

## The Orthodox Bookshelf: A Response to Asher Lopatin

Steven Greenberg

**Biography:** Rabbi Steven Greenberg is a Senior Teaching Fellow at CLAL, the National Jewish Center for Learning and Leadership and author of *Wrestling with God and Men: Homosexuality in the Jewish Tradition*. The book won the 2005 Koret Jewish Book Award for Philosophy and Thought, and was reviewed by Rabbi Asher Lopatin in the *Kislev* 5765 edition of *The Edah Journal*.



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In *The Edah Journal* (Kislev 5765), an article by Rabbi Asher Lopatin appeared as a review of my book, *Wrestling with God and Men: Homosexuality and the Jewish Tradition*. The review was entitled, “What Makes a Book Orthodox?” Since the article addresses little of the style or content of the book, it would be difficult to claim that it is indeed a book review. The article is instead an essay on the criteria by which a book ought to be admitted onto the Orthodox bookshelf and an examination of whether *Wrestling with God and Men* fulfills those criteria. Why this book alone should be subject to such a test and what indeed Rabbi Lopatin means by the “Orthodox bookshelf” are not entirely clear. Knowing Rabbi Lopatin and his intellectual openness, I find it hard to believe that he is advocating a set of criteria for the banning of books. Moreover, it would be ironic to make such a claim in the pages of *The Edah Journal*, a periodical that is itself not universally welcome on Orthodox bookshelves.

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*A full-fledged halakhic “solution” to the problem of homosexual relations is premature.*

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I presume instead that Rabbi Lopatin is asking a qualitative question, not about the books that one may read, but about how to measure the religious authority of any author’s opinions. If this is his aim, then the claim seems to be that there is an Orthodox way to write books on sensitive topics with halakhic ramifications and that *Wrestling* does not pass this test. Given the nature of *halakhab*, some books surely carry more authoritative weight than others. Although we are free to entertain a wide variety of opinion in the arena of thought, not all voices are equal in the area of action, where

we are bound by the *halakhab*. Thus Rabbi Lopatin has decided to determine whether my book deserves a place beside other books of significant halakhic authority.

In doing so he has demanded of my book a formal authority that I have never claimed for it. I am not a *poseq*. I am a rabbi and a gay man struggling to make sense of inherent conflicts and hoping to find a way for myself and others to understand God’s will while remaining inside the faithful Orthodox community. My intent was not to settle the thorny halakhic issues, but to set the stage for richer halakhic engagements that in time will follow. It is my view that a full-fledged halakhic “solution” to the problem of homosexual relations is premature. Such a response would necessarily fail to garner any significant communal support. It would consequently do more to threaten the halakhic legitimacy of its author than enhance the legitimacy of gay people. There is still too little understanding, let alone empathy, in the Orthodox community for the gay religious person and too much entrenched fear about the consequences of any partial, let alone full-fledged acceptance, of embarking on such a project. In short, *Wrestling* is not and was not meant to settle this issue, but to inaugurate a fair playing field for the discussion of the conceptual, textual, personal, religious and communal concerns upon which it touches.

Throughout his essay Rabbi Lopatin questions my Orthodox intellectual credentials in various ways, so, for the record, when I describe myself as Orthodox, I mean that I am deeply committed to, and invested, in the future of the Orthodox community; I believe that the Torah and the rabbinic traditions of interpretation represent divine revelation for the Jewish people; and I

observe the *mitsvot* and consider myself to be commanded by God to do so.

Given these grounds of my commitment, I nonetheless make no apology for my willingness to engage with the best of my generation's thinking. In this regard I follow the path of many rabbis, each of their own age, who did not hesitate to do the same. *Hazal* understood that since God's name is Truth, Torah study cannot be divorced from the various human attempts, limited though they are, at approaching that Truth. Consequently, in my efforts to clarify this dilemma I have made use of ideas deriving from philosophers, psychologists, feminist thinkers, historians and the like. Admittedly, the interactions between traditional and secular epistemologies require care for the integrity of religious values, but if this sort of intellectual openness is fundamentally not Orthodox, then, in my view, Edah—if not Modern Orthodoxy itself—is out of business.

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*Gay identity for an Orthodox Jew is "an existential crisis."*

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The most confounding criticism of R. Lopatin's article is that I was not sufficiently halakhically creative. It is rather strange to be denied inclusion on the Orthodox bookshelf for a lack of innovation. However, I do understand his disappointment. *Wrestling* offers a modest halakhic response to the dilemma. This was indeed intentional on my part. While I agree with Rabbi Lopatin, that a creative and integral halakhic resolution is both needed and possible, I decided to offer a more practical contribution to the lives of gay and lesbian Jews, one that could be put in place by Orthodox rabbis today.

In *Wrestling*, I hoped to address two distinct problems: that of gay Jews and that of Orthodox communities. Gay Jews need reasons to believe that God and the Torah are not formally and unambiguously against them. In the words of Rabbi Dov Linzer, Rosh Yeshiva of *Yeshivat Chovevei Torah*, gay identity for an Orthodox Jew is "an existential crisis": It is not just a question of

what is the Torah prohibiting and demanding of me, but, "Is the Torah against me?" For gay Jews there is a need for a fresh reading of the material, one that actively heals and restores their relationship with God Who understands them and embraces them.

Orthodox communities need something very different. They need a legitimate reason to open their doors to gay Jews who would like to be full members. A much more prosaic halakhic treatment of the issue is required in order to argue for including openly gay people in Orthodox synagogues. To accomplish these goals, *Wrestling* offers two distinct analyses of same-sex relations in Jewish tradition, the first employing an interpretive theological argument and the second a halakhic and pragmatic argument.

In the first half of the book I explore an array of texts and interpretations that can help gay people locate ourselves within the tradition. In the process of my research I found traditional readings of the biblical creation narratives, the Sodom story, and the famous Leviticus texts that spare us from the worst portrayals of homosexuality and so save us from being irrevocably exiled from God, Torah, the Jewish people and ultimately from ourselves. For many religious gays these readings are redemptive. Unfortunately, many Orthodox Jews who have discovered themselves to be gay or lesbian have, for the sake of their emotional and psychological survival, left the traditional Jewish community. My aim was to mark a path of return.

Grounding myself in biblical, midrashic and medieval texts, I make the claim that Sodom was no more about sexual license than were the humiliations of the prisoners of Abu Ghraib. At the bottom of homophobia lurks a violent and deep misogyny that marks any man who is penetrated like a woman (or feminized in any way) as utterly debased. Understood in this light, the verse in Leviticus might reasonably be prohibiting the use of sex as a tool of humiliation and domination while leaving open the acceptance of a committed loving relationship between two men. As well, this may be why there is no direct biblical prohibition of lesbian relations in the Torah. My

proposed, albeit radical, interpretation of Leviticus 18:22 is then: “And a male you shall not sexually penetrate to humiliate; it is abhorrent.”

This reading of Leviticus, based on a mixture of Torah, *midrash*, cultural history and feminist theory is intended to give hope, to legitimate a self-accepting gay man’s religious integrity and to mark a way for a gay person to remain attached to God and Torah. (Using other material, I make a similar claim that a committed loving relationship between two women need not be fundamentally out of bounds.)

For gay Orthodox Jews, the discovery of a faithful way of making sense of the Torah in light of our experience is like manna from heaven. Arguments for our inclusion from within the tradition are a tremendous spiritual armor and a profound comfort. To know in our hearts that God has not rejected us and to be able to see that it is so from inside the Torah is a salvation beyond words.

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Many rabbis attempt to comfort us by portraying our sexual expression as “ordinary sin.” But we know in our gut that this is not true. It is not that we are naïve to the wiles of the evil inclination’s ability to justify every human failing. We just know the difference. In a way that those who do not stand in our shoes can never understand, we simply know that our gayness is not a moral weakness but a facet of our souls. This being so, it is wholly unreasonable to ask gay and lesbian Orthodox Jews to remain committed to the religious journey shaped by the Torah if, in order to take such a path seriously, we must consider ourselves to be by our very natures corrupt and hardwired in sin. Whether others accept the above re-reading of Leviticus or not, our ability to remain in relationship with God and the Torah

depends upon knowing that it is neither the Torah, nor the lawgiver who reviles or misunderstands us, but human beings who in time may be won over.

However, whatever the benefits such an interpretation of the verses in Leviticus provides to religious gay Jews, it does not resolve the halakhic dilemma. Methodologically speaking, a compelling midrashic reading, even one based upon classical religious sources, does not by itself effect a halakhic norm. So it is here that I shift gears, moving to the formal halakhic concerns.

In this section of the book I invite the reader into an analysis of halakhic policy that is situated in a conversation between an Orthodox rabbi and a gay man who are respectful of each other’s non-negotiables and who still want to be able to share community. The rabbi’s non-negotiable is his commitment to the *halakhab*; the young man’s non-negotiable is his hard won self-esteem. Once both agree to respect the other’s limits, the conversation ensues. My imagined rabbi, as most today, does not feel as halakhically creative as Rabbi Lopatin wishes him to be. His best position is an expansive application of *ones rahmana patrei* [“The Torah absolves the coerced”], an already well worn argument provided thirty years ago by Rabbi Norman Lamm and more recently by Rabbi Chaim Rappoport in the context of *tinok she-nishbah* [a captured infant]. In different ways these halakhic thinkers define gay people as under one or another sort of duress that limits their culpability. Since “the Merciful One does not hold those under duress accountable,” neither should Orthodox communities. This allows gay people to work out a constructive relationship with God, rather than merely reacting to the judgment of people who have never walked in our shoes.

This reading leaves the law on the books, but transfers the judgment of same-sex behavior from a concern of public order to a matter of private piety, allowing rabbis and their communities to actively welcome gay people and their partners while leaving God’s judgment, attenuated by duress, to God. In such a way gay members, single and coupled, could find themselves actively

integrated into Orthodox congregations without any formal change in the *halakhab*.

Most disturbing about Rabbi Lopatin's essay is actually not what he says, but what he does *not* say. My book is an attempt to respond to the painful struggles of gay people and Rabbi Lopatin's article is a grand diversion in this regard. Rather than address the real issues, the heart-breaking realities of gay Orthodox life, he has provided us with a "review" that avoids all of this. His article does not address any of the powerful questions of the book: whether gay people should or should not be welcomed into Orthodox communities, whether change therapy should or should not be recommended, whether gay people should be believed when they say that sexual orientation is not chosen, whether lifelong celibacy with no hope for loving fulfillment is a reasonable halakhic demand, and even what families or communities ought to do to help gay young people. He stays safely beyond the reach of such difficult and painful questions.

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*Many gay and lesbian Jews feel exiled from their families and communities of origin.*

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The fundamental question of membership is not on bookshelves but in communities. Today many gay and lesbian Jews feel exiled from their families and communities of origin. Many are looking for a way to reconnect. In the last chapter of the book I put forward the idea of a "Welcoming Orthodox Synagogue." By committing to adopt three principles, a synagogue would bind together the rabbi, the gay and lesbian congregants, and the community as a whole into a covenant of honest inclusion. They are:

1. No humiliation. Rabbis will agree not to humiliate or denounce gay and lesbian people from the pulpit and will work to educate their congregation toward compassion and understanding.

2. No public advocacy. Gay and lesbian members will acknowledge the limits of an unfinished halakhic process and not presume that the Orthodox synagogue will adopt the social or political agenda of the gay and lesbian community.

3. No lying. Gay and lesbian members will be able to tell the truth about themselves, their partnerships and their families.

If two dozen Orthodox synagogues around the United States accepted these principles in practice and, as important, if they would be willing to be known as Welcoming Congregations, then the real-life circumstances of many gay and lesbian people would be greatly improved. This pragmatic approach is not as halakhically innovative as I or Rabbi Lopatin might like, but it offers a realistic way for all of us to live together today while holding out the hope of a deeper reconciliation to come.

I pray that when the more satisfying resolution to this dilemma appears, the religious community will be ready for it. In a sense, it is that very readiness that I am hoping to engender by a modest bid for shared community and friendship. In the meantime, I hope that any book that attempts to encourage gay and lesbian Jews to stay inside the traditional community, to help traditional Jews to empathize with the predicament of gay Jews and to get us all thinking about the relevant texts and their possible meanings, must belong on the Orthodox bookshelf.