissent from the teachings of our received tradition.

The overwhelming consensus of modern science—in every discipline—is that homosexual relations are as "natural" to us as heterosexuality is. Now, to call something "natural" is a descriptive act; what occurs in nature is not inherently good or bad. Assigning of meaning is a religious act. I, along with many others, have come to recognize sexual orientation as a primary, deep part of the human personality, inseparably bound up with the self. Science does not know what creates homosexual attraction in some people, heterosexual attraction in others; yet today we recognize that some people can only be fulfilled in relationships with people of the same sex. What do we say to them? What does God expect of them and of us?

I do not believe that God creates in vain. Deep, heartfelt yearning for companionship and intimacy is not an abomination before God. God does not want us to send the gays and lesbians among us into exile—either cut off from the Jewish community or into internal exile, living a lie for a lifetime. I believe that the time has come, I believe that God summons us to affirm the proper and rightful place of the homosexual Jew—and her or his family—in the synagogue and in the Jewish people. . . .

When we confront the text [of the Bible] honestly, we face a twofold challenge: first, we must dissent from an explicit Biblical injunction which has been in force until modern times. Now, dissenting from Leviticus has not been an obstacle for us before; Reform Judaism has long abandoned the Biblical and rabbinic prescriptions in the area of ritual purity in marriage. Robert Kirschner . . . argues convincingly that the Biblical and rabbinic injunctions forbidding male homosexual acts are no longer applicable to the situation of homosexuals today. It is important for us to realize that the Biblical authors proscribed particular sexual acts, the motivation for which they could only understand as sinful.

We begin from an entirely different perspective than our

ancestors did. If we grant that homosexual acts are not inherently sinful, then can a homosexual relationship be sanctified? When two Jews, graduates of our schools, alumni of our camps and youth movements, members of our synagogues, promise to establish a Jewish home, pledge to live together in faithfulness and integrity, and ask for God's blessing and our own on their union, is this *to'evah* or is it *kedushah*?

Do we look at this committed and loving couple from an I-It perspective, which sees a particular act and condemns it, or with I-Thou understanding, which affirms the propriety of sexual intimacy in the context of holistic and enduring relationship? Let me be clear: I do not propose merely that we politely overlook the historical Jewish teaching condemning homosexual behavior but that we explicitly affirm its opposite: the movement from *to'evah* to *kedushah*. This transformation in our Jewish standard, from a specific act to the evaluation of the context in which acts occur, seems to me entirely consistent with Reform Jewish thought and practice.

Many are prepared to affirm that for some Jews homosexuality is the proper expression of the human need for intimacy and fulfillment. Still, I know that some are reluctant to endorse *kiddushin* (sanctified covenantal union, usually translated "marriage") for same-sex couples because these relationships apparently disregard the historical and continuing Jewish preference for what Eugene Borowitz and others have called "the procreative family." How can we grant Jewish sanctity, they ask, to a form of family which by its essence precludes procreation, a primary purpose of *kiddushin*?

My reply has three parts. First, we cannot hold homosexual families to a higher standard than we do heterosexual ones. We do not require proof of fertility or even an intention to become parents before we are willing to marry a heterosexual couple. Is the homosexual couple who uses adoption, artificial insemina-

tion, or other means to fulfill the Jewish responsibility to parent so different from the heterosexual family who does the same?

Second, does *kiddushin* require procreation? While Judaism has always had a preference for procreative marriage, our tradition has also validated the possibility that some unions will not produce children. *Halachah* states that a woman who does not bear children after ten years can be divorced by her husband. But the evidence that this law was reluctantly or negligently enforced is precisely the type of historical example Reform respondents often cite to support the explicit expansion of a value we find implicit in our historical tradition. The Jewish tradition has never insisted that the sole purpose of sexual expression is procreation, as evidenced by the numerous rabbinic discussions on the *mitzvah* of sexual intimacy and pleasure.

Third, the situation of the gay and lesbian Jews among us points out the need for new categories in our thinking. Reform Judaism is committed to affirming the responsibility of the individual. Can we not teach that a heterosexual relationship is the proper form of *kedushah* for many and a homosexual relationship may be a proper form for others? Can we not create a plurality of expressions of covenantal responsibility and fulfillment and teach that different Jews will properly fulfill their Jewish communal and religious responsibilities in different ways?

Finally, I would like to introduce into this discussion of Torah a different text than those which have shaped our debate so far. Mine is a classic Jewish text, the record of a uniquely Jewish form of revelation—the text of our history. The history of our people, writ large, has been a continuing source of revelation. For our own generation the recollection of events that we witnessed has assumed the force of Torah, and makes demands upon us as a people and as individual Jews. But our history is not only writ large—history is also written in the small, daily events of our lives. . . .

When I arrived to assume my pulpit in San Francisco four years ago, deep down I still believed that gay and lesbian relationships and families were, somehow, not as real, not as stable, not as committed as heterosexual marriages. I could tell many stories of what I have learned since. There are the two women who have lived together for many years without familial or communal support, who have endured long distances and job transfers, because employers thought them both single and admitting their homosexuality would have endangered their livelihoods, women who have cared for each other without benefit of insurance coverage or health benefits or any legal protection. They came to me one Friday night and simply asked: "Rabbi, this is our twenty-fifth anniversary, will you say a blessing?"

Mine is a synagogue living with AIDS. I have been humbled by the unquestioning devotion of the man who, for more than two years, went to work each morning, calling intermittently throughout the day to check in on his partner, and spent each night comforting, talking, preparing meals, and waking in the middle of the night to carry his loved one to the bathroom. Who would have imagined, when they first chatted twelve years before, that their life together would take this path? The loving caregiver stayed at his partner's side throughout the period of his illness and until his death.

These many lives have taught me about the possibility of enduring loyalty, the meaning of commitment, and the discovery of reservoirs of strength in the face of unimaginable pain and suffering. If the covenant people are summoned to be God-like, then these Jews live their lives *bizalem Elohim* and these relationships are surely of true covenantal worth. *Kidushin* is, in Eugene Borowitz's words, "Judaism's preferred condition in which to work out one's destiny. . . . Because it is a unique fusion of love and demand, of understanding and judgment, of personal giving and receiving, nothing else can teach us so well the

meaning of covenant." If "[i]t is the situation where we are most thoroughly challenged to be a Jew and where . . . we may personally exemplify what it means to be allied with God in holiness," then the Torah scroll of lived history records the *kedushah* of these relationships.

I would like to conclude with a word about *kidushin* and the Jewish people. I have been repeatedly asked, "If we elevate homosexual families to an equal status with heterosexual families, will we not undermine the already precarious place of the traditional family? I do not believe that encouraging commitment, stability, and openness undermines the institution of family—it enhances it. At present, many gay and lesbian Jews are estranged from the synagogue, the Jewish community, and their families of origin because of continued fear, stigma, and oppression. Welcoming gay and lesbian families into the synagogue will strengthen all our families by bringing the exiles home and by reuniting children, parents, and siblings who have been forced to keep their partners and innermost lives hidden. *Klal yisrael* (the community and unity of the Jewish people) is strengthened when we affirm that there can be more than one way to participate in the Covenant.