

Kehillat Nashira Dvar Torah
Kedoshim 5776/2016

Introduction

I approach this dvar torah and point in the service with trepidation. I'm about to leyn the next aliya, and I feel distinctly ambivalent about it. It's my barmitzvah sedra, and I practically know it off by heart. And yet, I've always felt conflicted when leyning it. Because in doing so, I know that I will be reading out loud a verse which has caused pain and continues to cause pain to significant numbers of people. Including people in our community.

It's Vayikra Chapter 20 Verse 13: "And if a man lie with another man, in the way that he would with a woman, both of them have committed an abomination. They shall surely be put to death; their blood shall be upon them."

We read a very similar verse in last week's sedra, Acharei Mot – the first of my two barmitzvah sidrot. We also read that passage as the leyning for Yom Kippur mincha.

The Orthodox world hasn't traditionally talked about these verses very much. They're not great material for a neatly packaged sermon with an inspiring take-home message. In fact, the Orthodox community has traditionally been uncomfortable talking about LGBT (Lesbian, Gay, Bisexual and Transgender) issues in general. But things are changing fast. Attitudes have shifted dramatically within the space of one or two generations. Increasing numbers of us are personally touched by the stories and struggles of LGBT people who are our family members, colleagues and friends. It's no longer tenable – if indeed it ever was – for our community to brush under the carpet things it finds uncomfortable.

I'm proud that Kehillat Nashira has a rainbow flag of inclusion on our website. It sets out our stall to welcome and include everyone. I strongly believe that if we are to live up to this aspiration, then we need to confront these painful verses head-on.

What I want to do then in this dvar torah is articulate the issue at stake, and then set out some possible responses.

The issue

While the verses in question speak about homosexual male intercourse specifically, the larger cultural message they present about LGBT identity is seemingly highly negative.

Rabbi Steve Greenberg wrote a devastating Times of Israel blog in May 2015 entitled "Silence is not OK when Torah is painful". His words are powerful and speak for themselves:

"What is it like for a 14 year old to hear these two verses baldly read? Does he

interpret the silence to mean that no one imagines it remotely possible that there is a gay person in the congregation? Would they really read this portion so blithely if they knew that sitting next to them in the shul is a gay person whom they know? Or worse, perhaps they know well that we are here and are intending our humiliation.

The ordinariness of the reading about a sexual perversity worthy of death, for a young person going through puberty is nothing short of suffocating. While we know that people are no longer put to death for such things, when the verse is read with no attempt to condition, explain or contain the content it leads inevitably to anxiety, debilitating self hatred, overwhelming fears of rejection and the portent of communal shame.

Moreover, what of the mother and father of the child who has just braved the challenge of coming out to his parents? What do these verses mean to them, now in their own closet, guilt-ridden, confused and burdened with fears. Can the siblings who know the truth remain trusting of the Torah and comfortable in a community that so characterizes their loved sister or brother? While the verse cannot and should not be excised, it also cannot be passed over unmentioned.”

End quote.

And yet every single time I have leyned these verses, they have been passed over unmentioned. And let’s make no mistake: remaining silent is an active choice. How far has this silence been complicit in causing untold alienation and exclusion? I dread the answer to that.

So with a large dollop of humility, I hope that the very fact of giving this dvar torah immediately prior to this aliya is an important symbolic gesture that the times they are a-changing.

Response 1: acknowledging the pain

I think the first response to offer is quite simply to acknowledge the pain, guilt and angst that reverberates when these verses are read. A true community offers solidarity to any of its members who experience any kind of pain. This is no different. And we need to vocalize our affirmation clearly and unapologetically. When we shortly read and listen to these verses, let’s do so in that spirit.

Response 2: re-doubling our efforts to be inclusive

I suggest that our second response be a very practical one: re-doubling our efforts as a community to be as inclusive as possible. Of course, this involves getting the basics right in terms of welcoming one and all. And it involves being mindful about our use of language – particularly in official communications but still the responsibility of us all – to ensure that our discourse doesn’t exclude. For example, being mindful that families come in all shapes and sizes, and don’t all match the traditional set-up. This

is as relevant for singles, single-parent families and couples without children as it is for same-sex partners and their families.

But I think our inclusive aspirations need to go beyond this and involve really challenging ourselves on how far we are prepared to go and how far want to go. Would our community offer an aliya to a man or woman in public recognition of their getting married to another man or woman the following week? Would our community proudly announce that kiddush was presented by a same-sex couple to celebrate a relationship anniversary? Would we allow a transgender person to choose which side of the mechitza they sat on, even if it appeared to be the non-obvious choice to us? The answers may not be easy, but let's make sure we're asking the questions of ourselves.

Response 3: grappling intellectually with troubling Torah passages

The third area I think we need to consider is how, from an intellectual perspective, we can authentically grapple with verses such as these which trouble us because they feel at odds for many of us with our individual moral sense and certainly contemporary society's moral sense.

Is the only option to live with religious cognitive dissonance if we are to avoid undermining the very foundations of the Torah's authority and the moral stature of Halacha? Or is there a way to make space for our discomfort and unease without throwing the baby out with the bathwater?

To sketch out a possible response, I would like to draw on the thinking of Rabbi David Hartman, a contemporary Jewish thinker (who died recently in 2013) who was ordained by Rabbi Joseph Soloveitchik, who championed a progressive kind of orthodoxy and whose daughter, Tova, founded Shira Chadasha in Jerusalem – the first partnership minyan.

I'm indebted here to Simon Cooper, whose series of LSJS classes on Rabbi Hartman I was fortunate to attend.

In his book, *A Living Covenant*, Hartman writes:

"... I allow that the Torah may challenge some accepted current patterns of behaviour, but I cannot imagine that it requires us to sacrifice our ability to judge what is just and fair. The covenant [i.e. between God and the Jewish people] invites a community to act and to become responsible for the condition of its human world. This invitation to full responsibility in history would be ludicrous if the community's rational or moral powers were relegated in the very act of covenantal commitment."

... The development of the halacha must be subjected to the scrutiny of moral categories that are independent of the notion of halachic authority ... so too must our human ethical sense shape our understanding of what is demanded of us in the mitzvot ... contemporary halachic Jews need not apologise for using the best of

ethical thought to learn how to apply the mitzvot that touch upon ethical and moral considerations in everyday life”.

Crucially for Hartman, these moral categories and ethical thoughts may be independent of Halacha, but they are certainly not independent of God. In fact, they come from God, as seemingly does the imperative to use these moral categories in scrutinizing Jewish law. It is inconceivable otherwise that God would have entered into a covenant that demands of us to take ethical responsibility.

What this looks like in relation to Vayikra 20:13 and 18:22, I don't know exactly. There are certainly a plethora of modern interpretations and re-readings of these verses which challenge traditional understandings and open up greater possibilities of acceptance. I'm not sufficiently qualified to go into these in-depth, but what is important to note is that re-reading and re-interpretation has always been a striking feature of our textual tradition. It can't simply be a case of saying: “well, the verses are pretty unequivocal and don't leave us room for manoeuvre”. For many of us, and following Hartman's position, our autonomous ethical sense compels us to critique and find room for manoeuvre. Or at least to consider room for manoeuvre.

To paraphrase a quote attributed to former Member of Knesset and Jewish scholar, Ruth Calderon: troubling passages in our tradition are like family members you don't get on with. Whether you like it or not, they are a part of you. You can't disown them. The only option often is to argue with them and challenge them.

That resonates powerfully for me. The only option with these difficult passages is to struggle and grapple, and to resist perspectives that close down conversations.

In summary, I suggest that what this ultimately boils down to is attempting to navigate the tension between:

- On the one hand, being *challenged* by these verses in Vayikra – and taking them seriously, confronting them, as parts of our tradition.
- And on the other hand *challenging* these verses (through acknowledging the ripples of pain they engender, through constantly re-examining our inclusive practice, and through grappling intellectually with how we approach troubling Torah passages like these). All whilst, in my view, recognizing our divine authorization – and even obligation – to do so.

Shabbat Shalom.