

SUMMARY OF “HOMOSEXUALITY, HUMAN DIGNITY AND HALAKHA”

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Jewish law has traditionally sanctified heterosexual intimacy under the rubric of marriage, while prohibiting all homosexual intimacy. Modern psychology has established that homosexual orientation is integral to the identity of some men and women, and that it is not possible for them simply to “convert” to become heterosexuals. The tension between our traditional sexual norms and our contemporary understanding of sexual orientation has created a complicated dilemma for both Jewish homosexuals and for the entire Torah observant community. We have approached this difficult subject with humility and reverence, and have come to the following understanding:

- a. A review of the biblical and rabbinic sources reveals that only one form of homosexual intimacy, anal intercourse between men, is explicitly forbidden by the Torah. Other forms of homosexual intimacy between men and between women have been prohibited by the authority of the Rabbis. Although some prominent rabbis such as Maimonides have maintained that the general prohibitions of homosexual intimacy have biblical authority, the arguments of Nachmanides are more convincing. The established halakhah has classified *mishkav zakhur* as *assur d'oraita*, while other sexual acts between men and between women are *issurim d'rabbanan*.
- b. As our understanding of sexual orientation has evolved, so too has our sensitivity to the horrific effects of the halakhah's comprehensive ban on the sexual behavior of Torah observant homosexuals. They have no legal options for sexual and social intimacy within the traditional parameters. This situation is degrading and even dangerous for them. Yet the halakhah also teaches its practitioners to be zealous in protecting human dignity. The principle *gadol kvod habriot shedocheh lo ta'aseh shebaTorah* (Brakhot 19b etc.) has been applied in the Talmud and Codes of Halakhah in order to supersede rabbinic prohibitions for the sake of human dignity. We believe that the halakhic status quo violates the dignity of gay and lesbian Jews, and we propose the supersession of the rabbinic prohibitions on homosexual sex for the sake of human dignity.
- c. Our practical rulings: Gay and lesbian Jews may form intimate relationships, with the Torah's explicit prohibition of anal sex between men remaining in force. Bisexuals with primary sexual desires for someone of the opposite sex should seek to create a faithful heterosexual marriage with another Jew. Commitment ceremonies that avoid the legal mechanisms of *kiddushin* may be designed for gay and lesbian couples. There is to be no discrimination against gay and lesbian Jews. Should they exhibit the other criteria needed for ordination as clergy, they shall be qualified to serve as rabbis, cantors and Jewish educators.