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Professor Ellen P. Aprill

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## Reform Judaism, *B'tzelem Ehlohim*, and Gay Rights

Ellen P. Aprill\*

Reform Judaism, the North American branch of progressive Judaism, has the largest membership of any American Jewish denomination.<sup>1</sup> Its synagogue arm, the Union for Reform Judaism (“Union”),<sup>2</sup> consists of over 900 congregations encompassing 1.5 million members; its rabbinic arm, the Central Conference of American Rabbis (“CCAR”), has a membership of over 1,800 rabbis; its college arm, Hebrew Union College-Jewish Institute of Religion (“HUC-JIR”), has campuses in Cincinnati, New York, Los Angeles and Jerusalem.<sup>3</sup>

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\* Ellen P. Aprill is the Associate Dean for Academic Programs and the John E. Anderson Professor of Tax Law at Loyola Law School, Los Angeles. She is a past president of Temple Israel of Hollywood, a Vice President of the Pacific Southwest Region of the Union for Reform Judaism, and chair of the region’s Synagogue Management Committee. She thanks William Araiza, Rabbi Linda Bertenthal, David Boyd, Rabbi Jerrold Goldstein, Rabbi Sharon Gladstone, Rabbi Alan Henkin, Laurence Helfer, Robert Heller, Marty Kaplan, Jennifer Kowal, Robin Kramer, Joshua Holo, Sanford Holo, Rabbi Paul Menitoff, Rabbi John Rosove, Katherine Pratt, and Rabbi Sue Ann Wasserman for comments on earlier drafts of this essay. The Hebrew Union College-Jewish Institute of Religion kindly made available to her the Jeff Herman Virtual Resources Center. She dedicates this essay in loving memory of her father, Gilbert Aprill, who died during the controversy at Temple Israel of Hollywood regarding its sponsorship of a Cub Scout Pack, which is described in this essay.

<sup>1</sup> According to the National Jewish Population Study 2000-01, 46% of America’s 5.2 million Jews belong to a synagogue. Of those 46%, 39% belong to a Reform synagogue, 33% to a Conservative one, 21% to an Orthodox one, and 7% to other branches.

<sup>2</sup> From its founding in 1870’s until the end of 2003, the umbrella organization for Reform Jewish congregations in North America was known as the Union of American Hebrew Congregations. By an overwhelming vote of the delegates to its Biennial convention in November, 2003, the name was changed to the “Union for Reform Judaism: Serving Reform Congregations in North America.” This essay will use “Union” to refer to the synagogue arm of the Reform movement.

<sup>3</sup> Each of these three arms of Reform Judaism has its own areas of responsibility. In some cases, areas of responsibility overlap, and the various arms frequently work together. Belonging to the Union defines a congregation as Reform; congregations vary in size and organization. The largest congregations may have several rabbis on staff; the smallest congregations may have only part-time rabbis, employ rabbis on a contract basis, or rely on part-time student rabbis. The CCAR includes in its membership the body of rabbis who consider themselves and are considered to be the organized rabbinate of Reform Judaism,

The official positions of the Reform Movement, whether on civil or on religious matters, tend to be liberal. Congregations and their members, however, are free to accept or reject these positions. To demonstrate these points, I will give a brief survey of Reform Judaism and then focus on the position of Reform Judaism vis-a-vis gay rights, with particular emphasis on its position regarding the discriminatory policy of the Boy Scouts of America. The essay will then turn to a personal account of the impact of that position on my own congregation, Temple Israel of Hollywood.

***Overview of Reform Jewish Beliefs.*** Reform Judaism shares with the other branches of Judaism a belief that the Five Books of Moses, which Jews call the Torah, is the foundation of Jewish life. Reform Jews, like Jews of other denominations, consider the Torah a compelling guide that enables Jews to confront the timeless and immediate challenges of life. It contains God's revelation to the Jewish people and the record of the Jewish people's relationship with God. Reform Jews, however, understand the words of the Torah not as words dictated by God, but as words inspired by God and subject to new understanding, application, and interpretation over time. Reform Jews view the Jewish tradition through the lens of human thought, emotion, psychology, and experience.

It is said that Reform Judaism is a movement that is informed by tradition, but not directed by it. That is, Reform Judaism seeks both continuation of and innovation in Jewish tradition. To achieve these goals, Reform Jews engage in a constant conversation with the tradition; sometimes this conversation takes the form of a heated argument and sometimes a gentle tête à tête.

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whether the rabbis serve as congregational rabbis or in other capacities. HUC-JIR trains rabbis, cantors, and Jewish communal and educational professionals.

For centuries, Jewish practice has involved close study of key texts, particularly the Torah and the Talmud, the latter a multivolume compilation of Torah commentary, law, legend, ethics, and philosophy codified by Babylonian sages in about 500 C.E. (Common Era). As with Jewish tradition in general, Reform Jews have a complicated relationship with Talmudic and other sources of *halachah*, the term for Jewish law. Reform Jews do not view *halachah* as binding. On any particular issue, Reform Jewish practice begins by studying the classic texts, including the Torah, the Talmud, and commentaries of generations of rabbis and scholars. In undertaking this examination, Reform Jews emphasize not the literal meaning of the text, but its purpose and intent. That is, Reform Jews are not strict constructionists of the Torah or other traditional texts, but engage in an ongoing exegesis of the text. The process, moreover, continues by weighing traditional perspectives in light of contemporary knowledge, research, and understanding and then making a decision about what is meaningful to the individual and the community. Reform Jews do not insist upon or expect agreement, instead acknowledging and accepting the diversity of Reform Jewish belief and practice.

Reform Jews seek to achieve *tikkun olam* – repair of the world - by emphasizing the message of the prophets and striving to bring peace, freedom and justice to all people.<sup>4</sup> Reform Jews consider themselves God’s partners in improving the world and in an unfolding expression of divine truths. Reform Judaism emphasizes the Biblical principle articulated in Genesis 1:27 that every human being is created in the image of

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<sup>4</sup> The phrase “*tikkun olam*” has mystic connotations through its association with Isaac Luria (1534-1572), who revolutionized the study of Jewish mysticism, which is known as Kabbalah. According to Luria, shortly after God created light, the vessels of the universe were unable to contain this light and shattered, scattering the light throughout the physical world. Luria taught that performance of the *mitzvot*, the commandments of God to the Jewish people, would bring about *tikkun olam*, repair of the shattered world. The Reform movement adopted and adapted the phrase “*tikkun olam*” to refer to repair the world through acts of social justice.

God (*b'tzelem Ehlohim*): “And God created man in His image, in the image of God He created him; male and female, He created them.”<sup>5</sup> Reform Jews seek to affirm this principle in all relationships and actions.

The belief in this principle leads Reform Judaism to unequivocal support for equal treatment of gays and lesbians in both religious and civic life. As Rabbi David Saperstein, director of the Religious Action Center (“RAC”), which is Reform Judaism’s Washington, D.C. policy office, has testified to Congress, “Regardless of context, discrimination against any person arising from apathy, insensitivity, fear or hatred is inconsistent with this fundamental belief. We oppose discrimination against all individuals, including gays, lesbians, and bisexuals, for the stamp of the divine is present in each and everyone one of us.”<sup>6</sup> So crucial is this commitment that the one page summary explaining “What is Reform Judaism” on the webpage of the Union lists it as one of three principles that distinguish Reform Jews from other streams of Judaism in North America: “Reform Jews are also committed to the full participation of gays and lesbians in synagogue life as well as society at large.”<sup>7</sup>

***Reform Jewish Reading of Textual Sources.*** Reform Jews, of course, must confront the Torah’s explicit condemnation of male homosexual activity. Leviticus 18:22 instructs: “Do not lie with a male as one lies with a woman. It is an abhorrence.”

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<sup>5</sup> All translations of the Torah are taken from *THE TORAH: A MODERN COMMENTARY*, edited by W. Gunther Platt (Union of American Hebrew Congregations 1981).

<sup>6</sup> Statement of Rabbi David Saperstein on the Introduction of the Employment Non-Discrimination Act, available at <http://www.rac.org/news/062499.html>. Documents of the arms of Reform Judaism discussed but not quoted in this piece can be found through the search engines at the RAC webpage, <http://www.rac.org>; the Union’s webpage, <http://www.urj.org>; or the CCAR’s webpage, <http://ccarnet.org/>.

<sup>7</sup> “What Is Reform Judaism?” available at <http://www.rj.org/whatisrj.shtml>. The other distinguishing principles are Reform Judaism’s commitment to the absolute equality of women in all areas of Jewish life and the principle of inclusion. The principle of inclusion refers to outreach to Jews-by-choice and interfaith families as well as to treating a child of either a Jewish father or a Jewish mother as Jewish, if the child is raised Jewish.

Leviticus 20:13 warns, “If a man lies with a male as one lies with a woman, the two of them have done an abhorrent thing: they shall be put to death-- their bloodguilt is upon them.” Reform Jews do not read this passage literally for any of a number of reasons.

One approach emphasizes the context of the passage and the particular use of the word “abomination” in the Torah.<sup>8</sup> It explains that the Torah uses the word “abhorrence” or “abomination” for ritual rather than ethical prohibitions. That is, homosexuality is one in a list of forbidden sexual acts, including incest, adultery, and sex with animals, that were associated with Canaanite idol worship, acts which the Israelites had to abjure in order to become a separate people holy to God. Reform Jews follow these prohibitions today to the extent that the prohibitions reflect the moral values of respect and responsibility toward others, not because they represent practices associated with idolatry. Thus, the argument continues, the prohibition should be understood within its ancient social and religious context and should not apply to respectful and responsible same-sex relationships we see today.

Furthermore, according to this contextual approach, “abominations” in the Torah refer not to immoral actions, but to actions that are Jewishly inappropriate because they violate the boundaries of holiness as defined in the Torah. According to the Torah, eating the meat of forbidden animals (Deuteronomy 14:3-8), marrying one’s ex-wife (Deuteronomy 24:4), and a woman wearing man’s clothes (Deuteronomy 22:5) are abhorrent in the same way as homosexuality. Reform Judaism does not require adherence to the biblical categories of what is Jewishly appropriate; Reform Jews decide

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<sup>8</sup> See KULANU (ALL OF US): A PROGRAM FOR CONGREGATIONS IMPLEMENTING GAY AND LESBIAN INCLUSION, prepared by the UAHC Task Force on Lesbian and Gay Inclusion (UAHC Press: 1996), pages 1-3, 10-12.

for themselves which of those and other traditional Jewish practices enrich their Judaism. For Reform Jews, it is the moral and ethical message of the Torah that leads to holiness.

Another and perhaps dominant Reform approach to this Biblical language views the traditional prohibitions as obsolete, the product of a different time and a different place, to be rejected outright and replaced now with a greater understanding of the scientific and psychological realities of gender orientation. As a model, Reform Jewish scholars point to the development in Jewish thought regarding the *heresh* or deaf-mute.<sup>9</sup> In the Talmud, deaf-mutes, like minors, are deemed mentally incompetent and not responsible for their conduct. They cannot serve as witnesses, dispose of property, or enter marriage. The basis for this categorization is the belief that anyone who can neither hear nor speak lacks understanding and the ability to communicate. In the last century, however, science has developed new techniques and gained new knowledge regarding ways to teach language to those with such handicaps. As a result of such advances, the Reform movement views those without hearing and speech as equal; even some authorities within more traditional Jewish communities have recognized that such individuals should no longer be deemed to be mentally deficient. New understanding has produced new conclusions. Reform Judaism urges such an approach to homosexuality.

Reform Jews reject the categorization in Leviticus of homosexuality as abhorrent just as today Jews reject the directions in Deuteronomy to stone a rebellious son or a young bride who is discovered not to be a virgin. Reform Jews emphasize other aspects of Leviticus, such as the direction of Leviticus 19:18 to love your neighbor as yourself, or of Leviticus 19:34, that “the stranger who resides with you shall be to you as one of your

citizens; you shall love him as yourself, for you were strangers in the land of Egypt.”

Reform Judaism teaches us to remember that too often gays and lesbians are treated as strangers.

**Gays and Lesbians within Reform Judaism.** Despite objections in some quarters, particularly during the early 1970’s, the Reform Jewish community today welcomes gay and lesbian Jews into all aspects of congregational life. The first Jewish congregation established with a special outreach for lesbians and gays as well as their families is a Los Angeles Reform congregation, Beth Chayim Chadashim (House of New Life). Founded in 1972 and accepted into the Union in 1974,<sup>10</sup> it is now over 30 years old. Reform Judaism encourages inclusion of gay and lesbian Jews in its mainstream congregations as well. In 1987 the Union passed a resolution welcoming gay and lesbian Jews into its congregations, urging their participation in all aspects of congregational and communal life, and calling for congregations to employ people without regard to sexual orientation.

In 1989 the Union reaffirmed its 1987 resolution and resolved to embark upon a program to achieve fuller acceptance of gay and lesbian Jews. In his keynote address to the convention that went on to adopt the 1989 resolution, then-President of the Union

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<sup>9</sup> See KULANU, at pages 13-16, 19-22.

<sup>10</sup> The Union took this action despite a 1973 *responsa* opposing admittance authored on behalf of the CCAR Responsa Committee by the Rabbi Solomon Freehof, of blessed memory, the leading Reform expert on Jewish law, in response to an inquiry from a regional director of the Union. See American Reform Responsa, Judaism and Homosexuality (1973), available at <http://www.ccarnet.org/cgi-bin/respdisp.pl?file=13&year=arr>. *Responsa*, which have a long and distinguished place in Jewish life, are legal opinions by rabbinic authorities regarding modern applications of Jewish law written in response to specific inquiries. In the Reform movement *responsa* are written by the standing Responsa Committee of the CCAR when a question is submitted to the committee, but serve no binding function; they are purely advisory. As the CCAR webpage explains, they “provide guidance, not governance. . . . Individual rabbis and communities retain responsibility . . . to make their own determinations as to the stance they will take on individual issues.” Reform Responsa, at <http://ccarnet.org/resp/>. That is, *responsa* affect behavior to the extent they persuade. Reform rabbis are free to express their disagreement with CCAR committee



Rabbi Alex Schindler, of blessed memory, exhorted the delegates: “We who were beaten in the streets of Berlin cannot turn away from the plague of gay-bashing. We who were marranos in Madrid, who clung to the closet of assimilation and conversion in order to live without molestation, we cannot deny the demand for gay and lesbian visibility!”<sup>11</sup>

In 1995 the Union passed a resolution promoting equal employment and leadership opportunities for lesbians and gays in the Reform movement, whether as rabbis, cantors, educators, executives, administrators, staff or lay leaders. A year later, to implement this and earlier resolutions and to help those congregations struggling with the discomfort of some of their members regarding this policy of inclusion, it published a handbook prepared by its Task Force on Lesbian and Gay Inclusion called *Kulanu (All of Us): A Program for Congregations Implementing Inclusion*. This manual includes a selection of texts and offers practical suggestions for programming, curriculum content, Jewish source materials, complete with sample sermons, outreach brochures and employment practices. It describes its goal as “moving beyond the rhetoric of countless resolutions and intangible agreements to meaningful action.”<sup>12</sup>

Openness toward gay and lesbian Jews now extends to clergy as well. The 1990 Report of the Ad Hoc Committee on Homosexuality and the Rabbinate, which the CCAR adopted as a resolution, expressed its agreement with the 1988 changes in the admission policy at Hebrew Union College-Jewish Institute of Religion, the academic arm and rabbinic seminary for Reform Judaism that the “sexual orientation of an applicant [will be considered] only within the context of an candidate’s overall suitability for the

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*responsa*. In the case of admittance of Beth Chayim Chadashim, several did so in eloquent essays presented at a CCAR conference.

<sup>11</sup> See KULANU, at page 4. Marranos were Jews forced to profess Christianity during the Spanish Inquisition in order to escape death or persecution. Many marranos observed Judaism secretly.

rabbinate,”<sup>13</sup> in other words, that being gay or lesbian would not prevent a candidate’s admission. CCAR reaffirmed that all rabbinic graduates of the HUC-JIR would be admitted into the CCAR membership upon application. It declared that “all Jews are religiously equal regardless of sexual orientation” and urged that “all rabbis, regardless of sexual orientation [should] be accorded the opportunity to fulfill the vocation which they have chosen.” Reporting on this CCAR convention, the New York Times described this action as placing “Reform Judaism among the handful of denominations that accept gay members in their clergy as a matter of national policy.”<sup>14</sup>

The CCAR report was realistic about acceptance of national policy in individual congregations at the beginning of the 1990’s. It observed, “Publicly acknowledging one’s homosexuality is a personal decision that can have grave professional consequences. . . . Regrettably, a decision to declare oneself publicly can have potentially negative effects on a person’s ability to serve a given community effectively.” The Report called for education and dialogue in Reform congregations regarding the acceptance of gay and lesbian Jews as rabbis as well as continuing discussion regarding the religious status of same sex unions.

Another Report from the Committee on Human Sexuality followed in 1998. After discussing a variety of Reform Jewish sexual values, including family, joy, and covenantal relationship, it concluded that *kiddushah*, holiness, “may be present in committed, same gender relationships between two Jews, and that these relationships can

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<sup>12</sup> KULANU, at page 1.

<sup>13</sup> Report of the Ad Hoc Committee on Homosexuality and the Rabbinate, Resolution Adopted by the CCAR, 1990, available at <http://www.ccarnet.org/cgi-bin/resodisp.pl?file=hs&year=1990>.

<sup>14</sup> The article also commented that “approval came in a voice vote after an emotional hour long debate that revealed deep divisions among the rabbis.” New York Times, Section A, Page 1, June 26, 1990.

serve as the foundation of stable Jewish families, thus adding strength to the Jewish community.”<sup>15</sup>

In March 2000, the CCAR became the first major group of North American clergy to give official support to those of its members who choose to perform same-gender ceremonies. It did so by following the process described above – examination, in this case for more than a decade, of the issue in not only the traditional literature, but also texts from such modern disciplines as psychology and sociology. The CCAR resolution, which passed in a voice vote by a large majority, declared “that the relationship of a Jewish, same gender couple is worthy of affirmation through appropriate Jewish ritual.”<sup>16</sup>

The CCAR accepted a lack of unanimity on the issue. The resolution did not compel any rabbi to officiate at a same gender union. It left the choice to the individual rabbi. As the resolution explains, Reform rabbis “recognize the diversity of opinions within our ranks on this issue. We support the decision of those who choose to officiate at rituals of union for same-gender couples, and we support the decision of those who do not.” Furthermore, the resolution did not specify the nature of the appropriate ceremony,

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<sup>15</sup> Report of the Ad Hoc Committee on Homosexuality and the Rabbinate, 1998, available at <http://ccarnet.org/hs.html>. Note that *kiddushah* is not the same holiness as *kiddushin*, the holiness of marriage, although both words come from the same root, a root which in its various forms means to set apart, to make separate, to make holy, as God is holy. *Kiddushin*, marriage, is a legal relationship within Judaism. In the life cycle ritual of *kiddushin*, the couple separates itself from all others to become a distinct family unit in the eyes of the community and God. In 1996, the CCAR Committee on Responsa had addressed the question of whether homosexual relationships can qualify as *kiddushin*. By a committee majority of 7 to 2, the Responsa Committee concluded, in an unusually lengthy responsum presenting both sides in detail, that “homosexual relationships, however, exclusive and committed they may be, do not fit within this legal category; they cannot be called *kiddushin*.” The Responsa Committee acknowledged that discussion of the issue “brought from among us a number of profound disagreements.” Note that the CCAR’s Responsa Committee and its Committee on Human Sexuality are two different groups with different memberships and different purposes. They are two separate committees of the CCAR that came to different conclusions about same-sex relationships. These two committees demonstrate the spectrum of opinion and diversity of belief held by CCAR members.

<sup>16</sup> CCAR Resolution on Same Gender Officiation, 2000, available at <http://www.ccarnet.org/cgi-bin/resodisp.pl?file=gender&year=2000>.

leaving it up to individual rabbis whether to constitute the ritual as a marriage ceremony, *kiddushin*, or as a commitment ceremony short of a wedding, *kiddushah*.<sup>17</sup>

Rabbi Eric Yoffie, President of the Union, issued a statement to the Reform Jewish congregations following adoption of this resolution. In it, he proclaimed that “if there is anything at all that Reform Jews do, it is to create an inclusive spiritual home for those who seek the solace of our sanctuaries. And if this Movement does not extend support to all who have been victims of discrimination, including gays and lesbians, then we have no right to call ourselves Reform Jews.”<sup>18</sup>

As we begin the 21st century, of the over 900 Reform congregations that are currently members of the Union, some dozen or so consider themselves to be synagogues with a special emphasis on concerns of gays, lesbians, bisexual, and transgendered people. Openly gay and lesbian Jews have become an integral part of many - and perhaps most - Reform congregations. They serve as rabbis and cantors; partners of the same sex stand proudly before the congregation as rabbis officiate over their commitment ceremonies or celebrate anniversaries, as their babies are named or their thirteen-year-olds become *b'nai mitvah*, sons or daughters of the commandments. Gays and lesbians serve as officers of their congregations, of the Union's regions, and of the Union itself.

***Reform Judaism and Civil Rights for Gays and Lesbians.*** The Reform Jewish movement has long supported civil rights for gays and lesbians. In 1977, the CCAR and the Union each adopted resolutions encouraging legislation decriminalizing homosexual acts between consenting adults and prohibiting discrimination against them as persons.

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<sup>17</sup> In June 2004, the CCAR's Ad Hoc Working Group on Same-Gender Officiation completed both a model *kiddushin* service for same gender couples and a model affirmation service for same gender couples.

<sup>18</sup> Same Gender Officiation: A Statement by Rabbi Eric Yoffie, March 29, 2000, available at <http://urj.org/yoffie/archive/gender/>.

In 1993, Rabbi Schindler called upon Reform Jews to support the right of gay and lesbian couples to adopt children, to file joint income-tax returns, and to share in the health and other benefits provided to heterosexual couples by government and private employers, and the Union adopted a resolution stating that full equality under the law for lesbian and gay people required legal recognition of such relationships. In 1996, the CCAR adopted a resolution supporting the rights of gay and lesbian couples to share equally and fully in the benefits of civil marriage and opposing governmental efforts to ban gay and lesbian marriage. In 1997 the Union resolved to “support secular efforts to promote legislation which would provide through civil marriage equal opportunity for gay men and lesbians.”<sup>19</sup>

The RAC speaks out consistently on national issues regarding gay and lesbian rights. For example, it opposed the Federal Marriage Amendment and applauded the ruling of the Massachusetts Supreme Judicial Court that the ban on gay marriage violated the state constitution. Its director, Rabbi Saperstein, testified before Congress against the Defense of Marriage Act, which provides that for the purpose of federal statutes and regulations marriages means only a legal union between one man and one woman as husband and wife. The RAC has supported and continues to support the Federal Employment Non-Discrimination Act, which would extend to gays and lesbians the federal protections against employment discrimination already provided based on race, religion, gender, national origin and disability in the 39 states that permit workplace discrimination based on sexual orientation.

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<sup>19</sup> UAHC Resolution on Civil Marriage for Gay and Lesbian Jewish Couples, 1997, available at <http://uahc.org/cgi-bin/resodisp.pl?file=civilmar&year=1997>.

Consistent with its condemnation of discrimination on the basis of sexual orientation, the Reform movement opposed the Boy Scouts' policy of discrimination against gays as members or leaders. In *Boy Scouts of America v. Dale*, 530 U.S. 649 (2000), the Boy Scouts of America ("BSA") argued before the Supreme Court that, because BSA members associate in order to promote the view that homosexuality is immoral, its First Amendment right of expressive association protected its discriminatory policy. The RAC joined several Christian groups in an amicus brief endorsing applicable case law, which, it argued, established that "an organization may exclude an individual in defiance of an anti-discrimination law only when that individual's presence as a member will interfere with the current members' ability to promote those views that brought them together."<sup>20</sup> The amici curiae explained that they represented a large number of sponsors and members actually in the Boy Scouts, all of whom believe that discrimination against gay people is immoral. Thus, the brief contended, the members of Scouting did not share or come together to express the view that homosexuality is immoral, and the application of antidiscrimination laws to the Boy Scouts did not violate the group's First Amendment rights of expressive association.

When the Supreme Court accepted the Boy Scouts' position, the RAC issued a press release which declared: "The BSA does its members and its famous 'Be Prepared' motto a disservice by discriminating: excluding individuals solely on the basis of sexual orientation sets an example that does nothing to prepare Scouts for our diverse world."<sup>21</sup>

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<sup>20</sup> 1999 U.S. Briefs 699, U.S. Supreme Court Briefs File, LEXIS. Those joining the Religious Action Center were The General Board of Church and Society of the United Methodist Church, The United Church Board for Homeland Ministries, The Diocesan Council of The Episcopal Diocese of Newark, and The Unitarian Universalist Association.

<sup>21</sup> Nation's Largest Jewish Organization Disappointed by Supreme Court Sanction of Boy Scout Discrimination, available at <http://www.rac.org/news/062800bs.html>.

The Joint Commission on Social Action of the Union and the CCAR followed with a memorandum to congregations available in draft form in December of 2000 and finalized in January of 2001.<sup>22</sup> This memorandum received considerable press coverage, with discussion in the New York Times, Los Angeles Times, and Chicago Sun Times, among many others. Rabbi Saperstein, the long-time director of the RAC, has commented that the BSA memorandum inspired more intense reaction than any other position of the Commission on Social Action in 25 years.

The memorandum expressed a hope that the BSA would abandon its discriminatory policies, but saw little basis for optimism. As a result, the memorandum recommended that congregations sponsoring or housing a Boy Scout troop or Cub Scout pack cease to do so and that Reform Jews withdraw their children from other BSA troops or packs. It urged those congregations not following the recommendation to take other steps, including: (1) publicly amending the local charter; (2) withdrawing financial support of the BSA; (3) creating programs to combat the message being sent by the BSA; and (4) encouraging participation in other groups instead of the BSA. The memorandum recognized that each congregation had to make its own decisions.

As described below, my own congregation, Temple Israel of Hollywood (TIOH), did so while I was its president. The discriminatory policy of the BSA forced me personally, the TIOH board, and the members of the congregation to make an agonizing decision regarding our commitment to gay and lesbian rights. How we at TIOH resolved this issue offers a case study of how Reform Judaism operates at the congregational level.

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<sup>22</sup> Memorandum from UAHC-CCAR Joint Commission on Social Action re Boy Scouts of America, 2001, available at <http://www.rac.org/news/062800bs.html>.

***Boy Scouts of America and Temple Israel of Hollywood.*** TIOH is an urban congregation of approximately 850 households. We at TIOH pride ourselves on our diversity. The congregation includes young and old, single and married, straight and gay, from all over the world and America, and of Reform, Conservative, and Orthodox backgrounds. It comprises born Jews, Jews by choice, and individuals married to Jews.

At various times since its founding, TIOH has been involved in Scouting. Beginning in 1995, the activities of TIOH included sponsorship of Cub Scout Pack 1300, with about 16 children, approximately half Temple members and half not. The Pack's programs included participation in the AIDS Walk LA and other activities devoted to social justice and *tikkun olam*.

In January 2001, after I had consulted with Rabbi Saperstein of the RAC, after the Commission on Social Action prepared its memorandum regarding the Boy Scouts, and after several congregants asked our senior rabbi, John Rosove, about our relationship with the BSA, the Board of TIOH began an exhaustive examination of its policy toward Cub Scout Pack 1300 and the BSA. After the rabbi and I raised the issue with leaders of the Pack, the Cub Master of Pack 1300 wrote a letter to me as President expressing the Pack's disagreement with the national BSA's policy of exclusion on the basis of sexual orientation, including an undertaking that "no openly gay person will be discriminated against by Pack 1300 if that person wishes to become an adult leader" in the Pack. The Pack sent a copy of the letter to the national BSA.

The board set the issue for preliminary discussion at its January board meeting. Representatives of the Pack and one of our openly gay congregants, himself a former Scout, spoke at the meeting. The latter emphasized the position of the BSA's top



executive that the BSA would not revisit its policy of discrimination against gays unless its membership decreases. Board members sought ways to disavow the discriminatory policy of the BSA with the least possible disruption to the children. They asked what was in the best interests of all of our children, both those in the Pack and those who were not. Options considered included the Pack becoming an unaffiliated group or the Pack affiliating with another organization that did not discriminate, such as Campfire Boys and Girls. Pack leaders present at the meeting expressed their strong desire to remain affiliated with the BSA despite their disagreement with its policy. The Pack leaders argued it was better to work for change from within the BSA.

At this January meeting, many Board members expressed skepticism about continued affiliation with the BSA and the ability to work to change its policy. Several present expressed concern for our many gay congregants, for the many congregants with friends, family, and loved ones who are gay, and for the many of our congregation's children who, according to statistics, will be gay or lesbian.

Following this board meeting, the rabbi and I as president wrote the congregation, explaining the dilemma in some detail and asking for feedback. In response, 38 individuals urged us not to sponsor the Cub Scouts and 5 took the opposite view. Still hoping for a way to continue our support of the pack and all of its good work without supporting the BSA's discriminatory policy, the rabbi, two past presidents of the congregation, and I met with six pack leaders to try to craft a compromise. After a lengthy and at times emotional discussion, we agreed on the following package to present to the Board at its next meeting: (1) an explicit nondiscrimination clause in the charter, the document that the congregation was required to sign as sponsor and which the BSA

had to accept in order for the Pack to operate; (2) the Pack adopting a rainbow badge to represent diversity; (3) working to find an educational program regarding nondiscrimination for the Pack to present to TIOH's school age population.

The rabbi and I emphasized at that meeting that a charter amendment was crucial to our support of the package. We had learned that every Pack annually must submit and have accepted by its regional BSA organization a charter signed by its sponsoring organization. The standard charter supplied by the BSA requires the sponsoring organization to agree to conduct the program according to the policies and guidelines of the Boy Scouts of America and to permit a Scout executive to approve all leadership applications. Rabbi Rosove and I believed that the board would not be willing for TIOH to sign a charter document as a sponsoring organization unless the document explicitly stated that the Pack would adhere to TIOH's policy of nondiscrimination on the basis of sexual orientation. The compromise package developed at the meeting acknowledged that the proposed charter amendment could result in the Pack's charter being revoked. If so, TIOH would recognize and honor the boys for their efforts.

Shortly before the February Board meeting at which this package was to be presented, the Pack leaders learned from their regional Boy Scout officials that charters with any kind of amendment were no longer being accepted by their region. The Pack parents met and voted not to amend the charter to include a nondiscrimination clause.

The TIOH board met the next night. It had hoped and expected to vote on the compromise package, a package that would include an amended charter. With no charter amendment forthcoming, all 27 members of the TIOH board who were present at the meeting voted to resolve that "Temple Israel of Hollywood, in order that it, as a

community of adults and children, can live by and speak up for its religious and moral beliefs regarding nondiscrimination, with sadness, will not continue to sponsor Cub Scout Pack 1300 effective March 1, 2001, the date its charter renewal application is due.” The board explicitly based this resolution on the principle of *b'tzelem Ehlohim*, that every human being is created in the image of God.

A few members of the Cub Scout Pack, who disagreed strongly with the board's decision, then collected enough signatures from members to petition for a special meeting of the congregation on the issue. Over 500 people attended that special meeting, which was held in June 2001. The rabbi opened by outlining the options and reminding all of the principles of *derech eretz*, human decency and mutual respect. In my speech on behalf of the Board, I described the question before the congregation as the important and enduring one of how a community responds when it is asked to be complicit in a policy of discrimination and emphasized what our signing the standard BSA charter document would mean. The representative of the Pack spoke of the all the good the Pack had accomplished, how it was not willing to amend the charter despite its disagreement with the national BSA policy because such an action would result in its charter being revoked, and argued that it would be better to work against the BSA policy from within.

Dozens of the members of the congregation lined up to speak. Those speaking in favor of continuing our relationship with the BSA emphasized the wonderful activities of Pack 1300 and how it would hurt the children who were members of the pack if TIOH did not renew its charter; one young Cub Scout described his love of scouting and what participation in the Pack had meant to him. Only one speaker endorsed the BSA's discriminatory policy.

The vast majority of those prepared to speak, however, lined up at the microphone designated for those supporting the Board's decision. They spoke passionately. The first speaker explained that he had founded the first Cub Scout pack at TIOH almost 50 years ago, that all of his sons had been Scouts, and that he loved the Scouts. But, he continued, under the current national leadership the Scouts had no place in our community. Others spoke about how being Jewish requires sacrifice in support of our principles, about how their family members had experienced discrimination for being handicapped or gay, about sending their children to our congregation's schools precisely to learn about our tradition's dedication to social justice for all. Close to 95% of those voting by secret ballot endorsed the board's position. Two or three families left the congregation after the vote.

I and many other members of the congregation remember the meeting with great pride as a night in which we lived up to the highest ideals of Reform Judaism, both in the process and the substance of the evening. We were able to address a difficult and emotional issue with respect, care, and thoughtfulness. We affirmed the essential and core value of Reform Judaism, that we are all created in God's image, *b'tzelem Elohim*, that this principle requires us to support gay and lesbian Jews, and that it carries responsibilities requiring action in religious as well as secular spheres. We left the meeting with a sense that the debate had strengthened the TIOH community.

***Conclusion.*** The experience of Temple Israel of Hollywood reveals the dynamics of Reform Judaism. As the Reform position on gay rights demonstrates, Reform congregations share core values regarding social justice and inclusiveness. These values influence Reform Jews in both their civic and religious lives. Although Reform

Jews and Reform congregations do not always agree on how best to apply and carry out these values, Reform Jewish values call upon its members to discuss differences with each other. While each congregation and each Reform Jew retains autonomy to decide exactly how these values translate into action, Reform Jews acknowledge their responsibility to act.