

## Morality Legality and Homosexuality —

### A Rosh Hashanah Sermon by Rabbi Harold M. Schulweis

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Homosexuality. A number of years ago, the encyclopedia has published; there is no entry on the of homosexuality. Only a few years ago, there was additional entry to the encyclopedia which now appeared very moral and very important article by Rabbi Norman Lamm.

The Vatican declared a few weeks ago that b discrimination against gay people as public housing, family and health benefits, the hiring of teachers, and the cultures, and administrative personnel is to be bestowed. That is to say that discrimination against gay people in those areas are legitimate.

This is an issue which has tremendous implications philosophically, sociologically, morally, and theologically. We are going to be focusing upon this for reasons I'll explain in a little while.

I'd like you to look in your community of all times, the high holidays that we celebrate, the creation of the universe, and the creation of the human being; it is precisely for that reason. Because Judaism is wedded to creation.

We are in this world and of this world, and not of another. Judaism has never promised any escape into another world. Judaism has promised no escape from the sand and the rocks of reality. Judaism is married to reality, the whole of reality. It does not clinch from the encounter with sickness or with death or with guilt or with despair, or with ambition or frustration.

It does not avert its eyes from the condition of human sexuality; in the midst of the holiest day of the year, the afternoon of Yom Kippur. We are going to read something that the rabbi selected years ago. And it's not gonna be about angels or about saints. It's going to be dealing with the nakedness of the body incest and adultery, and homosexuality.

Indeed in the Maftir of Yom Kippur. We will be reading that statement from Leviticus 18: lo tishkav mish'k'vei ishah to evah— do not lie with a male as one lies with a woman. It is an abomination – to evah.

In Leviticus 20, it reads, "And if a man lies with mankind both of these have committed an abomination. They shall surely be put to death. Their blood shall be upon them."

In that reading, the verse is found, "Do not lie with a male as one lies with a woman. It is an abomination." (Leviticus 18:22)

So if our tradition dares to speak of such matters of the holiest day of the year, should I not speak about sex concerns or should I rather mute my words and smuggle my thoughts? Is Judaism a way of life? A way of responding to reality than the phenomenon of lesbian and gay community is on its agenda.

Every major church, every social critic, every newspaper, every journal is focused on this phenomenon. It has been placed on the agenda of the political campaign. We campaign before the November election.

Statistically, we know that according to the best informed sources, it is surmised that 10% of the population is homosexual. Demographers suggest that the same percentage applies to other people including our own.

If that is the case, and if there are 6 million Jews in America it may be conservatively estimated that there may well be 600,000 gays and lesbians are in our midst. That is the same number as we have Jews in Los Angeles. Even if we take a lower estimate of 4% of the population, it would mean that 240,000 Jews who are homosexuals.

All the figures that I quote are conservative figures because I am conservative rabbi.

And we don't give reform or orthodox figures.

The issue is presently being debated as you know in the Conservative Movement and within the Jewish Law Committee and that's one of the reasons why I'm talking about it. But the truth of the matter is that's not true. Truth of matter is that there is the choice of this topic is far more personal.

It began a few years ago in this very congregation; I can see the woman now. She was a woman, a member of our congregation in her late 50's, who sat in the congregation and exhibited a familiarity both with the Bible and the Prayer Book. At the end of one Sabbath, she said, "I have to see you."

She sat across from my desk and she said "You may remember my son; he attended Hebrew High School and was a student at the University of Judaism. He kept the secret of his sexual orientation to himself. Whenever the issue of lesbians or gays came up, my son felt humiliated and hurt. I knew his sexual orientation and he knew how deeply disturbed I was with the state of affairs. One day, he announced that he was going to San Francisco for 'the cure.' A friend had suggested a therapist who would change him, would teach him to be straight and normal. I kept receiving a number of letters from him. He was ebullient. Things were fine now. He had changed and he was a new man." And then I discovered much too late that he was lying to me and to himself. My son took his life."

She stopped speaking and looked at me. "I'm here to ask you Rabbi; I want you to tell me according to Judaism whether or not was my son is an abomination? Was he punished by God? Is that why he died?" She was visibly shaken, her eyes were full of tears and pain and despair and anger. "I want to know what does Judaism say about my son. And you rabbi, I want you to tell me was he guilty or was I guilty? Was I too strong and too domineering a mother, and my husband too weak and too detached? What did you want from me?" I think she wanted a posthumous eulogy for her son.

Ladies and gentlemen, my dear friends, its one thing to read a scientific paper. It is one thing to pour over. It is one thing to quote a verse. It is another thing to look into the pained eyes of a human being. I'm not dealing with words, and I'm not dealing with texts.

After she left, it came across my desk an article in the Jewish press by Dr. Morris Mandel, a clinical psychologist who cites from the letter he received:

Dr. Mandel, "Before I take my life, let me write you for advice. I am Jewish, Orthodox and most unfortunately, homosexual. Talk of marriages thrust in my face as I am of marriage age. The only trouble is that I am running out of excuses. I have done much repentance and much prayer to God, but He does not hear my prayers. I am a sub-human creature.

Life to me is hearing more jokes about homosexuals. My heart bleeds and I pray to the God of my Fathers that He never again thrusts this poison into the House of Jacob who shall live and who shall die."

Since then, I have learned of several studies indicating the disproportionate prevalence of suicide attempts among homosexual persons. The recent report of the Secretary's Task Force on Youth Suicide states that gay adolescents were two to three times more likely than their peers to attempt suicide. Gay adolescents have accounted for more than 30% of completed youth suicides last year. Who shall live and who shall die.

Increasingly, over these past few years I have had been visits from people from within this congregation and from without. Jewish young men and Jewish young women whom I know and who know me, whose parents I know and most of whom are members of the Synagogue.

They begin speaking to me with great hesitation in whispers and stammering, with eyes downcast. But finally, there pours out of their lips revelations of terrible confusion and feelings of worthlessness.

They tell of the nagging clues of their felt difference during their earliest recollection of their adolescence, feelings which they denied or repressed, their predilections for certain games, their predilection for certain apparel and for friends who were of the same gender.

All of this was ignored and then as they grew older, there was a shock of recognition of their erotic attraction to people of the same gender and that could not be denied. It was for them a deep, dark, shameful secret.

They did well enough in school and had warm relationships with their parent, but they were bleeding every day from jibes and jokes about dykes and butches, and queens and faggots, fags and "feigele-boychik.

Everyone laughed. It is one of the easiest ways to get laughter. You can ask any stand-up comedian. Everyone laughs at the easy mimicry, at a minced gait, at the sissy lisp, and the limp hand. It brought peals of laughter to everyone except to these people. Why couldn't they laugh?

Why do they come to see me? It was not pleasant for them. They were very nervous when they came. They are uncertain of my reaction and they came mostly because of their parents.

I'm now going to give you almost a quote and seven of them.

"I love my parents and I love my family. I can't bear to hurt them. I don't know what to do. Should I run away? Should I leave the community? Should I leave the congregation? My parents' friends are precious. I don't know what to say to the friends of my parents who want so desperately to fix me up. 'How come you're not dating?' I have a wonderful boy for you. What must they think of me? That I have no sexual feelings? That I have no desires? No romantic

desires, that I am a eunuch? I love my parents. The other day my mother said, 'All I want is to dance at your wedding,' and I died with guilt."

This young woman said, "Honesty is important to me and to my family. I was raised to tell the truth. What do I say to my friends and to my family? Do I lie to them? Am I condemned to live like a fugitive, forever running and dissembling, fearful of being discovered? Am I doomed forever to be red-faced? Always embarrassed. Must I remain so guarded with everyone lest I give the secret away? Am I so guilty? Is my love so shameful that I must forever cover the mark of Cain on my forehead? What do I say? I mean you rabbi when I introduced you to my loving friend? It's not true rabbi, I am not in a closet. I'm in a casket."

I want you to take it personally. Did I take it personally? They are tortured sons and daughters of our own. Some have dared reveal their secret to their parents. Someone told me, "My parents don't look at me the same way anymore now that they know. I have destroyed them. I have destroyed their dreams and I have disappointed them but I am the same son with whom they played as a child, whom they fed and clothed.

I am the same son who brought home good grades, participated in the plays in Sunday school, in Hebrew School, in regular school. I'm the same son who rejoiced with them in the Bar Mitzvah. And I look at the faces of dejected my father and mother and I feel like saying to them, "Papa, have you no blessing for me? Mama, do you see nothing in me but my sexual orientation? Am I not the same loving, caring, sensitive child to you?"

That thing rabbi is so terrible. As disappointing those whom you love. What would you say to these children? What do I say to them? It shouldn't be so difficult for me to tell them. After all you know and I know the Bible. You know and I know the Talmud. We know that homosexuality is considered to be an abomination subject to the capital law of stoning.

Well, I asked them "Did you choose to be gay? Is this lifestyle of yours an act of freewill? And the answers are much the same. "Rabbi do you think that I would willingly choose this fate? That I would voluntarily choose a life that ostracizes me from my friends and family, that makes of me a pariah, that affects my career, my jobs, my family, my friends, my employment? Did you choose to be a heterosexual?"

No more did I choose to be gay. The only choice that I confronting today is not whether to be what I am but whether to accept my fate, whether come out with sexual orientation or to bury it in me and recite Kaddish."

Whenever I'm in trouble, I read books. Books are wonderful escape. I read as much as I can, and I talk to other people about the issue. And I come across a great deal of material which indicates the genetic character of some, if not all, homosexual orientation.

I read as you did some of the revelations of Prof. Simon LeVay, a neuroscientist at the Salk Institute in La Jolla, who scanned brains of 41 cadavers, including 19 homosexual males, and identified a tiny area in the brain believed to be in control sexual activity. Dr. LeVay found that the hypothalamus was less than half the size in gay men than in heterosexual men; and that a portion of the hypothalamus in the brain of males was more than twice as large as that of women. And he observed that the cluster of neurons was more than twice as large in heterosexual males than in homosexual males.

And only once after LaVay's disclosure was public revealed, the work of a 2 psychologists; one is psychologist, one is psychiatrist. Psychologist was Michael Bailey of Northwest University. the psychiatrist Richard Pillard of Boston University School of Medicine. Their research

revealed that if one identical twin is gay, the other is almost three times more likely to be gay than when the twins were only fraternal.

It suggested to them some clear genetic makeup. At the end of July, this past July, researchers here from the UCLA, discovered more evidence that the brains of homosexuals are fundamentally different from the brains of heterosexuals. Based on the brains obtained by autopsies, UCLA neuroscientists Roger Gorski and Laura Allen, report that an important structure connecting the cortex of the left and right hemispheres of the brain that they call the anterior commissure -was 34% larger in homosexual men than in heterosexual men.

Ladies and gentlemen, I am not a scientist. I don't know or understand whether or not all of this evidence means anything. There remains a great deal of ambiguity about the etiology of gay and lesbian sexual relations.

They're coming to me, the sons and daughters not as a scientist. They're coming to me because I'm a rabbi. Because I'm a Jew.

And when I speak to these people, they reveal that their erotic attraction was not chosen, but discovered, and discovered with pain and with anxiety. Their orientation is as given, whether naturally or supernaturally and the question is how can I make a judgment upon these powerful involuntary feelings?"

I am supposed to listen. And I am guided by the Jewish tradition which says, you are to listen to the person who comes to you and makes a confession. In the Gomorra Yomah it says, "If a person on Yom Kippur says sahif anni, I have to eat, I must eat. A filu meyah icah. Even if there are one hundred medical experts who testify that the man does not need to eat, he must be fed. He must be fed and the experts cannot be listened to.

And the rabbi say, the reason for this is "The heart knows its own bitterness."

They testify this is a matter of compulsion and not a matter of choice. And I listened and I'm a rabbi. And as I rabbi I should know the ruling in the Talmud in Baba Bathra, then again in Nedarim anus rachmana patray, which means that the Holy One exempts those who act under duress. In cases of compulsion, God exempts. So who am I to condemn these people? Can I convey them how to feel? Surely the object of a person's sexual arousal can't be mandated. Do you choose the gender of your arousal? "Ought" implies "can." They can't.

Or yes they can. Oh, yes they can. There are there rabbis who disagree with me and they're just as sensitive. Certainly as knowledgeable as I am. And they say, "Look, you may not be able to control whether or not you are born homosexual but you can control your behavior. They say, we cannot tell you how to feel but we can tell you how to act.

And the head, the chairman of the rabbinic Conservative Jewish Law Committee in his responsum writes, "I have issued an invitation, or perhaps a demand, to the halachically concerned homosexual to refrain entirely from homosexual practice by remaining celibate and not engaging in the common homosexual lifestyle."

And he has that to this little paper a little addendum which says that those people, meaning rabbis who want to give equal status to homosexual along with heterosexuals should be disqualified from the rabbinic position.

I know that you're not gonna tell anybody.

Because it's enough that one is unsuited, but to be defroth is too much of a humiliation.

But they are all knowledgeable people. And they argue that I'm wrong and those of us feel this way are wrong because the law is the law. Because the Bible cannot, must not, dare not be changed.

And they say further, it is irrelevant to us whether homosexuality is in fact genetically or neurologically determined, whether or not the constitutional gay and lesbians – those who cannot meet their physical and emotional needs in heterosexual relationships; it is irrelevant to me whether or not they are anusim – whether they are forced or compelled by nature.

Whatever the etiology of the homosexual may be – whether it's due to hormonal imbalance, whether it's due to anything: cultural, scientific, moral explanations are inconsequential because the law is the law. It's not an important argument.

What you wanna do? You wanna play tennis without a net? So everything is in. Now this is not an academic matter. I don't want you to take it personally. I want you to be in my position.

I must confess that I cannot for the life of me look into their eyes of these men and these women and say to them, "Abstain forever." Get me to a monastery, get me to a nunnery, go and control yourself and remain celibate for life."

I cannot seriously deny the human beings who are created by God and in God's image should be denied the intimacy, love, pleasure, and sensuality which is God's gift. Oh, why not? Why can't you? Because it runs against my Jewish sensibility; because it runs against my Jewish conscience to be able to say to a son or daughter, to bring them misery, pain, torture, anguish to innocent people who are created the way they are in the name of God and Judaism. That I cannot do because I'm Jewish.

And being Jewish I read a lot about Judaism from a lot of sources. Not a single verse. I read from the Book of Job which rings in my ears. "Did He that made me in the womb not make him? Did not the one who formed him form me too and shape us in one womb?" I cannot do it. and it's not because of sentimentality alone. Not a nonsense. I'm not gonna deny that compassion plays a role but it's not just compassion. What is in vowed is the moral character of Jewish law and Jewish life.

The Torah as a I understand it, is a law of truth and of peace which means, to elevate the spirit of the human being. The Torah is not a cold slab of stone that is thrown down from heaven. The Bible rooted in history and history changes. And I talked about those changes almost every Sabbath. If you are here for the Torah discussion, when we came to the question of the Lord of leprosy.

Now you know what the Bible says about leprosy; that is not only a contagious disease but that is the result of an individual, that punishment for an individual's libel and slander and that that individual should be excommunicated.

But for God's sake we know about Hanson's disease. We know that this is what is called leprosy is not in fact contagious and certainly there are a few of us who believed that the person has some sort of affliction like leprosy, it is due to some punishment of God.

Now wait a second there is a law in the Talmud which is repeated over and over again; about a haggish, a deaf mute. A deaf mute in the Talmud and until today is considered to be retarded, mentally incompetent; an imbecile, not able to serve as witness, not able to be counted in the minion, not able to affect marriage or divorce.

But that ruling was based upon empirically false data. It is not the case. And on a visit to the Vienna Institute for the Deaf and Dumb, Rabbi Simchah Sofer, an Orthodox rabbi, saw that their

impaired speech and hearing had nothing to do with their intelligence and accountability, and he urged the revocation of those laws which were discriminating against the deaf mute.

And now with this I would argue with you along with other biblical scholars that the rabbis did not know of constitutional gay lesbian to have no control over their sexual orientation. For them sexuality was a deliberate choice. Now I don't blame the rabbis of the second century. They simply did not have that information.

What do I say to this woman who came to me whether or not her son is an abomination? I say to her that it is not an abomination. I say to her that I do not regard homosexuality as abomination. And people say to me, so don't you have of abomination in your vocabulary? Is everything okay? And I say to them, there are things that are abominable.

Sexual violence is abominable. Rape is abominable. Sexual exploitation is abominable. Infidelity is abominable. Anonymous sex is abominable. Pederasty is abominable. Incest is abominable.

But what I say to you that what is abominable to homo sapiens includes both homosexual and heterosexual activity. I find abominable a style of life that advocates or practice promiscuity. That dehydrates the dignity of the human being. The floating and the exploitation and the abuse of sexuality is as ugly in heterosexuality as it is in homosexuality.

The implication is very clear. In matters of hiring, in matters of housing, in matters of welfare, in matters of induction to the Army or the Navy or the Air Force, what is important is not the sexual orientation but the character of the individual, the competence of the individual, and the relationships of that individual.

Any teacher who advocates any form of sexual orientation, any teacher who is seductive, any teacher who has in his or her mind the proselyzation of the students should not be engaged whether they are heterosexual or not, whether they are single or married or divorced, whether they are declared bachelors or spinstered. It is behavior that is here important.

And what is important is what we and how we as a community reacted to this phenomenon. I came across a very wonderful statement by Rambam, by Maimodes in Yuko Chu'va in the laws of repentance says there are some things that you don't repent for, that you can't repent for. And one of them is, "He who curses a community, the multitude because he doesn't even curse an individual," 'cause if he had curse an individual he can apologize. But he can't apologize and he can't repent for cursing an entire population.

We are intelligent people. We cannot learn about homosexuals from Gerardo Rivera. And that is where it comes from. You cannot learn about the nature of homosexuals from some of the extreme taunting and angers and grimaces and weird and bizarre behavior at some parades.

There are psychologically maladjusted homosexual people. There are psychologically maladjusted heterosexual people. There are all forms of sexual denigration and humiliation. But if you are a man from the Navy and you insult and exploit and denigrate women at Tamhuk it is as abominable and as loathsome as if you are a homosexual who denigrates other human beings.

Homophobia is an abomination. Beatings, violence, discrimination, the hysterical language of a Jerry Forewell or a Pat Robertson or a Pat Buchanan, do not speak for me. They do not speak religious language, they do not speak for Judaism.

Nor does the Vatican and its rulings which condones the discrimination in housing and family health, in hiring of student etc, etc. you have to know the heart of bitterness.

This summer I attended the gay and lesbian synagogue, when I came in the man whom I knew from this congregation approached me and extended his hand and wish me a Shabbat Shalom. He wrote me a week later, and writing how difficult it was for him to approach me.

He said when I saw you rabbi, my heart stood still. What would you say? Now that you know? Is there a blessing for me? With what will I bless you? I would bless you with the traditional blessing in Judaism. Bless art thou Lord our God, King of the Universe who has created all kinds of creations, bless art thou Lord our God, King of the Universe, who has created the human being in thy image.

You who are invisible and inaudible, I want you to know, for myself that this is your home and that these are your people, that I am your rabbi and that this is our God and that you are welcome here and that the synagogue is open to you and that nothing should be deprived to you. You are part of the family. You are part of the minion. You are part of the blessings.

You know this story about the man who said he had taken a speed course with Evelyn Wood and boasted that he was able to read Tolstoy's War and Peace in some 40 minutes. And someone asked him what the book was about and he said it's all about Russia.

I don't want you to leave saying that the rabbi taught about homosexuality. It's not what I was talking about. Because it cannot be done in that kind of time, because it's a complex and profound problem. I'm not gonna stifle conversation, discussion, analysis.

I want you to understand that we are living and dealing with flesh and blood. We are dealing with our children. And therefore, throughout the year, on some Friday evenings, at Sunday morning live, at MID, I will discuss this issue.

But equally perhaps even as important. I have called a meeting for members of families of gays and lesbians and for all who are concerned, who need clarification, counseling, sharing of experience, I will be at that meeting and I will ask you to come; those of you who are involved in this matter leading with a praise, Sunday October 4<sup>th</sup> at 7:30 in this congregation.

If I may barrow something from Jerry Brown, the number if you want to call is 818-788-6000 ask for me and I will be very happy to answer whatever questions you have.

Finally let me say something about Jewish conscience. Because conscience is not simply derived from the heir. I come from the great tradition. And I want you to understand that this great tradition is a tradition that is based upon compassion, upon rachmanut and upon morality.

You may remember that in the Book of Deuteronomy in chapter 23, it is written that eunuchs are not allowed to enter the house of the Lord. Then the prophet Isaiah arose to declare in God's name, let him not say I am a dry and withered tree, for thus Seth the Lord unto the eunuchs that keep Sabots and choose the things that I desire and hold fast to my covenant.

I will give them an everlasting name and within my worlds a better name than of sons and daughters. I shall give them an everlasting name that shall not be cut off into the children of stranger; I will bring them to my holy mountain and make them joyful in my house of prayer.

I'm a Jew. And as a Jew, I know something about our tradition. I know it so, I know what moves me, I know what excites me, and I know what demands of me, a certain stance. I turn to the bible and I read from the Book of Ecclesiastes, the Helot which we will soon be reading on

Sukkoth. And Ecclesiastes wrote, So I returned and considered all the oppressions that are done under the sun and behold the tears as such as are oppressed.

And they have no comforters. And on the side of their oppressors, there was power but they had no comforters. We are comforters. God does not curse and God does not visit such cruelty upon people. But we can. Who shall live and who shall die. Who shall be humiliated, who shall be denigrated, who shall cry, who shall be alone is dependent upon all of us; all of us.

And I take an oath. As I have said on other occasions, there are certain words that we cannot recite as Jews. You cannot say Shvartsa and you cannot say goi and you cannot shiksha and you cannot sha gats and you cannot say faggot.

This is wrong and this is something that we can overcome. There too many people who are bleeding. Too many human beings that I have met, some of the finest, most sensitive., most creative, most gentle and most Jewish human being I have met.

I want to say that I have heard wonderful masters of the sound of the shofar where Rob Daitch has really excelled himself. I have never heard a kea with 3 different octaves.

Whose truly wonderful. It's an in augury for a good year.

Dear friends we are at the very end of the service and I wanted to just say one or two things. First of all, when you come in to congregation, if you come from Bench more, I want you to raise up your heads, 'cause many of you walked this way, I've watched it. You have to raise up your head and if you will find a beautiful stained glass which has been put in to the foyer on the second floor, just last week or the week before, and it says something on it which I want you to know because your kids are gonna ask you.

It does not say the ten commandments, a lot of kids come over and tell me my papa said, its ten commandments. It's not true. Tell them it says, V' ahafta Larecha Camocha. thou shall love thy neighbor as they self. Leviticus chapter 19 verse 18. And if you will have a chance not now, but perhaps a little bit later I want you to go up to the second floor and take a closer look and you will see that there 70 figures of different people of the world, of all races. Because this is what the rabbis understood as Larecha, your neighbor. 70 nations of the world.

Lastly I want to say to you, and would've kept the right thing for Yom Kippur except that it'll be too late. As you know, most disconcerting but it is fact that one million Jews in America are not registered to vote. And that most of these are 35 and younger.

I understand that next week, this week, is the last week that you can register for the elections. I don't care for whom you vote.

I don't care for whom you vote. That's an ambiguous enough non-protestant statement but I do urge you. I want you to know my Zayda was not a sophisticated man, did not go to any college but he regarded as my bubba gift as my father and my mother did – the voting booth as a Succoth; it was a holy place. Not to vote is really very wrong.

So I urge you when you leave here, you must also find some information on one of the foods in the foyer.

And I just wanna end with one statement which I'm gonna barrow from the Marvel but I realized as I read it how pertinent it was to everything that we spoke about this morning.

It's on page 8, it was written by Eugene O'Neil famous playwright and I would like for you to read it because it represents the theme of Rosh Hashanah. Whom shall I fear? Why am I afraid to dance, I who love music, any rhythm and grace and song and laughter. Why am I afraid to live? I who love life and the beauty of flesh and the living colors of earth and sky and sea. Why am I afraid to love I who loved. Why am I afraid, I who am not afraid. Why must I hide myself in self-contempt, in order to understand. Why must I be ashamed of my strength? So proud of my weakness. Why must I live in a cage like a criminal defying and hating, I who love peace and friendship. Why was I born without the skin oh, God that I must wear armor in order to touch or to be touched.

Page 173, we pray for peace, for wellbeing, for loving kindness and mercy unto us, unto all that is real, unto all people.