

A Second Look at Homosexuality

By Rabbi Harold M. Schulweis

Many years ago the issue of homosexuality was for me a matter of theoretical interest. Intellectually I knew there were homosexuals, but personally I knew none. Whoever they were, they were well-closeted, out of sight out of mind. These last years they have lost their anonymity. Real blood and flesh persons, they come into my study. Now visible and audible, they have come to speak to me. Out of desperation they have left their closeted lives to reveal themselves.

They have come carrying a fateful knowledge, one that most of them discovered early in their lives: They are attracted to persons of their own gender. As they grew up, the whispers they overheard became loud stories: Homosexuals are unnatural, perverse, pathological, sinful. They dress differently, molest children, and are wildly permissive, hedonistic and outrageous. Gay men have seen themselves portrayed on the stage and on television as lispng, swishy, effeminate wimps whom others call feigele-boychik. Supposedly they live in wretched places and hang out in dark bars and dark bath houses. Lesbian women have heard themselves called "butch-dykes," and are portrayed as angry, unattractive, emasculating man-haters.

Those who come to see me know they are hated, rejected, mocked, scorned, reviled. They are frightened. The hatred they know is not confined to particular places, or to particular groups of people from different ethnicities, faiths, or races. On graduation night at Calabasas High School in Woodland Hills, California, a white middle-class teenager named Robert Rosenkrantz shot his schoolmate Steve Redman ten times with an Uzi semi-automatic rifle. What turns a teenager like Robert into a murderer? It was fear, desperate loneliness, and a rage sparked by Robert's schoolmate and his brother Joey, who spied on Robert in an attempt to prove he was gay. When they caught him in a homosexual encounter, they told his parents. Robert disclosed at his trial that he had hidden his homosexuality from his family in fear of their rejection. Sixteen year-old fellow student Wendy Bell said, "If people found out you were gay at this school, you would be verbally tortured."

What greater humiliation than to discover that in the eyes of your society you are really not human? And what makes a human being more human than his or her ability to love and be loved? But homosexuals are not seen as lovable and are not allowed to love. They live in silent shame, fearful of the revelation that will shake the foundation of their being. Theirs is a monstrous burden to carry. Even the most innocent question can be fraught with emotional terror. To hear well-meaning aunts and uncles say, "Do you have a boyfriend?" or to hear someone plan to set up a date, starts a panic in their hearts: Do others know? How long can I bite my tongue?

They have come to see me because I am a rabbi and they are Jews. Every Yom Kippur they hear the same selection read from the Torah that sanctifies homophobia. It is chanted in the afternoon of Yom Kippur when some are reporting headaches and discomforts that come with fasting the entire day. But this day, one young man who reads from the Torah has more than a migraine, and not from fasting. He reads as it is written, "If a man lies with a male as one lies with a woman, the two of them have done an abhorrent thing. They shall surely be put to death. Their blood shall be upon them." Such an act is a capital crime punishable by stoning—*sekilah* (Lev. 18:22 and 20:13). This *aliya* is no elevation. The young man is cast into despair.

What do they who come to see me want of me? Absolution? Assurance? Protection? A Jewish voice? What does the law state? What does Judaism say? I am faced with not only a text of so few verses but also with human beings I now know personally, and whose families I know. I look from the law into the eyes of those before me. Without knowing them, I might find it an easier matter to judge. But the Talmud says: "You have to judge according to that which you see with your own eyes" (Baba Bathra 43a).

Harold I. Schulweis is the author of *For Those Who Can't Believe* (Harper Collins) and is senior rabbi at Valley Beth Shalom in Encino, Ca.

What do I see with my own eyes? Honest, decent, God-fearing, loving men and women. And what do I hear but the penetrating words of Micah, the prophet who tells me what God requires: "It has been told you O man what is good and what the Lord demands of you to do justice, to love mercy and to walk humbly with the Lord thy God." Yet what is just and merciful here? The persons who have come to me carry their own testimony. In the privacy of my study, they tell me they have not chosen their sexual orientation or lifestyle, that theirs is not a matter of sexual preference. They have chosen nothing except to bury their terror: "It has been for me a living hell. I no more chose my attachments to another of my own gender than you, Rabbi, chose the love of a woman. It was not something taught or modeled or revered in my home or in my circle. But I sensed it early in my childhood. I denied it, fought it, but it would not be denied."

Scholars agree that the authors of the Bible and Talmud took their position on the issue of homosexuality from the assumption that homosexual behavior was an act of freedom of choice, that the homosexual acted either to defy God, or to oppose the law, or as a holy prostitute using his or her body to serve a pagan cult. This assumption of the ancients about the motivation of the homosexual was based on factual error. The rabbis of the first centuries did not know the etiology of homosexuality, or the character of constitutional homosexuals. Their judgments were made with only the knowledge of their time.

Therefore, the ancient rabbis cannot be blamed for their position on homosexuality any more than, for example, they could be blamed for the talmudic position on the deaf-mute, the cheresh. In the Talmud a cheresh fell into the same category as a shoteh and a katan, a person- who was non compos mentis. The assumption was clear. Since the cheresh cannot communicate, cannot speak or hear, he or she was considered only to be "dumb"— a word that originally meant mute and was turned into a colloquial expression meaning stupid. Until the nineteenth century, halachists held that the deaf-mute could not serve as a witness, dispose of property, be counted into the minyan, or effect a marriage or divorce.

But traditional laws are not frozen. When Rabbi Simchah Bunem Sofer of Hungary visited the Vienna Institute for the Deaf and Dumb, he observed the accomplishments of its students and realized that the cheresh is far from mentally incompetent. In our time, Rabbi Isaac Halevi Herzog has continued to maintain that the laws prohibiting the deaf-mute from ritual and commercial acts are now void, and that the cheresh can indeed participate fully in religious life. And so it should be for all rabbis today, who are living on the edge of the twenty-first century: We must review traditional laws with the knowledge of our time.

To do otherwise is to treat Halacha as so much dead weight. This would be calumnious. Those who know its history know that Halacha changes with new knowledge and with new moral sensibilities. Consider cases in which the rabbis nullified or circumvented the biblical law, as in the case of the hen sorer v'moreh, the rebellious delinquent son who could be brought to the elders and stoned for his abominable acts (Deut. 21:18), or the case of the sotah, the wife suspected of adultery to whom the ordeal of jealousy was given (Num. 5:12), or the case of the it nidachat, the heretical city tainted with idolatry that was to be destroyed (Deut. 13:13). All these biblical laws were dismissed by the rabbis of the Talmud as purely theoretical but having no application to life: Lo hayah v'lo atid lihyot. The same Talmudic courage and sensitivity should be applied to judging homosexuals who testify that their sexual orientation is not an act of will.

I hear questions from people who are far from homophobic and deserve answers. They ask, for example, if this inclusiveness of homosexuality is accepted, why that same kind of tolerance is not extended to non-converted intermarriage. But when we speak of gays and lesbians, we are speaking about Jewish gays and lesbians, upon whom we make the same religious and moral demands of loyalty to people and to the Jewish faith as we do upon all Jews,

For those who are constitutional homosexuals, is there no choice except the denial of their sexual lives? The options are to "either closet or cloister," leaving no alternative but celibacy and sexual abstinence. Yet that counsel is contrary to the affirmation of life and of sexuality that is so basic in Judaism: Would a loving God create such a being in His image to be condemned to lifelong suffering and frustration? When these people come to me, I cannot counsel them to deny their emotional and sexual feelings, but only to live out their lives in ways that confirm the deepest expressions of their love.

Others argue that the purpose of union and of marriage is procreation, and that homosexuality was prohibited because it denies history, denies the future, and defies the purpose of marriage. Are we not mandated to multiply and fructify and fill the earth? Is that argument not further substantiated by the talmudic ruling: "If a man took a woman and live with her for ten years and she bore no child he may not abstain any more from the duty of propagation" (Yebamoth 64a). Consequently, the man is justified to divorce her and to marry another after a decade of barrenness. Yet the rabbis could not find it in their heart to dissolve such a union: Lo m'laah liham. Such a divorce would wrong another human being. So, they may live together because the purpose of union is not just for procreation, but also includes the blessedness of companionship and love that does not always eventuate in having children.

Were having children the only justification of marital union, would we deny kiddushin because of infertility or the medical disability of bride or groom? The head and heart of Halacha concede that procreation is not the only goal of human sexuality. Moreover, in an age in which artificial insemination and adoption exist as choices, a homosexual union is not a barrier for the having of children and raising of family.

The underlying issue is moral, not textual. Surely even the most stringent followers of Halacha would not apply the traditional law that demands death to the homosexual. Who would call for us to criminalize homosexuality? We cannot, as thinking, feeling Jews, base our judgment solely on a verse or two in the Bible. Consider the fact that an entire corpus of religious text and spiritual principles informs rabbinic conscience. The Torah cultivates Jewish conscience: "The Torah's ways are ways of pleasantness and all its paths are peace." It reminds us that we are to love the stranger and to know his or her heart. If we do not know the heart, if we do not know the humanity of society's pariahs, we do not know our

own humanity. Until we discover the stranger in our midst as "human being," we will not discover our own humanity.

What is demanded of me and of every Jew is to protect the hounded, the persecuted, the humiliated, the ostracized, the pariahs—who are created by human beings, not by God. What is required of us is to accept the dignity of each individual, to know the hearts of these strangers, to make them feel at home with us, and to encourage them to live out their lives with dignity and within compassionate communities.

Every human being is created in God's image: "The Lord God formed the human being of the dust of the ground and breathed into his nostrils the breath of life and the human being became a living soul." For us to make the innocent afraid, to make the human being cry, to force people to hide from their own flesh, or to humiliate God's creations is to spit in God's face. We are taught by the rabbis that to shame God's creation is to shed His blood. This shaming is an abomination that we can cleanse from our midst.