

The Committee on Jewish Law and Standards Conclusions on Issues Relating to Gays and Lesbians



During the first week in December, the Committee on Jewish Law and Standards (CJLS) of the Conservative Movement in Judaism concluded a long-running set of deliberations regarding issues relating to gays and lesbians. In this column, I would like to set out, briefly, the main conclusions, the implications for the future, and where I stand as a rabbi on these issues.

First, some background. The CJLS is the single body empowered within the Conservative Movement to interpret *halachah*, Jewish law, for the movement. It is composed of twenty-five voting members, all of whom are rabbis appointed by the Rabbinical Assembly, five non-voting members appointed by the United Synagogue of Conservative Judaism, and one non-voting member appointed by the Cantors Assembly.

The CJLS deliberations are based on *teshuvot*, papers written by the committee members about specific issues in Jewish law that require review. If a paper receives six votes out of the twenty-five voting members, it is considered to be an official *halachic* position within the Conservative Movement. It is possible for two or more conflicting papers to be accepted, each being legitimate. In such a case, individual rabbis may choose to follow either opinion, and still be consistent with the *halachic* position of the movement.

This process may be difficult for non-rabbis to understand, but it is within the parameters of Jewish law as it has been classically understood. Ever since the destruction of the second Temple, and the ending of the period of the Sanhedrin, Jewish law has been decentralized. There has not been one *halachic* authority which is acknowledged by all.

In 1992, the CJLS considered a wide array of issues relating to gays and lesbians. Its decisions affirmed that gays and lesbians are welcome in our congregations, that they could be accorded all religious rites in the synagogue, serve on synagogue staffs, and hold any office in a congregation. Discrimination against gays and lesbians was deemed improper.

However, in two key areas restrictions were imposed. First, the CJLS determined that gays and lesbians could not be ordained as rabbis or cantors, and that rabbis should not officiate at same-sex unions between gays or lesbians.

Over the past fourteen years, a growing sentiment has been developing that these two issues need to be revisited. During the last two years, the CJLS has met on several occasions and considered various proposed *teshuvot* without coming to a definitive conclusion. After papers were reviewed, critiqued, and rewritten, deliberations were set for December 5 and 6 for final debate and voting.

As a result of the deliberations, two main *teshuvot* were adopted by the CJLS. The *teshuvah* by Rabbi Joel Roth reaffirmed the 1992 rulings that held that under Jewish law the rabbinical schools of the movement could not ordain as rabbis or cantors those individuals who were openly gay or lesbian, and that Conservative rabbis should not officiate at ceremonies of same-sex unions. The *teshuvah* by Rabbis Elliot Dorff, Daniel Nevins, and Avram Reisner ruled that Jewish law could be interpreted in a way that would permit gays and lesbians to be ordained, and that individual rabbis could, consistent with Jewish law, perform ceremonies to consecrate same-sex unions.

What is the effective result of this long-awaited set of decisions?

First, rabbis may, but are not required to, officiate at same-sex union ceremonies. Either decision on the part of an individual rabbi is considered consistent with *halachah*.

Second, gays and lesbians may be ordained as rabbis and cantors, but the decision of whether to do so rests with the faculties and boards of governors of the various rabbinical schools in the movement.

Dr. Arnold Eisen, the incoming Chancellor of the Jewish Theological Seminary of America, of which the leading rabbinical school in the movement is a constituent, has announced that although he personally favors ordaining gays and lesbians as rabbis and cantors, the decision will be made by the faculty following further discussion and deliberation. He has commissioned a survey to gauge the sentiment among rabbis and lay people in the movement to provide empirical data to the faculty in its deliberation.

Where do I stand on these issues? I have been publicly on record for more than ten years as favoring the ordination of gays and lesbians as rabbis and cantors. To date, our movement has been denying itself the leadership of men and women of scholarship, spirituality and insight because of their sexual orientation. I welcome the CJLS decision, and hope that the Seminary and the other rabbinical schools will avail themselves of the Dorff, Nevins and Reisner *teshuvah* to move ahead so that sexual orientation will not be a factor in determining who can be a rabbi or cantor.

What about ceremonies of consecration for same-sex unions? I have been grappling with my position on this for some time now. To date, I have never officiated at such a ceremony. Nor have I been asked to officiate. Given the position of the CJLS, I have decided that if asked to officiate for a congregant, or child of a congregant, I would agree to do so, provided that the partner is Jewish, and that there were no other *halachic* impediments to consecrating the union. However, at this time, I would not consider making myself available to non-congregants.

I know that there are many who welcome the decisions of the CJLS on this matter. Others are dismayed by them. Still others are totally confused about the process and the conclusions. Headlines and press releases, letters to the editor and corridor banter, do not always lead to the understanding of complex issues. The CJLS deliberations were exceedingly complex. The reasoning in the papers submitted was complicated and carefully articulated, with virtually each word chosen for its precise meaning.

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I have tried in these few words to set out the salient points of these decisions and how they were determined. But I have only touched the proverbial “tip of the iceberg.” If you are interested in knowing more, I urge you to consult the website of the Rabbinical Assembly, www.rabbinicalassembly.org, or the United Synagogue of Conservative Judaism website, www.uscj.org. In the near future, perhaps by the time you read this article, the actual teshuvot will be available on line.

If there is sufficient interest, I will be happy to lead a series of classes on the *halachic* process of the CJLS and a study of the teshuvot and their conclusions. Let me know if you are interested.

Finally, I want to conclude with the words of Chancellor-elect Eisen in his response to the committee’s decisions:

Let me note, that this critical phase of the discussion and the very debate itself is a hallmark of JTS — and Conservative Judaism more generally — of which we can be proud. We have the burden and privilege of this debate not because we are in the middle, but because of our commitment to halakhah on the one hand and full immersion in the culture and society of the present on the other hand. We are dedicated to thoughtful change as an essential element of tradition — which is not to say that the change proposed to us now is right or necessary, but that the process of considering it thoughtfully, whatever we eventually decide, is to us inescapable and welcome. One could say that such debate defines us — and that, well-conducted, it strengthens us. Of course debate on this and similar matters has the potential to wound us as an institution and a movement. It also, however, has the power to remind us of what we stand for, and why despite our differences — or even because of them — we choose to stand together.

It is my belief, and prayerful hope, that the decisions of the CJLS are ones which will be embraced by the broad constituency of Conservative Judaism. I believe, and it is my prayerful hope, that we will be strengthened by them, as we have been strengthened by other meaningful changes in the past. The process is one of which we can be proud and highlights, in Dr. Eisen’s words, “why despite our differences . . . we choose to stand together.”

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