

December 4, 2006

Dear Friends,

I hope this note finds you warm and toasty as the weather begins to match the season.

I wanted to let you know that we are on the threshold of a truly historical moment in American Jewish History. The Committee on Jewish Law and Standards (CJLS), the group of rabbis and scholars of the Conservative Movement that adjudicates and legislates Jewish Law (we don't have separate apparatuses for judicial and legislative purposes), is meeting tomorrow and Wednesday in order to vote on a few responsa dealing with the legal questions about homosexuality and Judaism. The CJLS membership consists of twenty-five rabbis who are voting-members, as well as five non-voting lay representatives of the United Synagogue and one non-voting cantor representing the Cantors' Assembly. A responsum requires six votes to be considered a legitimate minority opinion in the Conservative Movement. There are often opposing legitimate opinions passed by this committee, and the local rabbi of an institution may base his or her ruling on any responsum that has been passed whether or not it was a minority or majority opinion.

The question about homosexuality and Judaism has been debated in the past by this committee, which produced four responsa on these questions. In 1992, after each responsum was debated and voted on, the CJLS created a document called the *CJLS Consensus Statement of Policy Regarding Homosexual Jews in the Conservative Movement* that rendered the following practical and *halachic* decisions (decisions of Jewish Law):

The Committee on Jewish Law and Standards of The Rabbinical Assembly affirms the following policies:

- a. We will not perform commitment ceremonies for gays or lesbians.**
- b. We will not knowingly admit avowed homosexuals to our rabbinical or cantorial schools or to the Rabbinical Assembly or the Cantors' Assembly. At the same time, we will not instigate witch hunts against those who are already members or students.**
- c. Whether homosexuals may function as teachers or youth leaders in our congregations and schools will be left to the rabbi authorized to make halakhic decisions for a given institution within the Conservative Movement. Presumably, in this as in all other matters, the rabbi will make such decisions taking into account the sensitivities of the people of his or her particular congregation or school. The rabbi's own reading of Jewish law on these issues, informed by the responsa written for the Committee on Jewish Law and Standards to date, will also be a determinative factor in these decisions.**
- d. Similarly, the rabbi of each Conservative institution, in consultation with its lay leaders, will be entrusted to formulate policies regarding the**

eligibility of homosexuals for honors within worship and for lay leadership positions.

In any case, in accordance with The Rabbinical Assembly and United Synagogue resolutions, we hereby affirm gays and lesbians are welcome in our congregations, youth groups, camps, and schools.

A few years ago the issue of homosexuality was again brought before the Law Committee. Five responsa were written. Through utilizing dissimilar legal analyses, each of them argues for different legal conclusions. These responsa will be presented and debated on Tuesday and Wednesday of this week, culminating in a vote of the committee for each responsum. The responsa on the table advocate for the following interpretations of Jewish Law: overturning all prohibitions against gay behavior; affirming the previous decision of the committee; advocating reparative therapy; and permitting gay and lesbian marriage and ordination without permitting certain types of male homosexual sexual intercourse. It is possible that none of them will pass, some of them will pass, or that all of them will pass, though it is likely that some, but not all, will become legitimate legal opinions. I have not had access to these responsa (they are not made available to rabbis until after the vote of the CJLS), so I have not read them and thus can't comment on the integrity of any of the responsa. I plan on leading a synagogue wide discussion on these opinions and the decisions of the committee after I have had time to study them.

Though the proceedings of the CJLS is generally open to rabbis and rabbinical students, this week's historic meetings will be closed, with the exception of twenty spots for each responsum. I am very lucky to have the opportunity to sit in on the debate on Tuesday morning over the responsum that overturns the existing prohibitions against gay behavior.

The predictions for our movement after this vote are many. Some predict that if the CJLS normalizes homosexuality with regard to Jewish Law, it will largely divide the movement, forcing the halachically conservative rabbis and members to join ranks with the left wing of Modern Orthodoxy, and leaving the rest of the movement to grapple with the question of how indeed they are different than Reform Jews (this is code for the prediction that the movement will fold). Others predict that the fallout will be limited in scope and that this decision will galvanize the movement and help make it more appealing. In the end, nobody knows what the vote will be nor the reaction of our leadership and congregations. What I pray for is the ability to uphold the most essential of Jewish values exemplified by our movement: that there are multiple truths and paths to understanding God's will and as long as we come to understand them through the *halachic* framework, we can coexist despite our different interpretations. As the Talmud states in Tractate Eruvin 13b:

For three years there was a dispute between Beit Hillel and Beit Shammai, the former asserting, "The law is in agreement with our views," and the latter contending, "The law is in agreement with our views." Then a bat kol, a voice from heaven, announced, Eilu v'eilu divrei Elohim Chayim, "These

and those are the words of the living God, but the law is in agreement with the rulings of Beit Hillel.”

Since, however, “Eilu V’eilu, both are the words of the living God,” what was it that entitled Beit Hillel to have the law fixed according to their rulings? Because they were kindly and modest, they studied their own rulings and those of Beit Shammai, and were even so humble to mention the words of Beit Shammai before their own.

Eilu V’Eilu divrei Elohim Chayim, “Both interpretations are the words of the living God.” I pray that our rabbinic leadership conducts this debate with this Talmudic precept in the forefront of the discussion.

B’chvod Rav (With great respect),

Rabbi David A. Schuck