

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

~ ~ ~

“Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards” by Rabbis Elliot N. Dorff, Daniel S. Nevins & Avram I. Reisner

http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/dorff_nevins_reisner_dignity.pdf

~ ~ ~

This responsum works within the limits of traditional halakhic discourse. To do otherwise would compromise the integrity of the halakhah and would accomplish nothing for those gay and lesbian people who strive to live as observant Jews. People who are not Torah observant have no particular need for a traditional halakhic responsum. But people who are observant and are also gay or lesbian are caught in a terrible dilemma, with no halakhic guidance about the integration of their Jewish identity and their sexual orientation. Our core conviction is that dignity for gay and lesbian Jews – as for heterosexual Jews – results neither from blanket permission nor from blanket prohibition of all sexual activity, but rather from situating it within the matrix of... permission and prohibition, which permeates all of Jewish life.

- pp. 1-2

Contemporary Jewish law is based upon the legal and moral texts found in the Written and Oral Torah. The Written Torah famously pronounces that “God created humanity in His image” (Genesis 1:27; 9:6), that “It is not good for man to live alone” (Genesis 2:18), that you must “Love your neighbor as yourself” (Leviticus 19:18) and that “God is good to all; His mercies apply to all creatures” (Psalms 145:9). The Oral Torah... draws upon these and... other... passages to create a system of law that sanctifies the... lives of those who serve God...

[E]ach generation demands its own interpretations of Jewish law. As the Torah says, “When a matter shall arise that confounds you...you shall go and inquire of the judge who shall be in that day, and they will tell you the law.” (Deut. 17:9) For the [Committee on Jewish Law & Standards] to avoid this issue or to declare that nothing can be done for homosexuals who wish to observe the halakhah would be to abandon the Torah’s mandate... a terrible defeat...

- p. 2

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

Gay and lesbian people are homosexual and will remain so... [T]hose who have attempted a “cure” have been unable... to change their orientation...

[T]he permanent social and sexual loneliness mandated by halakhic precedent for homosexuals undermines their human dignity. However, we reject attempts to distort this argument by claiming that, if so, every human desire deserves to be satisfied. In fact, Judaism teaches us constantly to bend individual desire to fulfill the will of God... Some sexual desires must be delayed, and some must be permanently suppressed. [fn. 20 on p. 24: The former category includes sexual relations between a man and a woman in *niddah*. The latter category includes rape, incest, adultery, pedophilia and bestiality.] What distinguishes the situation of gay and lesbian Jews from others who experience forbidden sexual desires is that heretofore, gay and lesbian Jews have had absolutely no permitted avenue for sexual expression or for the creation of a committed romantic relationship.... [T]his situation of absolute and permanent isolation... undermines their human dignity.

- p. 3

Regarding bisexuals, we understand that some people experience sexual attraction to both men and women... Because the heterosexual ideal is enshrined in over three millennia of Jewish texts, because heterosexual marriages alone are recognized by established Jewish law, and because bisexuals do have a permissible avenue for sexual and romantic intimacy, we instruct any Jew who has sexual longings for someone of the opposite sex to marry a Jew of the opposite sex and to maintain complete fidelity to his or her spouse. While this may involve the sacrifice of some sexual satisfaction, this is a common consequence of marital fidelity, which gives greater priority to stable relationships than to the erotic desires of each individual

- p. 3

Leviticus 18:22

Do not lie with a man the lyings of a woman; it is abhorrent.

ויקרא יח: כב

וְאֶת־זָכָר לֹא תִשְׁכַּב מִשְׁכַּבִּי אִשָּׁה
תוֹעֵבָה הוּא:

Leviticus 20:13

If a man lies with a male the lyings of a woman, the two of them have done an abhorrent thing; they shall be put to death—their bloodguilt is upon them.

ויקרא כ: יג

וְאִישׁ אִשָּׁר יִשְׁכַּב אֶת־זָכָר מִשְׁכַּבִּי
אִשָּׁה תוֹעֵבָה עָשׂוּ שְׁנֵיהֶם מוֹת יוּמָתוּ
דְּמֵיהֶם בָּם:

What does it mean for a man to lie with a man with the “lyings of a woman”? The Talmud derives from this plural construct that there are two forms of sexual intercourse between a man and a woman, vaginal and anal (Sanhedrin 54a). The Sages understand these verses to prohibit anal sex between men without any exception, even as the other sexual behaviors on this list are forbidden without exception.

- p. 4

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

Ancient authors employed euphemism when describing sex, making it difficult to prove exactly what activities they understood to be included within these verses. Is it possible that the biblical prohibition... includes actions other than anal intercourse? ...Almost all readers conclude that they prohibit anal sex between men, with the first verse addressing only the insertive partner, and the second verse including the receptive partner... Judaism is based on how the Rabbis interpreted the Bible, and so the crucial point for legal purposes is that the Rabbis read these verses to refer to anal sex. Their only debate regarded whether 18:22 penalizes the receptive as well as the insertive partner...

Rabbi Joel Roth... has argued that the rabbinic expression for heterosexual anal sex, *biah shelo kedarkah*, may possibly include not only homosexual anal sex, but even oral sex between men... Rabbi Roth is *sui generis* in this reading, which is rejected by other contemporary halakhic interpreters, including Orthodox rabbis Dr. Abraham Steinberg and Chaim Rapoport...

- p. 4

Moreover, the particular negative commandment associated with male homosexual sex is listed in the Torah among the [*gilluyey arayot*] (literally, “exposures of nakedness”), and of these prohibitions it is said [*yehareg ve'al ya'avur*], “one should die rather than transgress...” To strike this law from the Torah is a radical step. On the other hand, to expand the biblical prohibition beyond what is actually written is unnecessarily harsh. The Torah forbids anal sex between men, nothing more, and nothing less...

The Torah prohibits anal sex between men, while remaining silent regarding other forms of sexual intimacy between men and between women. Nevertheless rabbinic codes describe a much broader prohibition of all male and female homosexual intimacy.

- p. 5

Other authorities reject this assessment. Ramban (Nahmanides) argues at length... that “do not approach” is not a biblical prohibition... On the contrary, two amoraim [sages from the era of the Talmud’s compilation], R. Pedat (Shabbat 13a) and R. Yose b R. Bun (Y. Sanhedrin 7:7), explicitly assert that when the Bible speaks of “approach” it is referring euphemistically to sexual intercourse... and their view is unrefuted by any other amoraic comment... This reading better suits the biblical context, where the verse appears as a preamble to extensive details of the cases of explicit forbidden intercourse, and not as a separate prohibition.

- p. 6

Since female homosexual activity cannot lead to a biblically prohibited act... the general rabbinic prohibition can have been predicated only, as the Talmud says, on a general aversion to licentiousness and a concern for the preservation of the heterosexual family.

- p. 8

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

We conclude that there is only one prohibited sexual relation... among homosexual behaviors, which is anal sex between men, and that other restrictions have no basis in biblical legislation. The operative reasoning for the broader prohibitions—from proximity to petting and even to oral sex—is that of the [*seyag*], the legal fence, establishing the distance rabbinic authorities felt necessary to assure that the biblical prohibition would not be transgressed, and the more general concerns about propriety and the preservation of the family.

While some readers might conclude from the texts... that Jewish law imposes a universal and undifferentiated ban on all homosexual intimacy, we must emphasize the nuances found in this literature. The dominant voice of rabbinic interpretation follows Maimonides and the Tur/Shulhan Arukh in regarding lesbian intimacy and male homosexual acts other than anal sex as all... banned by the Bible, albeit indirectly. Yet Nachmanides is convincing in his assertion that this... is... a later rabbinic interpolation, for the Bible itself never mentions or prohibits any of these acts...

We... must acknowledge that the established halakhah presents a comprehensive ban upon homosexual intimacy. Even if most of the possible activities are banned “only” by rabbinic authority, we are rabbis who accept and promote the authority of our predecessors... Whether we follow Rambam or Ramban, the established halakhah presents a complete ban on all acts of homosexual intimacy.

- p. 8

However, our predecessors assumed that this ban would lead those with homosexual inclinations back into heterosexual marriages; nowhere do the Sages suggest that celibacy is a desired Jewish outcome. Given what we have learned about sexual orientation in recent decades, this assumption is no longer valid. To uphold the halakhah’s comprehensive ban is to consign a significant class of Jewish women and men to life-long celibacy or communal condemnation. This result is problematic not only for the affected individuals, but also from the vantage of the halakhah’s own mandate to safeguard human dignity.

- p. 8

The Torah is... the gift of life, not a path to suffering and destruction of the physical self... The Torah and its commandments are love, though like any true love, they demand heroic commitment from those who would embrace them. In demanding that observant homosexuals avoid all sexual contact for life, the halakhah is not asking for heroism but inviting failure.

The experience of other faiths that mandate celibacy for their clergy is instructive... Many clergy who have taken a vow of celibacy have found it impossible to fulfill. Celibacy is even less feasible for those who never voluntarily decided to take such a vow as a matter of religious devotion and vocation, but rather simply discovered themselves to be gay or lesbian. God, after all, created us as sexual beings. That does not justify all sexual acts, but it does indicate that God intended that we be able to express ourselves sexually. Jewish law should therefore show gays and lesbians, as it shows heterosexuals, the circumstances in which sexual relations are permitted.

- p. 9

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

We have, in fact, discussed the subject of abstaining from anal sex with both secular and observant gay men. It is evident that while many gay men consider this to be the most fulfilling form of sexual intercourse, other avoid it for a variety of reasons ranging from aesthetics to health and religious concerns. Among Orthodox gay men there is a documented trend to avoid anal intercourse because of the explicit biblical ban while maintaining otherwise gay lifestyle.
- p. 22, fn. 4

Jacob Milgrom's commentary on Leviticus advances another argument unheard of in other commentaries to these verses. Milgrom argues that Lev. 18:22 is prohibiting male-male sex only in cases where the men are related to each other... He associates the use of the plural *mishk'vei* ("beddings") in this verse with its use in Genesis 49:4 where Jacob scolds Reuben his son with having sex with his father's concubine... Milgrom expands upon this... dismissing the entire prohibition of anal sex between men unless they are related... By so doing, however, Milgrom distorts the clear context of the verse. Although the bulk of the chapter deals with incest, the chapter proceeds after verse 18 to deal in other... sexual prohibitions. Verse 18:22, which prohibits male-male intercourse is embedded among verses that prohibit other sexual transgressions: menstrual sex, adultery, bestiality, and Molekh worship, sexual prohibitions that go beyond the purely incestuous. The Rabbis did not understand this verse as prohibiting male-male incest. Rather, they found male-male incest doubly prohibited, forbidden as a matter of male-male intercourse, based on this verse, and as a matter of incest, based on an extrapolation of verse seven (See Sanhedrin 54a).
- p. 26, fn. 35

BT Berakhot 19b, Shabbat 81b, 94b, Eruvin 41b, Megilah 3b, Bava Kama 79b, Menahot 37b, 38a and PT Nazir 56a
So great is human dignity that it supersedes a negative commandment of the Torah.

תמוד בבלי, ברכות יט ע"ב, שבת פא ע"ב, צד ע"ב,
ערובין מא ע"ב, מגילה ג ע"ב, בבא קמא עט ע"ב,
מנחות לו ע"ב, לח ע"א; תלמוד ירושלמי, נזיר נו ע"א
גדול כבוד הבריות שדוחה [את] לא תעשה
שבתורה

Babylonian Talmud, Berakhot 19b
Come and learn: So great is human dignity that it supersedes a negative commandment of the Torah. And why? Don't we say, "there is no wisdom, nor comprehension nor counsel against the Lord"? (Proverbs 21:30) Rav bar Sheba interpreted it thus before Rav Kahana: "[this principle applies only] to the negative commandment of 'do not stray'" (Deut. 17:11). They [i.e., his colleagues] laughed at him, saying, "'Do not stray' is itself from the Torah!" But Rav Kahana said to them, "When a great man states a matter, do not laugh at it.

תלמוד בבלי, ברכות יט ע"ב
ת"ש גדול כבוד הבריות שדוחה [את] לא תעשה
שבתורה ואמאי לימא אין חכמה ואין תבונה
ואין עצה לנגד ה' תרגמה רב בר שבא קמיה
דרב כהנא בלאו (דברים יז, יא) דלא תסור
אחיכו עליה לאו דלא תסור דאורייתא היא אמר
רב כהנא גברא רבה אמר מילתא לא תחיכו
עליה כל מיילי דרבנן אסמכינהו על לאו דלא
תסור ומשום כבודו שרו רבנן
For all of the words of the Sages are supported
by the negative commandment of 'do not
stray,' but for his dignity, the Rabbis permitted
him [to ignore their ruling]."

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

We are concerned for the dignity of gay and lesbian Jews not only because we are sympathetic to their dilemma, but also because their humiliation is our humiliation... Looking at our own congregations, we too are embarrassed by our cold welcome. For example, a gay man told us of going to minyan to say *kaddish* during *shloshim* for his father. The rabbi prevented him from leading services because he was gay, and then showed him an entire list of “leadership activities” from which he was banned... This humiliation was experienced not only by an individual, but by an entire congregation. When gay and lesbian Jews are finally welcomed to take their rightful places in our community, then we will have safeguarded their dignity as individuals, and our dignity as a community.

It is difficult to imagine... Jews whose dignity is more undermined than that of homosexuals, who have to date been told to hide and suppress their sexual orientation, and whose desire to establish a long-term relationship with a beloved... have been... dismissed by Jewish and general society... [W]e acknowledge... modern science and psychology in teaching that homosexual orientation is not an individual decision but... a core component of human identity...

- p. 16

Surely the halakhah is not indifferent to decisions made by gay and lesbian Jews about their intimate relationships. Surely it is better for gay and lesbian Jews to establish monogamous relationships with other Jews and thereby to establish stable Jewish households. Surely promiscuity ought to be no more acceptable among homosexuals than it is among heterosexuals. Surely the establishment of family units is central to the preservation of human dignity. For all of these reasons, we favor the establishment of committed and loving relationships for gay and lesbian Jews. The celebration of such a union is appropriate with blessings over wine and *shehecheyanu*, with psalms and other readings to be developed by local authorities... We have no objection to informal rituals of celebration for gay couples, including the elements mentioned above, but we are not able in this responsum to address the many halakhic questions surrounding gay marriage. Our paper does not provide for rituals of *kiddushin* for gay and lesbian couples.

- p. 17

1. The explicit biblical ban on anal sex between men remains in effect. Gay men are instructed to refrain from anal sex.
2. Heterosexual marriage between two Jews remains the halakhic ideal. For homosexuals who are incapable of maintaining a heterosexual relationship, the rabbinic prohibitions that have been associated with other gay and lesbian intimate acts are superseded based upon the Talmudic... obligation to preserve the human dignity of all people.
3. This ruling effectively normalizes the status of gay and lesbian Jews in the Jewish community. Extending the 1992 CJLS consensus statement, gay and lesbian Jews are to be welcomed into our synagogues and other institutions as full members with no restrictions. Furthermore, gay or lesbian Jews who demonstrate the depth of Jewish commitment, knowledge, faith and desire to serve as rabbis, cantors and educators shall be welcomed to apply to our professional schools and associations...

- p. 19

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

4. We are not prepared at this juncture to rule upon the halakhic status of gay and lesbian relationships. To do so would require establishing an entirely new institution in Jewish law that treats not only the ceremonies and legal instruments appropriate for creating homosexual unions but also the norms for the dissolution of such unions. This responsum does not provide *kiddushin* for same-sex couples. Nonetheless, we consider stable, committed, Jewish relationships to be as necessary and beneficial for homosexuals and their families as they are for heterosexuals... The celebration of such a union is appropriate.

- p. 19

~ ~ ~

**Gordon Tucker, “דרוש וקבל שכר” [*Derosh VeKabbel Sakhar*, “Seek and Receive Reward”]:
Halakhic and Metahalakhic Arguments Concerning Judaism and Homosexuality”**
https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/tucker_homosexuality.pdf

~ ~ ~

Although this paper in its entirety has not previously been formally submitted to the Committee on Jewish Law and Standards, some... major sections of it were integrated into a jointly-authored paper that was submitted and discussed at the March, 2006 meeting. At that meeting, a majority of the CJLS voted to declare that paper to constitute a proposed *Takkanah* [“emendation” of Jewish law], and thus to require (by subsequently amended rules) 13 votes in order to enjoy the endorsement of the Committee (6 votes are normally required). I believe this action of the Committee was based on both a misapprehension of what this paper argues, and a misapplication of the classical category of *takkanah*...

- p. 2

Takkanot were, historically, devices for instituting innovations into Jewish law by relying not on the usual tools of legal interpretation, but... on the authority of the Rabbi – or of the Bet Din – who issued the *Takkanah*... Provided that this authority was real... the declaration of a *Takkanah* had an effect that no mere legal ruling would have; that is, it altered legal practice in a decisive way, which was as solid as the authority of [the] *Takkanah*’s author. In other words, although *Takkanot* were generally innovative rulings, they became *Takkanot* not because of what or how they argued, but rather because the authors of the *Takkanot* antecedently enjoyed the authority to declare them to be so and thus to make their innovations unchallengeable. Many Rabbis historically wrote *teshuvot* [“responsa”] that proposed innovations, but did not enjoy [great] authority... so as to make it possible to offer them as *Takkanot*. Their responsa remained responsa, perhaps overlooked or overruled in their days, but perhaps also referred and appealed to at a later period.

- p. 2

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

Virtually every position in recent years that has argued against the normalization of Jewish gays and lesbians has done so not out of any stated animus toward, or fear of, gays or lesbians... but rather out of theological/halakhic or more general halakhic concerns.

This has been especially true in Conservative Jewish circles. Joel Roth's *teshuvah* from 1991... described his conclusions in that *teshuvah* as having been arrived at "with great anguish", and "with a heavy heart for those who must bear the burden of its message.." Indeed, in making an analogy to the *kohen* with a genealogical imperfection (who, in Temple times, had to forego exercising the usual priestly functions), Roth essentially acknowledged that the demand that homosexuals not have sexual relations with members of their own sex "is difficult and may even fill one with both anguish and anger", even though he concluded that the demand was not immoral per se. In a written version of a talk that he gave... in 2003, he even asserted... about that 1991 *teshuvah*: "I undertook my research and analysis....with a predisposition to say yes..." In other words, Roth's insistent conclusion that gays and lesbians could not be normalized halakhically was, like virtually every other similar conclusion published at that time and since, not predicated on the idea that homosexuality was inherently destructive of Jewish society, but rather on the idea that legitimating it would be destructive of the halakhic system

- p. 3

[T]he theological argument against normalization generally begins with the observation that the Torah is rarely... simple and... direct as it is in [the] two verses [prohibiting homosexual behaviors]... It is one thing for a human interpretive community to claim the right to explicate, restrict, and relativize a biblical text that has seemingly left us room for just such activity... But it is quite another thing to make such a claim with respect to a text which seems fairly to shout out the clear intent of the Lawgiver. The unusual terseness and transparency of Leviticus 18:22 are so striking that one almost senses a divine intent to preclude and close off human interpretation...

Notice... this theological argument does not appeal to the halakhic texts and traditions that grew out of the Torah's words... The theological... argument... appeals to the *peshat* – the surface, contextual meaning of the verse – and that is not the usual procedure when making arguments in Jewish law...

The theological argument attaches great importance to the... clarity of Leviticus 18:22, and the... impermissibility of modifying... its meaning (...for example, only exploitative or promiscuous sexual relations). Granting... the claimed clarity of the verse... the same argument has never been made for Exodus 21:12 ("He who fatally strikes a man shall be put to death"), which is, if anything, even more concise and clear than Leviticus 18:22... And these restrictions on the... prohibition did not, in and of themselves, undermine the divine authority of the text.

- pp. 4-5

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

“What can we do? The Torah is clear on the subject!”... rests on the assumption that the words of... the Pentateuch... express directly and completely the will of God... But... that the Torah is the direct and complete expression of God’s will... is not accepted in our Conservative Jewish world. And it is not accepted for good scholarly and theological reasons. [T]his is not an assertion that the Torah is not divine, or that it is merely human. Heschel famously wrote that “as a report about revelation, the bible itself is a *midrash* [an allegorical “commentary”]...” It is... possible to (a) believe in God; (b) believe in revelation; (c) believe that it is meaningful to speak of a divine will for the world; and (d) to have faith in the idea that the Torah is our first (and thus, in an important sense, most sacred) expression of God’s will in human language, and still insist that the sacred text of the Torah does not perfectly and infallibly express that will...

- p. 6

God’s will is not infallibly represented in the Torah, but... imperfectly, in a form that awaits the engagement and honest searching of religious communities that connect to one another... Was it for nothing that we have celebrated... groundbreaking scholarship... on the religion of Israel? Is it merely an intellectual game that we have played for a century now by calling such people as Mordecai Kaplan, Robert Gordis, Gerson Cohen, Abraham Joshua Heschel, Nahum Sarna, H.L. Ginsburg, Jacob Milgrom, and Yochanan Muffs our masters and teachers? Why do we study and get inspired by such teachings, and yet fear to teach them...?...

... [I]f we confess that we do not accept the axiom of biblical infallibility, then let us honor our teachers by abandoning this theological argument, and by no longer permitting ourselves to say, when the matter of gays and lesbians comes up, “What can we do? The Torah is clear on the subject!” Could it perhaps be that critical study itself was given to us precisely so that we would not let the text of the Torah stand as an impediment to the acceptance, fulfillment, and normalization of God’s creatures?

- p. 7

[W]e’ve all met, or have become aware of, many sincere [gay] Jews... The guardians of Halakhah (and, to be fair, the Jewish community at large) have until now been unable to form a vision of integrating these men and women with a normative Jewish life. But such a vision is not impossible... [T]hese sincere Jewish gays and lesbians have a clear vision of it, and that vision includes commitments to Jewish life, Jewish community, and Jewish practices, as well as loving relationships and family structures... they can build without being false, self-destructive, or exploitative (by using someone of the opposite sex for the sake of normalization).

- p. 17

[T]he Torah... is not a record of commanding utterances from God, but rather a record of the religious quests of a people, and of their understanding of how God’s will commands them... The law is given... support by the ongoing story of the community that seeks to live by the law... This ongoing religious life must therefore have a role in the development of its norms, else the legal obligations of the community will become dangerously detached from its theological commitments.

- p. 19

10 Years On: LGBTQ Inclusion in Conservative Judaism

What Conservative Judaism Taught On Homosexuality—December 6, 2006

Before there were any legal arguments for the full equalization of women and men in the synagogue and house of study, there were communities that had formed themselves with a vision of such equalization. They were committed to Judaism in a way that included ritual and liturgical traditionalism, but their own narrative, their own understanding of our texts, led them to the conviction that the tradition was wrong in excluding women from any public roles. The vision of those egalitarian communities was not born of a straight derivation from halakhic precedents... Instead, it was a coming together of a halakhic tradition that those communities felt bound to, along with an *aggadah* – a narrative – that began with the very beginning of our scripture, with Genesis 1:27 and 5:2 (both of which stated that humans were created male and female...)... The received halakhic tradition, governed by precedent, was failing to account for... egalitarian communities that were preserving, not dismantling, Jewish tradition.

- p. 21

[T]o conclude that... violation only happens with anal penetration, but that other forms of intimacy may be excusable (on the technical grounds of not being in the text) in the case of gay men because their sexual orientation is not a matter of will or choice... betrays... the actual narrative of gays and lesbians... Theirs is not a story of how sinfulness is unavoidable and thus excusable, but rather a story of how there is more than one human sexuality... and that loving attachment to a partner of the same sex can... be as fulfilling and as redemptive to the human soul as heterosexual marriage can be...

- p. 27

This is a moment of opportunity for Conservative Judaism, in which we can demonstrate the power of our commitment and our compassion, in which our concept of law can be expanded and not contracted, and in which we can light lamps for the multitude. For it is not just gays and lesbians whom we address here, but our wider community as well. We have the capacity to create a truly exciting and engaging moment in the history of halakhic practice.

- p. 30

Jews who are living sexual lives with partners of the same sex should be considered to be subject to the same obligations and entitled to the same rights as those whose sexual lives are with members of the opposite sex. Congregations are encouraged to grant family memberships to households created by same-sex couples, and to provide equal support to the celebration of life cycle events in those families, including the joining of partners of the same sex into exclusive spousal relationships. The Rabbinical Assembly should turn its attention to the creation of liturgy, and of legal structures, for the celebration of such spousal unions and for their dissolution. And the theological schools of the Conservative Movement (both rabbinic and cantorial) should assess the candidacies and student status of gays and lesbians aspiring to religious leadership by the same criteria that they apply to all other applicants and students.

Note: This paper was declared a takkanah by a vote of twelve in favor, seven opposed and six abstaining (12-7-6, which is a majority of those present and voting, and failed by a vote of seven in favor, fourteen opposed and 4 abstaining (7-14-4).

- p. 31