

Queer for Jesus: A Messianic Jewish Perspective
Concerning Alternative Sexuality and the Ethics of Identity
Presented by Rabbi Paul L. Saal
Hashivenu Forum, May 17-18, 2016

I am aware that I could have chosen a less provocative title for this presentation. This was a working title that reminded me of an event which occurred over a decade ago and lasted for better than a year. It caused me to re-imagine my relational categories. Though this event barely concerns the topic of alternative sexual identity, it rather has helped me to stay alert to the shared human dynamic and need for acceptance.

Late in 2003 a core member of Shuvah Yisrael, the synagogue that I have led since 1996, was thrust into a controversy that was both local and national. The young woman, a well-respected educator at a nationally renowned all female independent school, was ostracized and publicly vilified for her association with the synagogue, and her self-identification as a Messianic Jew. Most ironic, however, was that the public attacks were not precipitated by her self-identification, but rather due to her efforts toward helping Jewish boarding students appreciate their own Jewish identity and embrace Jewish practice.

The problems began oddly with an award that she given by The Curriculum Initiative, a non-profit organization that brings Jewish programming to Jewish prep school students. This educator was recognized for six years of work as the facilitator and adviser of the Jewish Student Union (JSU) at this iconic, one-hundred and six year-old “WASP” institution; a nomenclature used by the Connecticut Jewish Ledger in an October 24, 2003 article.¹ The intention of the article was to applaud these efforts toward helping Jewish students to maintain Jewish identity in bastions of white, Protestant “privilege.” When this teacher was “outed” as a Messianic Jew, the subsequent responses implied that her presence might instead create greater identity confusion among these students. These responses included a January 21, 2004 article in The Jewish World

¹This article is no longer available online though it is cited in multiple subsequent and polemical articles. It should also be noted that at the time of the controversy, the CT Jewish Ledger failed to publish letters and comments that supported this teacher, even those written from involved parties, including students, parents of students, and Jewish clergy. The CT Jewish Ledger then published an article by Staey Dresner that was republished on the Jewish World Review.

Review entitled “Jews Swarming to WASP Schools ... But at What Cost?”² A year later the JTA (Jewish Telegraphic Agency) was keeping this story alive reporting that the Greater Hartford Rabbinical Association had requested that school officials remove this educator from her position as JSU adviser.³ What had really transpired though was that after a series of virulent public statements, one conservative male Rabbi met with the Head of School and my congregant. He was accompanied by a male congregant who was the parent of a school alum, in what was reported to me as an effort to intimidate both educators, but to no avail.

A few more details are in my opinion important in order to understand the responsible behavior of the JSU adviser. First and foremost she was always upfront about her own religious identity, both to students and parents. In fact the parent who had “outed” her to the Jewish Ledger had been informed preemptively by the adviser, and as a result this parent chose for her daughter to not participate. Secondly, this adviser had neither proselytized nor even taught her unique perspectives, always maintaining the course and direction of The Curriculum Initiative. On a few occasions students visited Shuvah Yisrael on the High Holidays, but only after acquiring permission from their parents with full disclosure.⁴ This occurred because the other synagogues in the area could/would not make room for the students. Third, the establishment of the JSU was completely due to her initiative, with the intent of filling a previously existing vacuum of Jewish identity.. Prior to this establishment of this club, the students, who boarded at the school, had no outlet for the normal assimilation which existed at such an institution.

In fairness to the Jewish World Review, the article they published did supply the opinions of one parent and student in defense of this teacher. What is not mentioned in the article is the occupation of this particular parent. That she is a professional Connecticut based cantor is of some if not great interest to the story. Perhaps this fact is withheld at her own request or the request, or even the insistence of her employer. Yet this gets at the core reason that I am citing

² Stacey Dresner,. “Jews Swarming to wasp Schools...But at what Cost?” (Jewish World Review, January 21, 2004) http://www.jewishworldreview.com/0104/jews_wasps.php3

³ “At One Prep School, Jewish Adviser Believes That Jesus is the Messiah” (New York: JTA January 4), 2005<http://www.jta.org/2005/01/04/archive/at-one-prep-school-jewish-adviser-believes-that-jesus-is-the-messiah>

⁴ Jewish World Review

this story. In an odd turn of events my congregant was not only supported by her own congregation, but she was emotionally supported by an unofficial cohort of female rabbis and cantors. They did not make public statements as a group; in fact publicly they did not exist as a group. They possessed no public gravitas at all despite their positions. It is not difficult to appreciate how they identified with what they understood as the victimization of this female teacher at a female school, by male hegemony that had been exercised during this entire campaign of coercion and intimidation. A few members of this cohort were lesbians who I suspect felt a unique sense of alienation and disempowerment despite some verbal statements of support by the polity of the more liberal synagogues that employed them. They did not share my congregant's faith in Yeshua, nor did they necessarily even consider it worthy of engagement. They found common ground though, in their commitment to Jewish identity and a shared perception of disenfranchisement by powerful males. They comforted her because they empathized with her mistreatment and pain, which allowed them to also see her commitment for shared concerns. They did not necessarily approve of her faith, but neither did they choose to condemn her for it.

My intention in the relaying of this story at the outset is not to subvert the process of “doing” ethics by placing it under an emotional blanket of anecdote, rather to introduce marginality as a control that I believe all Messianic Jewish ethical thought must pay attention to. We the marginalized should identify with the marginality, the emotional pain, the loneliness and the disenfranchisement of others. This does not mean that we should fail to investigate and define behaviors or identity markers that we consider normative communal standards, or consider boundaries that are relative to these standards. But we the marginalized must also consider the cost of our own liminality, not only to ourselves, but also how the identity we embrace informs or even threatens the self-identity of others. In the process of developing Messianic Jewish ethics, we should be vigilantly aware that our unique faith perspective does violence to the traditional identity markers of the western world which, whether rightly or wrongly, have been established over two millennia. Of course we cannot and should not fail to embrace our identity as Messianic Jews based upon inherent marginality,⁵ but we should make every effort to avoid

⁵ The distinction between inherent and incidental marginality regarding Messianic Jewish identity is one that I first encountered when responding to a paper presented by Rabbi Russ Resnik in 2006. I have since added this

any marginality occasioned by inappropriate behaviors, conspicuous convenience, or self-protectionism.

As we begin, and I trust continue to consider a reasoned Messianic approach and perspective concerning alternative sexuality we cannot avoid the discussion of identity formation. It is no longer possible to objectify those who self-identify as LGBT. They are and will increasingly be our sons and daughters, our siblings, our co-workers, our friends and our congregants. Though we rarely acknowledge it, a polite veneer of “don’t ask, don’t tell” was a high cost convenience that has all but evaporated in contemporary society. We have now reached a point where we must engage the “inconvenient truth” that LGBT people and those who love them are us not them. It is no longer possible to hide behind platitudinous statements such as “hate the sin but love the sinner.” The fact is that when dealing with flesh and blood, face to face, heart to heart, the brand “sinner” is never a term of endearment. I would no sooner refer to my gay nephew as a sinner than I would refer to some of my other relatives, friends or colleagues as sinners for their prodigious appetites. So I think we owe those who we truly love a clear and well-reasoned answer to the fundamental human questions – “Am I welcome and am I accepted, and if so under what conditions and with what stipulations?”⁶

In 2012 I presented some ideas meant to begin the conversation about the intentional development of Messianic Jewish communities. My starting point was the avoidance of exclusivity.

I believe true communities are inclusive and our synagogues must struggle to be so. Scripture strictly forbids exclusion or favoritism based upon wealth, education, social status or perceived notions of personal piety. (James 2:1-13) This is not to say that inclusion is an absolute. Sometimes defining the normal boundaries of community can limit inclusion. Our nomenclature, Messianic Jewish in and of itself creates such limits, but even these boundaries must be semipermeable, an idea that I will develop later. The immediate issue is avoiding the justification for exclusion. Private clubs, corporations and gated communities

distinction to my lexicon as have others. Russ Resnik, “Hesed and Hospitality: Embracing Our Place on the Margins.” (Hashivenu Forum, Pasadena, CA, January 2006)

⁶ I am grateful to Yahnatan Lasko for posing these rhetorical questions in a final essay for an ethics class. Though they now seem obvious to me, they provided a distinctly new window to express the communication gap that exists with LGBT persons. I think they also provide a foundation to understand the complexity of our task as a faith community.

give little thought to being exclusive unless they are compelled to by the often too short arm of the law. Communities must be different. We should not normally ask whether we can justify taking a person in based upon their personal status or ideas, but rather is it at all justifiable to keep them out. It is also incumbent upon our communities to create environments where all people feel welcome. This does not mean that all people are immediately received as members with the same responsibilities and privileges, but rather that all people are afforded respect and dignity and are welcome guests.⁷

So as we begin our conversation concerning alternative sexual identities and Messianic Judaism's approach toward these, it behooves us to recognize the complexity of the issues at hand. This is not a simple didactic discussion of right or wrong behavior as it has often been described, but rather a weighing in on the relative importance of these matters to the foundational purposes of the community. We will also need to consider not only how and where we circumscribe the boundaries of our communities, but also the relational ripples these changes create with those outside our community as well. Finally we must ask ourselves how we should interact with civil authority from a Messianic Jewish perspective. In summary our task is theological, ecclesial, and halakhic; it is fundamentally an exercise in ethics.

Because the Bible Tells Me So

Does the Bible really have much to say about homosexuality? Of course the term never appears in any Jewish or Christian scriptural canon. Homosexual and heterosexual are contemporary terms meant to express social and psychological concepts. Both the Hebrew scripture and the Apostolic Witness speak only to specific sexual behaviors and demonstrate no awareness of the concepts of sexual orientation or proclivity. On the other hand there may be some references to intersex persons in the bible. For instance, while addressing the issue of divorce Yeshua refers to eunuchs who were “born that way.” (Matthew 19:12)⁸

⁷ Paul L Saal, “Communities by Design: Open Doors and Reserve Seating”. (Hashivenu Forum, Beverly Hills, CA, January 2012)

⁸ Megan K. DeFranza, *Sex Difference In Christian Theology: Male, Female, and Intersex in the Image of God* (Grand Rapids: Eerdmans 2015) 70

J. David Hester, Eunuchs and the Postgender Jesus: Matthew 19:12 and Transgressive Sexualities, (Journal for the Study of the New Testament 28, no.1 2005) 13-40

The fact is that few Scripture passages actually address homosexual behavior, but are very strong in prohibition and often in condemnation. I will attempt to address some of these. Of course anytime we address the texts of Scripture we are engaging in a thorny task with many traps and pitfalls. In order to further explain my hermeneutical approach I have attached an appendix which presents some of my methodology and concerns.⁹

I would first like to dispose of an oft cited narrative that actually has little bearing on any discussion of same sex activity in normal or contemporary context. In the passage, “the men of Sodom” come to Lot’s door to demand that he send out his visitors “that we may know them.” Some interpreters have consequently understood the sin of Sodom to be homoeroticism. After all we even call it sodomy! This understanding is explicitly contradicted by the prophetic voice; “This was the guilt of your sister Sodom: she and her daughters had pride, excess of food, and prosperous ease, but did not aid the poor and needy.” (Ezekiel 16:49) While Sodom and Gomorrah are referenced dozens of times after this story as the paragon of moral decay, only once in Jude 7 is sexual immorality specifically linked to Sodom, accompanied by the phrase “having ... gone after strange flesh.” Both Richard Hays and Richard Bauckham argue that this phrase is a reference to the pursuit of angelic flesh.¹⁰ This is questionable since it requires the men of Sodom to have knowledge of the visitor’s origins in the same manner that the assumed audience does. Hays claims that the expression literally means “flesh of another kind,” therefore he states “it is impossible to construe this passage as a condemnation of homosexual desire, which entails precisely the pursuit of flesh of the same kind.”¹¹ I think it is far more plausible that the author of Jude is referencing the general suspicion, contempt for and violence toward strangers which characterizes Sodom and leads to its ultimate demise. The great sin of Sodom is consistent with the most prominent concerns throughout Scripture, greed, inhospitality, and contempt for the needy and the stranger. That Lot is willing to offer his virgin daughters to appease the town ghouls, is an expression of the urgency Lot feels to eradicate this evil. The

⁹ “Hermeneutical Rules of the Road” was originally included in “Toward a Messianic Jewish Moral Vision” presented at 2005 Hashivenu Forum. For a fuller treatment of my proposed Messianic Jewish hermeneutical approach I recommend reading *Re-Imagining of the Canonical Text*, a paper I presented at the 2001 Hashivenu Forum.

¹⁰ Richard B. Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics*. (San Francisco: HarperSanFrancisco 1996) 381, 404.

¹¹ Hays 404

“men of Sodom” want to rape the visitors who have come under the protection of Lot’s roof, this scene should find itself more at home in a prison movie than a discussion of alternative sexuality.

The other citations of same sex engagement in the Torah are far more pertinent and foundational to our discussion and deserve proper attention. The holiness code of Leviticus contained within chapters 17-26 explicitly proscribes intercourse between men: “You shall not lie with a male as with a woman; it is an abomination,” (18:22) and “If a man lies with a man as with a woman, both of them have committed an abomination. They shall surely be put to death. Their blood shall be upon them.”(20:13) The latter occurs in a list of capital offenses including adultery, incest, and bestiality. The former in fact locates the homoerotic act with a prohibition against bestiality. It is part of a list that contains offenses that often mirrors the later list so it has been generally assumed that the negative commands in both lists carry a capital punishment, while the positive commands do not.

Richard Hays describes these passages as “unambiguously and unremittingly negative in their judgment,”¹² while others have carefully noted the limitations of the passage. Jacob Milgrom, considered one of the foremost Jewish authorities on the book of Leviticus purports that since nothing is said in the passage or elsewhere in Torah concerning sexual activity between females, that it is specifically the act of penetration that is being proscribed.¹³ This argument is shared by other scholars. That being said, the fact that capital punishment is administered to both participants seems to rule out the common suggestion that this refers only to exploitative sexual relations. But Milgrom also contends that this prohibition along with the rest of the holiness code is specific to Eretz Yisrael.¹⁴ “You shall observe all of my decrees and all of My ordinances and perform them; then the Land to which I bring you to dwell will not disgorge you.” (20:22). While this reading does not negate the judgement of these texts, it can perhaps mitigate the sting of its condemnation. Let’s look a little further at the possible purposes of this passage as a coherent whole.

¹² Hays 381

¹³ Jacob Milgrom, *Leviticus 17-22 : A New Translation with Introduction and Commentary, Anchor Bible.* (New York, Doubleday, 2000)

¹⁴ Milgrom

There are common threads to the parallel passages within the holiness code. Both the passages in chapters 18 and 20 begin with the warning to avoid the remembrance of Egyptian practices and the imitation of Canaanite practices, specifically Molech worship (18:3-4, 21; 20:4-6). The negative commands prohibit the practices of the Canaanite fertility cult which transverse the natural order of procreative activity and the separation of species (20:19, 25). Also practices that transverse the categories of life and death were also proscribed (19:27-28). The positive commandments are given as a safeguard against idolatrous practices. The keeping of the Sabbath, the honoring of parents and elders, the proper instruction of children, and the fair treatment of tribesmen and sojourners are presented as a coherent safeguard against idolatry, its inherent moral degradation and the possibility of structural degradation to the hierarchical and ordinal polity of the incipient nation.

So what then should we make of the severity of the judgement and the attending punishments. Of course it is generally understood in the civilized world that same-sex activity should not be treated as a capital offense¹⁵, but how then should we reconcile this harsh sentence. Hays presents the position of many, if not most Christian ethicists.

Quoting a law from Leviticus, of course does not necessarily settle the question for Christian ethics. The Old Testament contains many prohibitions and commandments that have, ever since the first century, generally been disregarded or deemed obsolete by the church – most notably, rules concerning circumcision and dietary practices. Some ethicists have argued that the prohibition of homosexuality is similarly superseded for Christians; it is merely part of the Old Testament’s ritual “purity rules” and therefore morally irrelevant today.¹⁶

This position, of course, does not settle the matter for Messianic Jews or for that matter any Jews, since it undermines the entire notion of Torah observance. It should not work for Christians either. The hackneyed device of separating moral, ritual and civil commands contradicts this holiness code and all of Torah which makes no such separation. Not only does this section approach this instruction as a collective whole, but it also commands capital punishment for idolatry, youthful insolence and sexual relations with a woman who is

¹⁵ Though it is not the norm in the US there are extremist who advocate death penalties for gays similar to the laws “Kill the Gays” laws in Uganda. Unfortunately mainstream presidential candidates have pandered to such groups attending the conferences that they hold. This would suggest a severe turn from civility. This concern is pointed out in The Huffington Post article “Why Is the Media Ignoring Ted Cruz’s Embrace of ‘Kill the Gays’ Pastor?” http://www.huffingtonpost.com/michelangelo-signorile/post_10496_b_8544540.html

¹⁶ Hays 382

menstruating. Capital punishment for Sabbath breakers is implied, but is clearly stated elsewhere in Torah (Exodus 31:14, Numbers 15:26-32). Therefore I believe we must accept the holiness codes as a collective whole in regard to understanding not only the severity and implementation of the penalty for transgressing any of the prohibitions, but also the precise nature, context and substance of divine and human judgement. The Levitical passages do not allow us to treat homosexual behavior as a “privileged” sin with unique severity or consequences. So exactly how should we treat it? As Jews we must turn to classical Judaism, as Messianic Jews we must also examine the Apostolic Writings.

There are really only a few texts in the Apostolic Writings that address the issue of homoerotic acts. 1 Corinthians 6:9-11 and 1 Timothy 1:10 list people who do things that are unacceptable to God. In 1 Corinthians 6:9-11, the list includes “fornicators, idolaters, adulterers, *malakoi*, *arsenokoitai*, thieves, the greedy, drunkards, revilers, robbers.” The translation of the two terms left in Greek has been disputed. Hays suggests that the term *malakoi* which literally means “soft” often appears often in Hellenistic Greek as pejorative slang to describe the ‘passive’ partners, often young boy, in homosexual activity.”¹⁷ The term *arsenokoitai* is not known prior to this usage, leading some scholars to suggest that the term is uncertain. Robin Scroggs suggests however, that the term is a compound of two words in the LXX of Leviticus 18:22 and 20:13, *arsenos koiten*, which is a translation of the Hebrew *mishkav zakhar*, “lying with a male,” and used in rabbinic texts referring to homosexuality.¹⁸

Both of these texts would appear to affirm the values of the holiness code set forth in Leviticus, but transgressions are placed in context of individual believers asserting their liberties through pernicious appetites. Paul asserts the harmfulness to the community and the necessity for setting boundaries of appropriate behavior to preserve the fabric of the community and the well-being of the individual (1 Cor. 5:1-5). Neither passage enforces the capital punishment of the Levitical codes, rather the penalty for proscribed activity is exclusion from the “Kingdom of God” (1 Cor. 6:10). This is reminiscent of the ultimate goal of the Levitical codes, “that you shall inherit the land, and I will give it to you to inherit it, a land flowing with milk and honey; I am Hashem

¹⁷ Hays, 382

¹⁸ Robin Scroggs, *The New Testament and Homosexuality : Contextual Background for Contemporary Debate*. (Philadelphia: Fortress Press, 1983) 106-108

your God” (Lev. 20:24). The penalty for transgression of the code in the Apostolic Witness seems to be expressed in natural law categories, whereby the individual is rewarded or excluded from the *telos* by their own actions.

The most important apostolic text to our discussion is Romans 1:18-32. First it is the only text which mentions the topic explicitly and unambiguously. More importantly it is the only text which offers an extension of the theological context of homosexual behavior. In the passage, Paul speaks from a pseudo-Jewish cultural context to a principally non-Jewish audience. His rhetorical style seems to presume that his audience will agree with his assumptions that homosexual activity is an aberration, while also assuming that they are a subset of a culture that freely practices these behaviors. He would not have reminded a predominantly Jewish audience of that which was already anathema in their law and culture.

Paul also appeals to natural law in his condemnation of same-sex sexual acts referring to that which is natural and unnatural relations (Romans 1:26-27). It is likely that this argument from nature comes from Greco-Roman philosophy and is prolific among Hellenistic Jewish writers during the second temple period. Paul is not suggesting that exchanging natures be understood to refer to those who are not “naturally” of homosexual orientation yet engage in same-sex intercourse a minority of motivated exegetes have postured, since the concept of sexual orientation is not found anywhere in antiquity. Here “nature” can only refer to the sexual complementarity of male and female as well as the potential for procreation.¹⁹ The natural law observation of male/female complementarianism is a device that Paul uses throughout the pastoral letters to elucidate varied theological positions. It is noteworthy that Paul understands the male and female relational potential in many ways consistent with the most common positions of Classical Judaism. Likewise Paul’s condemnation of female/female sex acts, the only such reference in scripture, is closer to the rabbinic decision to prohibit the same.²⁰ This is

¹⁹ Jon Olsen, “Paul Employing Leviticus: Same-Sex Intercourse Considered Amongst Torah Commandments,” (*Kesher Journal*, Issue 27, Summer 2013)

http://www.kesherjournal.com/index.php?option=com_content&view=article&id=159:paul-employing-leviticus-same-sex-intercourse-considered-amongst-torah-commandments&catid=88888900:issue-27&Itemid=451

²⁰ B. Yevamot 76a, B. Shabbat 65a, B. Niddah 61a

of course different than Boyarin and Milgrom's later argument based upon the absence of specific female prohibitions in the holiness codes of Leviticus.

The larger context of this passage though often gets overlooked. Homosexual behaviors are not presented as the cause for moral degradation, rather as the natural penalty for idolatry. Paul is making universal assertions based upon observations within the fledgling communities he is addressing. He grabs the reader's attention with the more graphic homosexual acts so he can present a much longer list that includes greed, envy, murder, strife, deceit, gossip, slander, and disobedience to parents. What Paul is doing so colorfully is presenting a kind of holiness code "remix," again beginning with idolatry as the ultimate sin. In Paul's reasoning, these homoerotic acts are not the reason for God's wrath but rather the result of it. Richard Hays states Paul's intentions well,

Paul is not warning his readers that they will incur the wrath of God if they do the things that he lists here; rather, speaking in Israel's prophetic tradition, he is presenting an empirical survey of rampant human lawlessness as evidence that God's wrath and judgment are already at work in the world." In the logic of the passage, "homosexual activity will not incur God's punishment: it is its own punishment."²¹

From a Messianic Jewish ecclesial understanding, what Paul is doing is extending to this fledgling Roman community the responsibilities and opportunities of adoption offered in chapter 3, renewed life and redemption from the equally pervasive power of sin. Therefore to imagine that this passage is suggesting that certain behaviors or people groups are uniquely sinful or should be dismissed seems to miss the apostolic intention. Rather Paul directs the community to avoid judgement of others and in fact express worship of God by acknowledging and imitating His patience and kindness (Romans 2:1-8).

This does not mean that the Scripture does not recognize or express an ideal human relationship. Using Genesis 2:24 Rabbi Russ Resnik demonstrates how the Tanakh, the Apostolic Writings and the Rabbinic tradition locate this ideal in the order and purpose of creation. He offers this concise summary of the foundation of marriage.

²¹ Hays, 385.

The creation account of the two becoming one flesh reveals a three-fold purpose of marriage as the union of male and female: procreation in the broad sense of creating a family; intimate companionship that overcomes existential aloneness on a human level; and participation in covenant with the Creator, a divine-human partnership that anticipates the consummation toward which the creation is moving.²²

I would agree that both the emerging Apostolic and Rabbinic traditions expressed marriage as an ideal using natural law dictates, but we must ask whether it follows that all other relationships are contrary to nature. Is there room for alternative forms of intimacy? Does this preclude the exclusion of alternative sexuality and sexual identity?

Contrary to Nature?

I want to be perfectly clear that we must be cautious not to make the work of religious ethics simply a subset of natural law. On the other hand given that both inchoate Judaism and Christianity chose to reference the creative order while prescribing heterosexual marriage as the ideal and in counter distinction proscribing against homosexual relations, we will need to explore natural law as we go forward in the process of doing religious ethics. Doing so can be difficult since natural law philosophy has a lexicon that is often at odds with that of popular culture, where these issues are often adjudicated. So when I use the term normal in this context I am not doing so with the intention of isolating or disenfranchising those with different sexual identities. I am also fully aware that the term abnormal was used pejoratively in the twentieth century from a psychological perspective to project brokenness in regard to homosexuals. When I use the term normal I am reflecting an orientation that is by far in the majority. Since it is projected by most major polling agencies that less than 4 percent of Americans for instance identify as LGBT, it is safe refer to heterosexuality as the norm.²³ Hence I will refer to other sexual identities and orientations as alternative or nonnormal referring simply to the statistical distribution.

²² Russ Resnik, "The Two Shall Become One Flesh: The Beginning and the End of Marriage" (Hashivenu Forum, Enfield, CT, May 2015) 8

²³ Americans Vastly Overestimate Size of Gay and Lesbian Population Bloomberg May 22, 2015
<http://www.bloomberg.com/politics/articles/2015-05-22/americans-vastly-overestimate-size-of-lgbt-population>

David Novak describes four basic meanings for the term nature anticipating their application to the discussion of homosexuality.²⁴

1. **Nature can mean what we experience as necessity.** Most people would agree that the presence of sexual appetite is an *inclination naturalis*. However it is not essential to life in the same manner that breathing or eating are. Though the individual can survive without sexuality, most would see it as the deprivation of a basic human need. Aristotle refers to this as *anagkaion*, or a basic necessity.
2. **Nature can mean realities that we experience as attracting us; that is natural ends.** As such for us as humans, our sexuality is a matter of choice even if our inclinations are not. Our choices intend toward an end (*telos*). According to this definition of natural our sexual desires are not just a push to a need, but also the pull toward a desire we happily desire.
3. **Nature derives from the Latin natus which means to be born. What is natural then is connected to birth and comes from and continues to procreate.** Natality is our connection to the chain of life.
4. **Nature refers to an inherent limit on activity. Each area of human activity in the world has its own limits, which experience discovers and reason orders.**

According to Novak, and I would concur, “Based on the first two meanings of nature, it is difficult to argue that homoerotic acts and homosexual unions are “unnatural.”²⁵ Some would argue that the absence of proof that there is a “gay gene” would negate possibility that people are “born that way.” This intentionally ignores that very few inherited conditions are the result of a single gene, that there are epigenetic²⁶ factors at play in the human development. Many studies have also expressed that intrauterine hormones have also been shown to affect sexual orientation, gender identity, and sexual expression. Autism is also not associated with a single gene, but we’d hardly claim that it is not biological. But the first two definitions do not require that sexual orientation need be biological or immutable to be natural. The very presence of perceived need and desire by definition defy the idea homosexuals are acting *contra naturam*.

²⁴ Novak 292-299

²⁵ Novak, 293

²⁶ “What is the epigenome?” *Genetics Home Reference, a Site by the U.S. Library of Medicine*.
<https://ghr.nlm.nih.gov/primer/howgeneswork/epigenome>

The third and fourth definitions are more limiting, and would seem more in line with classical Judaism and Christianity's privileging of heterosexuality. If one day science does discover the "gay gene," it cannot "naturally" perpetuate without heterosexual relations. Traditional religion has been built upon the observation of human perpetuity as a continuum of procreation and nurture that can be observed in the order of family, with the anticipation of multiple generational growth experience. Therefore it can be argued, and Novak does, that since procreation is necessary for the continuity of humankind, it represents the most reasoned approach to sexuality.

The concept of natural sexuality defined by reasoned limits is primal to traditional religious moorings. Thus the prohibitions against incest, rape, and bestiality represent limits on sexual activities which would be clearly shared by all civil people, including advocates for homosexuality. This is the crux of Novak's natural law argument against the acceptance of homosexuality within traditional Judaism that reasoned limits trump natural inclination.

In order to allow that dispensation from what even homosexuals must recognize as a rational norm, homosexual theorists must argue for sexuality as an area of human activity that itself contains no limiting norms. For if sexual activity is chosen primarily on the basis of one's involuntary inclination, what possible moral limits could one inherently impose upon it? However, doesn't our moral experience begin when we learn to internalize limits on what we may do with our genitals and what we may not do with them? Isn't repression a necessary part of our introduction to social reality, only being harmful when taught in a cruel, irrational manner? Wouldn't any parent raising a child and sending a message, either explicitly or implicitly, that what the child does with her or his genitals is a matter of moral indifference be failing in his or her moral education of that child? For aren't parents supposed to be the intermediaries between elementary narcissism and human community and society.²⁷

While I do not find this line of argumentation convincing from a secular and universal perspective, as a religious community I find it far more compelling. First let me say that procreation as an urgent need is unconvincing in contemporary western society. We have already established that alternative sexuality represents a nonnormal statistical distribution; therefore it presents no imminent or apparently distant danger to the perpetuity of society. In fact in a culture which is increasingly non-agrarian and more limited in resources, the concerns are really quite the opposite. On the other hand in Judaism, human procreation as the cornerstone of community translates quite differently. In the traditional Jewish view of marriage the perpetuity of family as

²⁷ Novak 296

the smallest subset of community is established in the marriage. Therefore intimacy and procreation are conflated in heterosexual union. But sexuality should not subsume intimacy, nor is intimacy restricted to sexual relationships, a concept we will discuss later. Religion presents a glimpse of an idealized marital state, but the high rate of marital failures suggest that we must humbly remember it is just that, an ideal. Conversely not all successful marriages involve procreation. Rare (baruch Hashem!) is the clergy that today would instruct a couple not to marry if they were beyond their procreative years. Therefore the junctures between procreation, intimacy and sexuality are already regularly uncoupled.

Second let's address the unfortunate comparison of homoerotic acts to rape incest and the seduction of children. While I understand that Rabbi Novak is creating a well-reasoned argument against the use of natural inclination as a definer, the picture of such acts of violence and dominance cannot help but cause a sensitive reader to bristle. In fact Novak would argue that "most homosexuals are opposed to rape and the seduction of children" because these acts are not intentionally erotic but rather use "genitals as a weapon."²⁸ Novak argues for a confluence of secular and religious perspective based on wisdom, but from a secular perspective I find this argument circuitous and misleading in its effort to discount *inclinatio naturalis*. On the other hand from a religious position this argument is anchored in both the soil of both scripture and tradition. Neither addresses either the natural desire or need of the individual, rather the perpetuity of the community, ritual affirmation of covenant commitments, attachment to creational purpose, and the need for limitation of human activity. Therefore scripture and tradition define what nature demands far differently than the strictures or allowances of contemporary western society.

What does love have to do with it?

Up until now I have only looked at the question of alternative sexuality and sexual identity through the negative lens of prohibition and exclusion. Since the bible only deals with homoerotic behavior and the attendant penalties these had to be examined first. The question that we must ask in order to proceed is homosexual love a legitimate category for consideration? When asking this question I think love has most often been understood through the lens of

²⁸ Novak 297

eroticism. Erotic love though is a category rarely discussed in classical Judaism. The question evokes the image of Tevye the dairy man in *Fiddler on the Roof* asking his wife Goldie in song “Do you Love Me?” Her response of course in shrill disbelief is, “do I what?” She then goes on to give a resume of the various responsibilities she has fulfilled for him for decades such as darning his socks and cooking his meals and of course raising children. In the end her rather tepid conclusion is “do I love you, I suppose I do.” Tevye then acquiesces “then I suppose I love you too.” What they describe seems more like a mom and pop business than a marriage in any modern sense. But the song is actually very telling. The question is asked in response to their daughters entering into forbidden relationships for the sake of romantic love. Each of these relationships breaks with tradition and threatens the fabric of the family and symbolically the entire shtetl community by extension.

I have already mentioned that in traditional Jewish view the perpetuity of family is established as the smallest subset of community. Therefore intimacy and procreation are conflated in heterosexual union. But classical Judaism does not normally focus on the erotic love between one man and one woman. In fact Song of Songs, is the most erotic of all scripture, but it translocates the erotic interchanges between its human subjects and imagines a special love between God and Israel. Eroticism is never explained, it is felt and presupposed. Without the experience of erotic love, the deeply committed and purposeful love of Hashem for His people can neither be adequately explained, understood or reciprocated. The prophet Hosea describes Israel’s abandonment of God as the jilting of an unfaithful wife showering her affection upon her lovers.. While koine Greek has the words *eros* and *agape* to distinguish physical attraction characterized by attraction and unconditional acceptance characterized by self-giving, the Hebrew text uses the words *ahavah* and *chesed* somewhat though not precisely to accomplish the same.

The Apostle Paul speaks of marital love not in terms of *eros* but of *agape*, giving the example of a man caring for his own body not through erotic self-stimulation but by feeding himself. “In the same way husbands ought to love their wives as their own bodies. He who loves his wife loves himself. After all, no one ever hated his own body, but feeds and cares for it, just as Messiah does the assembly, for we are members of his body.” (Ephesians 5:28-30). This is not to say that

eros has no place in married life, but rather healthy marriages require more than sexual love in order to embrace the entire person. Marital love is distorted and diminished when viewed only through the lens of sexuality. Pope Benedict XVI goes so far as to say that “*eros* without *agape* is impoverished and even loses its own nature.”²⁹ Evangelical theologian and ethicist Stanley Grenz stated similarly,

Marriage as a covenantal bond brings together the two aspects of love, *agape* and *eros*. Within the context of marriage the sex act declares that the love for each other, the physical attraction that two persons may sense toward each other (so central to *eros*), can truly be fulfilled in the total giving of one to the other and the unconditional acceptance of the other (*agape*). As the love for the other characterized by desire for the other (*eros*) merges with the love of the other characterized by self-giving (*agape*). Love in its highest form emerges. Sexual intercourse constitutes a visible object lesson of this reality.³⁰

But sexuality should not subsume intimacy, nor do I believe intimacy must or should be restricted to a sexual relationship, rather the primacy of the male/female relationship as the ideal should inform the nature of relational intimacy that can extend into multiple relationships. That we use the term intimacy to describe sexuality in the United States is an unfortunate depletion of the term and the concept. It is no wonder that Americans infamously struggle with relational intimacy, while increasingly having no difficulty airing their sexuality on social media and reality shows. It is telling and ironic that as we become less inhibited with our sexuality, we become increasingly uneasy with authentic and appropriately vetted intimacy. Also, to presume that a single relationship can meet all of a person’s complex social needs is a recipe for marital failure. In the 21st century balkanized society I believe it is more important than ever to expand our love (*agape*) from one other person of the opposite gender to the entire body as Paul suggests in imitation of Messiah (Ephesians 5:28-30).

In this process of expanding beyond the idealized male/female relationship, what if the *inclinatio naturalis* of two males produces a physical attraction? Should they deny the *agape* for fear of the *eros*? I have always found the relationship between David and Jonathan as depicted in First and Second Samuel to be curious and provocative. In 1 Samuel 18 we are told that Jonathan became one in spirit with David and he loved him as himself’(v.2). The language which is

²⁹ Pope Benedict XVI, *God Is Love: Deus Caritas Est*. Vatican, (Rome: Libreria Editrice Vaticana. 2006). 1.7

³⁰ Stanley J Grenz,. *Sexual Ethics: An Evangelical Perspective* (Louisville: Westminster John Knox Press:1990) 87

repeated in verse 3 is similar to the Ephesians passage in describing the kind of love for another that actualizes our self-love. But I find David's eulogy for Jonathan especially provocative. "I grieve for you Jonathan my brother; you were very dear to me. Your love was wonderful, more wonderful than that of women" (2 Samuel 1:26). I have already stated that we cannot derive propositions from narratives, nor am I suggesting that David and Jonathan had an erotic sexual relationship. In fact the Septuagint translates this verse with *agape*. But it is plausible that the word choice is an accommodation to the already established societal norms, concerns and prohibitions. On the other hand it is not impossible to know the probability of this, nor is it imperative to know. No matter how we choose to understand the narrative, it still raises interesting questions. What I am suggesting is that it is highly plausible when this kind of deep committed love and intimacy (*agape*) exists between two men they may potentially desire to concretize it (*eros*) when *inclinatio naturalis* exists. The real question is how then might we respond?

Is there a penalty for such love?

I believe we have already adequately covered the penalties for proscribed sexual behaviors in Tanakh and the Apostolic Writings. The trajectory of scripture moves from capital punishment to exclusion from the Kingdom of God, from human punishment to Divine judgement. There is at least one case of expulsion from the assembly due to violations of the moral code and it is done not only for the welfare of the body, but for the welfare of the individual as well (1 Cor. 5:1-5). It is interesting to note though that even in this exceptional case it is not for homosexual behavior, rather it is for sleeping with his father's wife. The behavior is described as being anathema even for the pagans! Interestingly, though, Paul describes homoerotic behavior as normative among the pagan nations (Rom.1). Though it is an argument from silence, I think the argument can be made that even under the exceptional circumstance of shepherding these incipient fellowships, Paul chose not to use expulsion as a penalty for homosexual behavior. Again I am not suggesting an absolutized proposition based upon a singular response, but there is a clearly an absence of expulsion as a normal response to a clearly active concern. But should there be a penalty within the Messianic community?

Again I think it is important to clarify terminology. In natural law language a penalty is not intentionally or necessarily punitive. Rather it is a result of the defining characteristics and nature of the natural law, what we might refer to as a direct consequence of an action. If I choose a poor diet and lack of exercise then heart failure might be understood as a penalty for my action/inaction. I have already stated that for classical Judaism natality is the most compelling reason for human sexuality. Even a convert's entry into Judaism is regarded under the legal fiction of being "born again." The need for Jewish continuity is more than a concept in Judaism, it has become an obsession. The survival of Judaism is contingent upon the birth and continuation of Jewish children. So it is within this context that any relationship that does not produce Jewish children has historically been suspect. David Novak comments on this penalty in traditional Judaism.

Thus in a traditional Jewish community, it is most unlikely that an openly practicing homosexual would be elected to a position of religious leadership. In some ways, the reacting to homosexual persons might be compared to the reaction to Jews who are married to non-Jews. While many traditional Jewish communities would include such persons in a variety of religious and social activities, they would do nothing that in any way indicated approval of the intermarriage in which such persons are living. Although there are numerous other transgressions that are being openly practiced by Jews, even those who live in traditional communities, intermarriage and homosexuality have in common the fact that by design they do not produce Jewish children. That is why they are the subject of such particularly religious opprobrium.³¹

Though Rabbi Novak's comments seem out of touch with most self-identifying Jewish communities, I think he clearly recognizes the ongoing challenges to Jewish life and continuity and identifies the core reasons for "religious opprobrium within some traditional Jewish communities". However, I do think at some of it can be attributed to hostility toward otherness. I tend to agree with Rabbi Novak that withholding the sanctification of same-sex unions under the religious rubric is a natural response and consistent penalty. We should take notice though that even with the rather small traditional Jewish communities, openly homosexual Jews are not excluded, though clear definition and natural sanctions might be the cause of their self-exclusion as the norm. I think it might be important for us to note David Novak's comparison between same-sex relationships and intermarriage. It is entirely possible that Messianic Jewish

³¹ Novak 302

congregations might be the only “Jewish” congregations that both fully enfranchise non-Jews while unceremoniously excluding gay Jews.

I want to again reiterate that any natural penalties that I am discussing must arise out of a clear communal definition and clear delineation of communal standards and an organic relationship between those standards. For instance we are compelled to ask ourselves whether homosexual monogamy can exclude a person from congregational leadership if Sabbath breaking, greedy business practices, or gossip do not. Also I think it is important to restrict these natural penalties to within the community. As an example the Orthodox Union offered a well-reasoned response when same-sex marriages became the law of the land. On June 26, 2015 the Orthodox Union issued a press release responding to the U.S. Supreme Court’s ruling on *Obergefell v. Hodges*. The OU offered a concise and cogent explanation of their understanding of marriage within the context of Orthodox Judaism.

In response to the decisions announced today by the United States Supreme Court with reference to the issue of legal recognition of same sex marriage, we reiterate the historical position of the Jewish faith, enunciated unequivocally in our Bible, Talmud and Codes, which forbids homosexual relationships and condemns the institutionalization of such relationships as marriages. Our religion is emphatic in defining marriage as a relationship between a man and a woman. Our beliefs in this regard are unalterable. At the same time, we note that Judaism teaches respect for others and we condemn discrimination against individuals.³²

They also wisely located the limits of marital restriction within their own constituency.

We also recognize that no religion has the right to dictate its beliefs to the entire body politic and we do not expect that secular law will always align with our viewpoint. Ultimately, decisions on social policy remain with the democratic process, and today the process has spoken and we accord the process and its result the utmost respect.³³

The OU seems to understand the limits of Jewish law, the influence of their own attenuated community, and the necessary reliance upon moral suasion in contemporary society. According to David Novak, “For better or worse, unlike religious communities which really do any notions of a “right to privacy” (even though privacy is protected in many situations by Jewish law), our

³² *Orthodox Union Statement on Supreme Court’s Ruling in Obergefell v. Hodges* Posted on (Friday, June 26th, 2015)

³³ OU on Supreme Court

secular society has increasingly assumed that there is such a right.³⁴ I would add that proverbial wisdom suggests that there is no point admonishing those who are not prepared to listen (Proverbs 9:8) Talmud teaches that it is unproductive to legislate outside of one's own jurisdiction.³⁵

Where do we go from here?

I have already concluded that I do not believe it is justifiable to exclude those who identify as homosexuals based upon three primary observations:

1. We include gentiles as fully enfranchised participants and members of our communities. We do so based upon our understanding of the apostolic expansion of Israel's blessing. Those who were far off are brought near. The Apostles do so despite the apparent baggage of their former life and experience. Non-Jews often bring crypto-suppressionist conceptualizations and insensitivities to Jewish life and experience. But the blessing of their presence, the helpful challenge of their perspectives help us to process and mature in a manner that we otherwise would not without consideration of their views.³⁶
2. The apostolic writings have no references to expulsion from the community due to homosexual behavior. There are other examples of expulsions due to stated immoral behavior, though these are few and far between. It seems reasonable to conclude that homoerotic acts are not counted among the most egregious in the economy of the insipient community of Yeshua believers. Avarice, gluttony, *lashan hara* (the evil tongue), and partiality are the most frequently and harshly mentioned behaviors in the apostolic writings, but are often sadly treated as near virtues in contemporary religious culture.

³⁴ Novak 303

³⁵ B. Avodah Zarah 36a; B. Yevamot 65b

³⁶ I deal with this concept in *Communities by Design*, for a much better developed presentation of this analogous to homosexual behavior read Jon C. Olsen, "The Jerusalem Decree, Paul, and the Gentile Analogy to Homosexual Persons." *Journal of Religious Ethics* 38.2 (June 2010).

3. Exclusion due to sexual identity is non-existent in contemporary Jewish society. Even among the most traditional Jewish religious communities, homosexuals are not excluded, though levels of leadership responsibility and certain privileges may be limited. This does not mean that self-identifying gays will choose to stay in communities where they are treated as outsiders, but I believe every measure should be made to welcome them as is possible while being true to the foundational norms of the religious community. Here I think the virtue of *chesed* must be observed.

I mentioned from the outset that in the process of doing Messianic Jewish ethics marginality, our marginality and the marginality of others must be our control. Rabbi Russ Resnik identifies *chesed* as the ethic of the marginalized.

The practice of *hesed* is not limited to the marginal, of course, but it stands out most dramatically among them. Thus Yeshua calls upon the insiders to learn the practice of *hesed* specifically in context of his work among the marginalized. Further, Yeshua often practices *hesed* in ways that marginalize him. ...Yeshua visits the marginal, and thus marginalizes himself, even drawing the accusation that he is a glutton and a drunkard (Matt. 11:19).

We can see *hesed*, then, as the guiding ethic of the marginalized, which we embrace as we embrace our marginalization. The practice of *hesed*, *gemilut hasadim*, reverses the hyper-individualism of our times—the extreme expression of which is marginalization—and hence becomes its cure.³⁷

If we are going to fulfil our own identity in Yeshua, we will need to accommodate the emerging identities of others as they actuate. The challenges will be great, but we must learn to accommodate them. We will need to remain open minded and aware of our own corporate identity as it emerges in Yeshua. I have attempted to systematically bring us along in the dialogue and no doubt some will find areas of agreement and disagreement. But this is just a small beginning to the conversation. As we get further along in our engagement of this important issue, new questions and new challenges will emerge. Here are just a few.

1. If we allow for inclusion of active homosexuals as I have suggested what limitations can reasonably be placed on their participation? Can they participate in Hazikaron? Can they

³⁷ Resnik “Hesed And Hospitality” p. 9

hold leadership positions, such as teaching classes, leading worship or instructing children?

2. Can homosexuals receive *smicha*?
3. To what degree might we accommodate the fears and concerns of congregants even if we consider them to be inappropriate or misplaced?
4. How do we walk the fine line between accommodating civil accommodations such as same-sex marriage and our religious boundaries? How for instance do we acknowledge a same-sex couple when our own religious tradition does not sanction it?
5. How do we deal with the uncomfortable circumstances created by the unencumbered teaching of our tradition when it is in stark contrast to the life choices and fundamental identity of some of our members, attenders, visitors?

This is just a small sample of some of the questions and concerns that will arise if we opt for greater inclusion. Many of these questions will arise even if we do not. The real challenge remains starkly before us; are we prepared to rise up and claim our own new identity in Messiah. This is an identity that does not eradicate our already existing identity, with its own unique history, proclivities, nature and nurture. Rather it is an identity that re-centers us on the purposes of God, on an intense love for others, even those who are different. It is an identity that recognizes our own otherness and embraces those who are oddly our complements. Are we ready to affirm and acknowledge the identity of others, even if we cannot yet understand or feel comfortable with them? Can we meet the rest of the marginalized along the way, bonded by the broken body of Messiah as we trudge the road to happy destiny.

Bibliography

- Boyarin, Daniel. *A Radical Jew: Paul and the Politics of Identity*, Berkeley: University of California. (1994).
- Boyarin, Daniel., Itzkovitz, Daniel, et al. *Queer Theory and the Jewish Question*. New York, Columbia University Press, 2003.
- DeFranza, Megan K. *Sex Difference In Christian Theology: Male, Female, and Intersex in the Image of God*, Grand Rapids: Eerdmans, 2015.
- Dresner, Stacey. "Jews Swarming to wasp Schools...But at what Cost?" *Jewish World Review*, January 21, 2004. http://www.jewishworldreview.com/0104/jews_wasps.php3
- Freund, Richard A. *Understanding Jewish Ethics: Volume I*. Lewiston, New York: The Edwin Mellen Press, 1990.
- Balch, David L. *Homosexuality, Science, and the "Plain Sense" of Scripture*, Grand Rapids: W.B. Eerdmans, (2000).
- Grenz, Stanley J. *Sexual Ethics: An Evangelical Perspective*. Louisville: Westminster John Knox Press:1990.
- Hays, Richard B. *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics*. San Francisco: HarperSanFrancisco, 1996.
- Hester, J. David. "Eunuchs and the Postgender Jesus: Matthew 19:12 and Transgressive Sexualities", *Journal for the Study of the New Testament*, 28, no.1. Los Angeles: SAGE Publications, 2005.
- "At One Prep School, Jewish Adviser Believes That Jesus is the Messiah": New York: JTA, January 4, 2005. <http://www.jta.org/2005/01/04/archive/at-one-prep-school-jewish-adviser-believes-that-jesus-is-the-messiah>
- Michaelson, Jay. "The Significance of Sex: Social Order and Post-Mythic Religion." *Righteous Indignation: A Jewish Call for Justice*, ed. Rabbi Or N. Rose, Jo Ellen Green Kaiser, and Margie Klein. Woodstock, Vermont: Jewish Lights Publishing, 2008.
- Milgrom, Jacob. *Leviticus 17-22 : A New Translation with Introduction and Commentary, Anchor Bible*. New York, Doubleday, 2000.
- Novak, David *Covenantal Rights: a Study In Jewish Political Theory*. Princeton: Princeton University Press, 2000.
- Novak, David, Rashkover, Randy and Kavka, Martin, et al. *Tradition In the Public Square: A David Novak Reader*. Grand Rapids: Wm. B. Eerdmans, 2008.

Olsen, Jon C. "The Jerusalem Decree, Paul, and the Gentile Analogy to Homosexual Persons." *Journal of Religious Ethics* 38.2, June 2010.

Olsen, Jon C. "Paul Employing Leviticus: Same-Sex Intercourse Considered Amongst Torah Commandments." *Kesher Journal*, Issue 27, 2013.

http://www.kesherjournal.com/index.php?option=com_content&view=article&id=159:paul-employing-leviticus-same-sex-intercourse-considered-amongst-torah-commandments&catid=88888900:issue-27&Itemid=451

Olyan, Saul. "Surpassing the Love of Women": Another Look at 2 Samuel 1:26 and the Relationship of David and Jonathan." *Authorizing Marriage: Canon, Tradition, and Critique in the Blessing of Same-Sex Unions*. Princeton, New Jersey: Princeton University Press, 2006.

Pope Benedict XVI, *God Is Love: Deus Caritas Est*. Vatican, Rome: Libreria Editrice Vaticana. 2006.

Putnam, Hilary, *Jewish Philosophy as a Guide to Life: Rosenzweig, Buber, Levinas, Wittgenstein*. Bloomington and Indianapolis: Indiana University Press, 2008.

Resnik, Russ. "The Two Shall Become One Flesh: The Beginning and the End of Marriage". Hashivenu Forum, Enfield, CT, May 2015.

Resnik, Russ. "Hesed and Hospitality: Embracing Our Place on the Margins." Hashivenu Forum, Pasadena, CA, January 2006.

Saal, Paul L. "Communities by Design: Open Doors and Reserve Seating". Hashivenu Forum, Beverly Hills, CA, January 2012.

Saal, Paul L. "Re-imagining of the Canonical Text.", Hashivenu Forum, Pasadena, CA, January 2001.

Saal, Paul L., "Toward a Messianic Jewish Moral Vision". Hashivenu Forum, Pasadena, CA. 2005

Scroggs, Robin. *The New Testament and Homosexuality : Contextual Background for Contemporary Debate*. Philadelphia, Fortress Press, 1983.

Appendix 1 - Hermeneutical Rules of the Road

Before discussing “what the bible says”, we must first visit the rules of the road. It is not my intention to lay out a complete hermeneutical perspective, but, rather to show the very difficult and thorny nature of the enterprise and to establish the various poles that must be held in tension. It appears to me that there are three major approaches to deriving ethical decisions from the text of scripture that are most often employed by the various individuals and groups who touch our movement. These approaches need not always be distinct disciplines, and are often co-mingled to varying degrees. In fact, I recommend that some degree of each of these philosophies be applied to the process in order to give adequate attention to the triangulation that must exist between the text, the community that produced the texts, and the history behind the texts.

The first of these positions takes the Scripture as a unified book of laws or a summation of codes for human conduct. It argues that God has given prescriptive laws in the form of commandments and ordinances, which can be found in both the Hebrew Scriptures as well as The New Testament. If people want to know what they should do, the laws of God stand objectively before them in written form, and they have only to refer to them. While I would, of course, agree that there is a great deal of didactic material in the Scripture, I would also posit that this approach avoids at least three major factors.

1. A major portion of the scripture is neither didactic nor explicitly instructive, rather is either poetry or narrative prose meant to paint a broader picture of the highest standards of God as understood through His community of faith.
2. Many of the laws, statutes and ordinances recorded in the bible are neither timeless nor universal, rather are time bound and occasional. Therefore, only the broadest of commands such as the Decalogue, or Yeshua’s command to “love one another” can be internalized and performed without an accompanying body of tradition. For this reason, the more narrow and specific the stipulation, the more likely it is to be time

bound and subject to reinterpretation and application. Who among us would consider it meritorious to stone a rebellious child or to instruct women to leave the community boundaries during menstruation?

3. Specific stipulations from scripture often conflict with each other and cannot be mediated without a derivative tradition. Yeshua, for instance, affirms the Pharisaic tradition of circumcising on Shabbat while validating his own acts of healing performed on Shabbat (John 7:23).

The second way the Scripture is used for ethical guidance is by placing all of the emphasis on the universal principles that can be found to underlie the accounts of Scripture. In this approach, it is not the particular statements or practices that are considered binding but, rather, the greater principles behind them. According to this perspective, the onus is on the interpreter to look at the broadest representation of canonical accounting to derive the most universal of principles. I also see in this approach at least three areas of concern.

1. The narratives themselves are often difficult to apprehend. What ethical principle can we derive from Lot offering his virgin daughters to the oversexed mob in Sodom? Kindness to strangers?
2. The tendency toward subordinating the voice of scripture to the echoes of pop culture should be avoided. Additionally, biblical ethics should not become a subset of natural law, with the moral imperative of life rooted solely in human reason.
3. The principles derived from scripture using this approach should not become such hard propositions that they merely replace the rigid structure of the law approach.

A third way of approaching the text for ethical guidance is by the principle of perspicuity, a recognition, that by the power of the Spirit of God, the true believer should be able to ascertain understanding and guidance on ethical matters directly from the text of scripture. This approach in isolation also offers certain challenges.

1. The emphasis on each person's encounter of God is highly individualized and culture-driven in its approach. It is not always helpful, therefore, and is often counterproductive when making the type of community decision that is before us. Neither the historical leadership of the synagogue nor the church placed as much

emphasis on the individual encounter as on the Spirit of God working within the group encounter.

2. While this approach can be a breath of fresh air to the arid formulations and withering regulations of traditional theology, it also runs the risk of replacing the propositions and principles of the bible with momentary encounters.

As I stated earlier, it should be our desire to mediate between all of these approaches, recognizing that both the laws and stipulations of the bible, as well as the narrative flow, suggest precepts by which we should be guided as a community of faith in making ethical decisions such as the role of women in leadership. I believe it is equally important for us to be guided by the Spirit of God in this process, remembering that it is a process and that the Spirit may well be encountered in the thorny moments of implementation and adjustment as much as or more than in the momentary epiphany. In this way the tradition and revelatory process of scripture is continued in the midst of our faith community. The community then that interprets the text is also the qualifier of the body of ethics and the moral vision that gives structure to the ethical decisions.

Appendix 2 - **Orthodox Union Statement on Supreme Court's Ruling in Obergefell v. Hodges**

Posted on Friday, June 26th, 2015 at 10:15 am in [In the Courts](#), [Marriage and Family](#), [Press Releases](#).

Today, the leadership of the Union of Orthodox Jewish Congregations of America issued the following statement:

“In response to the decisions announced today by the United States Supreme Court with reference to the issue of legal recognition of same sex marriage, we reiterate the historical position of the Jewish faith, enunciated unequivocally in our Bible, Talmud and Codes, which forbids homosexual relationships and condemns the institutionalization of such relationships as marriages. Our religion is emphatic in defining marriage as a relationship between a man and a woman. Our beliefs in this regard are unalterable. At the same time, we note that Judaism teaches respect for others and we condemn discrimination against individuals.

We are grateful that we live in a democratic society, in which all religions are free to express their opinions about social issues and to advocate vigorously for those opinions. The reason we opt to express our viewpoint in a public forum is because we believe that our Divine system of law not only dictates our beliefs and behaviors, but also represents a system of universal morality, and therefore can stake a claim in the national discourse. That morality, expressed in what has broadly been labeled Judeo-Christian ethics, has long had a place in American law and jurisprudence.

We also recognize that no religion has the right to dictate its beliefs to the entire body politic and we do not expect that secular law will always align with our viewpoint. Ultimately, decisions on social policy remain with the democratic process, and today the process has spoken and we accord the process and its result the utmost respect.

In the wake of today's ruling, we now turn to the next critical question for our community, and other traditional faith communities – will American law continue to uphold and embody principles of religious liberty and diversity, and will the laws implementing today's ruling and

other expansions of civil rights for LGBT Americans contain appropriate accommodations and exemptions for institutions and individuals who abide by religious teachings that limit their ability to support same-sex relationships?

Already, several states have struck a balance by incorporating religious liberty protections into their same sex marriage statutes. This approach must continue, for the expansions of civil rights for some Americans must not come at the cost of the civil rights of other Americans.

The Orthodox Union is proud to assert its beliefs and principles in the public forum, and will continue to do so in a manner that is tolerant and respectful of all of our nation's citizens, but which is also authentically based upon our sacred ancient texts and time-honored traditions.