

which I deeply regret. Bisexuality is its own identity, often misunderstood, that deserves respect and protection from hurtful comments and policies. Our paper should either have included bisexuals in its conceptual framework, or left their questions for a different responsum, much as we left transgender issues for a different project.

The interpretation of Torah is an evolving and expanding activity. For millennia male rabbis argued that only men were obligated to study Torah, and they fought to preserve their monopoly on the spiritual inheritance that rightfully belongs to all Jews. Men built this patriarchy, and men may be partners in the task of dismantling it. But it is the scholarship and activism of women that have been the driving forces in this change. The same is true of LGBTQI+ Jews who have emerged from being objects of rabbinic interest to subjects and authors of Jewish discourse. The prior closeting and oppression of these Jews is an ongoing source of pain and shame; the new era of openness and gay pride is the beginning of a holier and greater stage of Jewish history.

As I approach the end of my term as a JTS dean, I am inspired and thrilled by the diverse identities of our students and alumni. Many of our wisest and most prominent teachers today have identities that were recently excluded from leadership. This is true not only for sexual and gender identity, but also for Jews of Color, and those living with disability. As a straight white male who was raised Jewish, I recognize how privileged my position has been. I have committed myself to removing barriers so that the Torah can be enriched by diverse perspectives, and our communities can rise to their potential. Much more work remains to expand the palace of Torah so that its paradoxes can become constructive challenges. Only then may we fulfill the Torah's most expansive command, "You shall be holy, for I Adonai your God am Holy."

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Aharei Mot-Kedoshim 5781

אחרי מות-קדשים תשפ"א



## The Palace of Torah Expanded: 15 Years Later

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For many modern readers, engaging with Torah presents a paradox. Biblical and rabbinic voices reaching us from the distant past are like starlight emitted millennia ago—brilliant and often shockingly current, but also artifacts from light sources that may have dimmed or even expired. This paradox can be constructive, drawing modern readers out of our own cultural assumptions, challenging us to notice wonders that we might otherwise miss. The Torah's poetry, its stirring demands for justice, and its vast system of devotional rites prime us for faith and sanctity. And when we encounter a Torah text that rings false or hurtful, we may use that encounter to clarify our own understanding, to articulate our community's sacred values. This responsive reading method allows modern Jews to embrace Torah as an *etz hayim*, a living tree with deep roots, whose branches continuously expand in delightful new directions.

We encounter this paradox already in the first chapter of Genesis. It is a wondrous and inspiring account of the origin of life on earth. The Torah declares everything wrought by the Creator to be good, understands humanity to be fashioned in the divine image, and teaches people to take responsibility for others and for the world itself. We may read these texts dozens or hundreds of times over the course of our lives, cherishing them and gaining insight even if their central premise—creation of the Universe over the course of a week—is falsified by modern science. Like ancient starlight reaching modern eyes, the words of Torah convey wonder even when their original radiance must be refracted through a new lens.

When we reach Parashat Aharei Mot-Kedoshim the paradoxical encounter with Torah reaches a new intensity. Many of the Torah's most powerful and

meaningful ideas are found in these chapters. We learn to love our neighbor as ourselves, to dignify our elders, to respect and protect people living with disability, and to create a livable spiritual practice (*vehai bahem*—live through the mitzvot, Lev. 18:5). Some of its commandments such as the prohibition of incest and adultery remain compelling, and others such as the ban on mixed species challenge us with their obscurity. However, some statements found here are foreign and hurtful to contemporary readers.

When the Torah prohibits sexual intercourse between two men, calling their lovemaking an abomination, there is no avoiding our discomfort and increasingly our disagreement with this ancient text. The Rabbis gifted us with techniques of non-literal interpretation, and modern readers have offered more acceptable approaches to these verses. For example, they might be read to prohibit only cultic, or coercive, or unloving, or incestuous sex between men. Still, the most honest and useful approach is to admit that these verses have been understood for millennia to condemn sexual intimacy between men. Today we understand this ban to be hurtful and oppressive. What is to be done?

Every year thousands of Jews present essays and speeches struggling with these texts, using them as a foil for our own evolving understanding of gender and sexuality. This itself is a redemptive response, but we also need to revise communal norms. Within Conservative Judaism we have tried different approaches, some effective but none entirely satisfying. Fifteen years ago, I joined with two other rabbis in composing a responsum that placed the Torah's heteronormative assumptions in tension with its own teachings about human dignity and the value of intimate partnership in life.

We argued that the Torah's declaration that "it is not good for a person to be alone" (Gen. 2:18), its commandment to love one another as ourselves, and its warning to avoid humiliating and harming others were all in tension with the ban found here on gay sex. So too with the expansions added by the Rabbis on sex between women: the cultural assumptions of their time undermined some of the Rabbis' most beautiful teachings about respecting and protecting one another. The ancient Rabbis said, "So great is human dignity that it supersedes a negative

principle of Torah" (BT Berakhot 19b and elsewhere). As modern rabbis we applied this powerful idea to our contemporary reality and to protect the dignity of all people in our day.

I would like to take this opportunity, nearly fifteen years later, to appreciate the positive impact of our responsum, and to revise some of its less beneficial claims. On the positive side, almost immediately after our paper was approved in 2006, Jews and other people of faith began to discuss sexuality through the lens of dignity. The tone of the discourse changed, certainly within our own denomination, and so did the policies. Synagogues, schools, and camps changed their rhetoric, and queer youth, adults, and families were gradually, and then suddenly, embraced as dignified members and leaders of their communities. Our seminaries in New York and Los Angeles quickly shifted to admitting gay and lesbian applicants, as did our school in Jerusalem five years later. Dozens of remarkable rabbis and cantors who openly identify as LGBTQI+ now lead our communities, and we have benefited from a richer and more diverse covenantal community.

It is hard to remember just how different things were fifteen or twenty years ago. Encountering ancient text on matters so intimate is always difficult. Sometimes a text from only fifteen years ago can feel ancient, and I admit that this is true of my own work.

We used the word "homosexuality" in our title to signal a scholarly and unbiased approach that might convince skeptical readers, including fellow law committee members whose votes we needed. But for many readers that term already felt passe and even hurtful in its clinical tone. We should have been consistent in using the language preferred by gay and lesbian Jews, for whose benefit the paper was intended.

Our core halakhic claim was that sexual orientation is a fixed feature for many people, and that the prior demand that gay and lesbian people suppress their sexuality and try to pass as straight was demeaning, cruel, and futile. As such, it violated the rabbinic principle of human dignity, causing shame and suffering, which are themselves biblically forbidden. In passing, we commented that for bisexual people it might be difficult but not impossible to restrict themselves to the ancient heterosexual norms. This comment was problematic at the time, and has caused pain and anger,