

Discrimination Against LGBT People within Judaism and the Obstacles to Change

Rabbi Elli Tikvah Sarah

Introduction

Good afternoon. I am here today to speak from the perspective of Judaism.¹ My particular take on LGBT rights is rooted in my own experience of gender dysphoria as a child and of being a lesbian, as well as in my involvement in the struggle for equality and inclusion. A radical lesbian feminist in the late 1970s and the early 1980s; since 1984, when I began my rabbinic studies, I have struggled for LGBT rights specifically within the context of the non-orthodox Jewish movements in Britain, known as, 'Liberal' and 'Reform'.²

I can report a good outcome from these struggles:

I participated in the creation of a policy of equality and inclusion within Liberal Judaism, which resulted in the publication of liturgy for same-sex ceremonies at the time that the Civil Partnership Act came into force in December 2005.³

In the past couple of years, Liberal Judaism has given public support for the Equal Marriage campaign⁴ and also begun working with 'Queer and Trans Jews UK'.⁵ On August 30th (2012), thanks to a generous grant from the Heritage Lottery Fund, Liberal Judaism announced that it is launching a landmark history and heritage project, 'Rainbow Jews', to chart the Jewish lesbian, gay, bisexual and transgender community from the 1950s to the present day.

More recently, Reform Judaism has also adopted a policy of equality and inclusion.⁶

Even in the Orthodox Jewish world, change is underway – although traditional belief that the Torah is the Word of God makes it more difficult to challenge those statements which proscribe and punish sex between men and which insist that men and women only wear clothing associated with their own gender and adopt strictly defined male and female roles.

Nevertheless, in recent years, Orthodox Jewish lesbians and gay men have been coming out – most notably in Israel – where films about their experience have been made. One of these films, 'Trembling Before G-d', is being screened by the Jewish Film Club at the Ralli Hall Jewish Community Centre on Sunday evening, as part of LGBT Pride.⁷ The very fact that this is happening tells you that change is taking place at the grassroots. A further example: in 2004,

¹ Paper given in Panel discussion at event on 'LGBT Rights in Europe: A search for common solutions', Brighton University, 31.08.12.

² For an account of my personal struggle for equality and inclusion as a lesbian rabbi, see, My Journey, the Preface to my book, *Trouble-Making Judaism* (David Paul, 2012)

³ *Covenant of Love – B'tit Ahavah* (Liberal Judaism, 2005). See www.liberaljudaism.org. Also see 'Marriage By Any Name' in my book, *Trouble-Making Judaism*

⁴ See <http://www.liberaljudaism.org/news/588-a-summary-of-liberal-judaisms-response-to-the-governments-equal-marriage-consultation.html>

⁵ <http://transgenderjews.org.uk/>

⁶ See <http://news.reformjudaism.org.uk/press-releases/reform-movement-celebrates-lgbt-pride.html>

⁷ The screening will be held at 7:30 PM at 83 Denmark Villas, Hove BN3 3TH

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when Steve Greenberg, an American Orthodox gay rabbi, published his book, *Wrestling with God and Men*,⁸ an event to publicise it was held at the AJEX Hall in Hove, another mainstream Jewish venue.

But I haven't been invited to come here to talk to you about the good news. Specifically, I have been asked to say something about:

- Discrimination faced by LGBT people in religious spaces – and
- The key obstacles faced in reconciling religion with sexuality and gender identity

Discrimination faced by LGBT people in religious spaces

The discrimination faced by LGBT people in religious spaces, begins, within the Judaeo-Christian tradition, in two verses in the Book of Leviticus. These verses appear in texts dealing with prohibited sexual practices that include incest, bestiality and adultery. From a Jewish point of view, the context is very important. Leviticus chapter 18 opens by saying: 'You shall not copy the practices of the land of Egypt where you dwelt, nor of the land of Canaan where I'm taking you; neither shall you follow their laws.' (18:3). In other words the motivation behind the sexual prohibitions is the need to forge a separate identity, rather than a concern with ethics.

Leviticus chapter 18, verse 22, states:

Do not lie with a male as one lies with a woman; it is an abhorrence.

And Leviticus chapter 20, verse 13, states:

If a man lies with a male as one does with woman, the two of them have done an abhorrent thing; they shall be put to death – their blood guilt is upon them.

There is no historical evidence whatsoever that men were ever put to death for having sex with one another. Nevertheless, these verses have had an enduring impact, both, on the attitudes of Jews and Christians towards homosexual acts, and on the experience of lesbian and gay Jews and Christians growing up in the knowledge that their sexuality is outlawed. From a Jewish perspective, there is an extra dimension. All men – but not women – have the obligation to be fruitful. So, homosexual acts are also regarded as unacceptable because they involve the spilling of seed.⁹ There is no specific prohibition against sexual acts between women in the Torah. However, rabbinic exegesis ensured that women were included in the prohibition, although sex between women was seen as a less serious offence than sex between men.¹⁰

In addition to sacred texts that specifically outlaw same-sex sexual acts, there are traditional readings of the Creation narratives in the book of Genesis, which are rooted in the assumption that heterosexuality is the norm. I don't have the time here to talk about how these texts may be read differently. Suffice it to say that the hetero-normative reading, trumpeted by those who see

⁸ *Wrestling with God and Men. Homosexuality in the Jewish Tradition* (University of Wisconsin Press, 2004).

⁹ See Genesis 38 – the story of Judah and Tamar, which involves Judah's second son, Onan, spilling his seed, rather than impregnate his dead brother's wife in order to produce a child in the name of his dead brother.

¹⁰ See 'Judaism and Lesbianism: A Tale of Life on the Margins of the Text' in my book, *Trouble-Making Judaism*.

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homosexuality as, and I quote, ‘against God’, is that ‘God created Adam and Eve, not Adam and Steve.’¹¹

Meanwhile, elsewhere in the Torah, and later in rabbinic law, prescriptions concerning the strict separation of men and women and the differentiation of their roles, has implications for transgender people. In the book of Deuteronomy, chapter 2, verse 5, for example, we find the source text on the absolute distinction in apparel for men and women:

A woman shall not wear that which pertains to a man, neither shall a man put on a woman’s garments; anyone who does these things is an abhorrence to the Eternal One your God.

The presumption of heterosexuality, binary gender segregation and the prohibition against homosexual acts all combine to ensure that LGBT people face discrimination in mainstream religious contexts. If and when someone ‘comes out’ – or is forced out – that discrimination may become active. Just as pernicious, because it is so completely enveloping, is the way in which LGBT people are rendered completely invisible and totally marginal. Everyone is presumed to be heterosexual until proved otherwise and to have a fixed male or female gender from birth. Consequently, in a context in which sacred teaching is so clear that engaging in homosexual behaviour or transgressing binary gender is wrong and an ‘abhorrence’ to God, LGBT people are forced to live in hiding and to deny their sexuality and/or gender identity.

As a result, the human needs of LGBT people to be who they are, and their basic needs for love and companionship, and acknowledgement of their lives and their relationships – are completely ignored. Further, LGBT people are denied the public religious rites that heterosexual people take for granted: marriage, the blessing of their children, the celebration of their anniversaries, the comfort and support of their congregations, when they are bereaved.

The key obstacles faced in reconciling religion with sexuality and gender

Turning now, to the key obstacles faced in reconciling religion with sexuality and gender.

Interestingly, although traditional Jewish and Christian teaching regarding homosexual acts is very similar, their respective attitudes towards sexuality in general are quite different. While Christian teaching, following Greek thought, tends to polarise the body and the soul, Jewish teaching celebrates the body and sees sexuality in positive terms. For example, the seventh day of the week, the Sabbath – Shabbat in Hebrew – is a day, not only for rest, but for spiritual and physical enjoyment – and so, it is a *mitzvah*, a commandment, for married couples to have sex on Shabbat. Moreover, very permissive attitudes to married couples engaging in a broad range of sexual practices may be found in Jewish legal sources.¹²

It is possible that negative ideas concerning the body within Christian teaching may have an impact on Christian attitudes towards same-sex sexuality. Whether or not this is the case, one of the major obstacles faced in reconciling religion with homosexuality is the notion that sacred texts are the Word of God – a view held within the traditions of Judaism, Christianity and Islam. And because sacred texts are regarded as the Word of God, they are immutable – that is, can never change. The conviction that the messages contained in sacred texts stand for all time is

¹¹ See ‘Making Trouble From Day One: Re-reading the Creation Stories in Genesis’ in *Trouble-Making Judaism*.

¹² See Maimonides, *Mishneh Torah*, Hilchot Issurey, Bi’ah 21:9

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invariably bound up with a fundamentalist reading of Scripture: the understanding that a text has a literal, non-negotiable meaning. As it happens, fundamentalist reading is quite foreign to Jewish tradition, where each word, let alone each phrase or verse, gives rise to many different interpretations. Nevertheless, it is interesting to note that this multi-dimensional approach to sacred texts tends to be put aside when it comes to Orthodox Jewish readings of the verses in Leviticus that outlaw sexual activity between men.

It is also interesting to note that the preoccupation with the immutable Word of God does not extend to sacred teachings that convey a different message. In the book of Genesis, chapter 1, verse 27, for example, we read that the human being, both male and female, is created *b'tzelem Elohim*, 'in the image of God'. Surely, a literalist reading would suggest that this means that *each and every human being* – including every lesbian, gay, bisexual or transgender person – is *equal*.

The bottom line for all those who see sacred scripture as the Word of God – Jews and Christians (and no doubt, Muslims, too) – is that this means that the text has complete and absolute authority. From this perspective, there can be no acknowledgement that religious teachings may change over time in response to new social realities.

Perhaps the most problematic obstacle to reconciling religion with same-sex sexuality and gender is the conservatism of religious authorities. The Orthodox Jewish feminist, Blu Greenberg, writing at the beginning of the feminist revolution within Judaism, quipped, 'Where there's a rabbinic will, there's a *halachic way*'¹³ – that is, in the context of Jewish teaching, if the rabbis, who are invested with the authority to interpret sacred texts, were so inclined, they could make sense of Jewish teachings in ways which were inclusive of women striving for equality, transgender individuals wishing to be themselves and same-sex couples seeking religious affirmation of their relationships. Needless to say, the same is true for Christianity and Islam.

Conclusion

As the recent Church of England synod discussions concerning gay bishops and women bishops have revealed, those responsible for making decisions, have the power to extend equality and inclusion, if they so choose. At the moment, the naysayers seem to be winning the debates.¹⁴ But this could change.

However, as things stand at the moment, with the exception of progressive religious denominations, like Liberal Judaism and the Quakers, patriarchal mainstream religious authorities within all the major religions are resisting change – and it is clear that in Britain, at least, in exempting religious institutions from Equalities legislation and the proposed Equal Marriage Law the government is allowing these religious authorities the freedom to continue to discriminate against LGBT people.¹⁵

¹³ See <http://jwa.org/encyclopedia/article/greenberg-blu>. One of Blu Greenberg's best-known books is *On Women and Judaism: A View From Tradition* (Jewish Publication Society of America, Philadelphia, 1981).

¹⁴ http://www.thinkinganglicans.org.uk/archives/cat_general_synod.html

¹⁵ See <http://www.homeoffice.gov.uk/publications/about-us/consultations/equal-civil-marriage/>