Thank you for downloading SOJOURN's resource guide to the biblical prohibitions on male-male sexual relations found in Parshat Acharei Mot and Parshat Kedoshim in the book of Leviticus. These verses have been debated, explained, and written about a thousand times over. We've attempted to compile some of the best source material on the subject we could find.

Please feel free to pick and choose from among the many texts we have included. We have purposefully given you more resources than you may need so that you may customize the conversation for your students and congregants. Pages 2 - 7 are purely source material with no commentary. Pages 8-12 contain discussion questions and commentary designed for small group discussions and individual learners. We do recommend that educators consider these comments (in addition to their own) when presenting the source material.

Our goal with these resources is simple: we want to create a safe space for people to have discussions about challenging topics. We are not looking to erase the biblical text, nor are we looking to ignore it. It is a part of our identity as the Jewish people and, no matter how hard we may try, we cannot wish it away. We can, however, read, discuss, interpret, and learn more so that we may come to new levels of understanding and comprehension as each of us decides for ourselves exactly what these verses mean.

For more information on
SOJOURN: Southern Jewish Resource Network for Gender and Sexual Diversity
visit us online: sojourngsd.org

B'shalom,

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And You Shall Be Holy

Leviticus 19:1-2

וְיָדַעְתָּ, אֲנִי ה’ אֱלֹהֵיכֶם, שֶׁתִּהְיוּ קָדָשִׁים, קְדָשִׁים תִּהְיוּ כִּי קָדוֹשׁ אֲנִי ה’ אֱלֹהֵיכֶם.

And YHWH spoke to Moses, saying, "speak to all the congregation of the children of Israel, and you shall say to them: You shall be holy, because I, YHWH, your God, am holy."

"What is meant here by being holy? The chapter that begins with this statement stands out because, perhaps, more than any other in the Torah, it merges major commandments of so many different sorts. It includes most of the Ten Commandments, sacrifices, justice, caring for the poor and the infirm, treatment of women, of the elderly, food, magic, loving one's neighbor as oneself, loving an alien as oneself. If one had to choose only one chapter out of the Torah to make known, it might as well be this one.

"The strange mixing of so many different kinds of commandments may convey that every commandment is important. Even if we are naturally inclined to regard some commandments as more important than others, and some commandments as most important of all, this tapestry presses us to see what is important and valuable in every commandment, even in commandments that one may question."

- Richard Elliott Friedman, Commentary on the Torah

Leviticus 19:18

וְאָהַבְתָּ לְרֵעֲךָ כָּמוֹךָ אֲנִי ה’:

And you shall love your neighbor as yourself. I am YHWH.

"Some understand [this] as applying only to one's fellow Israelites. Even if one takes that view...one must acknowledge that in this same chapter there is also the commandment to love the alien, the foreigner, as oneself as well (19:34). The people of Israel are commanded to love all human beings, not just their own people, no matter how one understands the term. And this is extraordinary." - Friedman (ibid)
<table>
<thead>
<tr>
<th>Forbidden Sexual Relationship</th>
<th>Described As</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>A man who commits adultery with another man's wife</td>
<td>exposed his father's nudity, their blood is on them</td>
<td>Both shall be put to death. (מות ימות)</td>
</tr>
<tr>
<td>A man who lies with his father's wife</td>
<td>they have done an aberration / תבל, their blood is on them</td>
<td>Both shall be put to death. (מות ימות)</td>
</tr>
<tr>
<td>A man who lies with his daughter in law</td>
<td>the two of them have done an offensive thing / תועבה, their blood is on them</td>
<td>Both shall be put to death. (מות ימות)</td>
</tr>
<tr>
<td>A man who lies with another man</td>
<td></td>
<td>&quot;you shall burn him and them in a fire, so there will not be perversion among you&quot;</td>
</tr>
<tr>
<td>A man who takes a woman and her mother</td>
<td>it is a perversion / זמה</td>
<td>He shall be put to death (מות ימות), the animal should be killed</td>
</tr>
<tr>
<td>A man who has intercourse with an animal</td>
<td></td>
<td>&quot;...you shall kill the woman and the animal. They shall be put to death.&quot; (מות ימות, החרוה).</td>
</tr>
<tr>
<td>A woman who goes up to any animal to mate with it</td>
<td>their blood is on them</td>
<td></td>
</tr>
<tr>
<td>A man who takes his sister, his father's daughter, or his mothers daughter</td>
<td>he has exposed her nudity, it is a shame or disgrace / חсад</td>
<td>they will be cut off in the eyes of the children of their people, he shall bear his crime</td>
</tr>
<tr>
<td>A man who lies with a menstruating woman and will expose her nudity</td>
<td>she has exposed the source of her blood</td>
<td>the two of them will be cut off from their people</td>
</tr>
<tr>
<td>Do not expose the nudity of your mother's sister or your father's sister</td>
<td>one has uncovered his close relative</td>
<td>they shall bear their crime</td>
</tr>
<tr>
<td>A man who lies with his aunt</td>
<td>exposed his uncle's nudity</td>
<td>they shall bear their sin, they shall die childless</td>
</tr>
<tr>
<td>A man who takes his brother's wife</td>
<td>expose his brother's nudity, it is an impurity/ נדה</td>
<td>they will be childless</td>
</tr>
</tbody>
</table>

As they appear in Leviticus 20:10-21. trans: Friedman
levitucs 20:22-23

וּשְׁמַרְתֶּם אֶת כָּל חֻקֹּתַי שֶׁמֶת לָשֶׁבֶת בָּהּ. וָאֹתָם לֹא תָקִיא אֶתְכֶם הָאָרֶץ אֲשֶׁר אֲנִי מֵבִיא אֶתְכֶם לָשֶׁבֶת בָּהּ:

And you shall observe all my laws and my judgments and do them, and the land to which I am bringing you to live in it will not vomit you out. And you shall not go by the laws of the nation that I am ejecting from in front of you, because they have done all of these, and I am disgusted with them.

Leviticus 18:22 (Parshat Acharei Mot / מת achteri)

וְאִי אֲשֶׁר יִשְׁכַּב אֶת–זָכָר לֹא תִשְׁכַּב מִשְׁכְּבֵי אִשָּׁה תּוֹעֵבָה תּוּהֵבָה הוֹא.

Friedman: "And you shall not lie with a male like lying with a woman. It is an offensive thing."

R' Steve Greenberg: "And with a male you shall not lie the lyings of a woman: it is abhorrent."

New International: "Do not have sexual relations with a man as one does with a woman; that is detestable."

King James: "Thou shalt not lie with mankind, as with womankind: it is an abomination."

New Living Translation: "Do not practice homosexuality, having sex with another man as with a woman. It is a detestable sin."

English Standard: "You shall not lie with a male as with a woman; it is an abomination."

Leviticus 20: 13

יָאִישׁ אָשֶׁר יִשְׁכַּב אֶת–זָכָר מִשְׁכְּבֵי אִשָּׁה תּוֹעֵבָה עָשָׂה לָשֶׁבֶת מְלִיכָה מוֹת יְמֹתוּ

דְּמֵיהֶם בָּם:

"And a man who will lie with a male like lying with a woman: the two of them have done an offensive thing. Their blood is on them."

Talmud Nedarim 51a

א"ל בר כפרא לרבן: מי (יוקרא כ) תועבה? - תועה אתא בה

Bar Kappara asked Rabbi, What is meant by to'ebah? (Leviticus 20) To'eh attah bah. (You shall go astray from it)
A. What does it mean for a man to lie with a man with the “lyings of a woman”? The Talmud derives from this plural construct that there are two forms of sexual intercourse between a man and a woman, vaginal and anal (Sanhedrin 54a). The Sages understand these verses to prohibit anal sex between men without any exception.... Judaism is based on how the Rabbis interpreted the Bible, and so the crucial point for legal purposes is that the Rabbis read these verses to refer to anal sex. Their only debate regarded whether 18:22 penalizes the receptive as well as the insertive partner. In 20:13 the penalty for both partners is made explicit.

B. We understand that there is a need for fences to prevent Jews from transgressing the Torah’s sexual prohibitions. If anal sex between men is a cardinal prohibition, then it is clear why our predecessors thought that non-anal sex should generally be prohibited as a fence around the Torah. Whether we follow Rambam or Ramban, the established halakhah presents a complete ban on all acts of homosexual intimacy. However, our predecessors assumed that this ban would lead those with homosexual inclinations back into heterosexual marriages... Given what we have learned about sexual orientation in recent decades, this assumption is no longer valid. To uphold the halakhah’s comprehensive ban is to consign a significant class of Jewish women and men to life-long celibacy or communal condemnation. This result is problematic not only for the affected individuals, but also from the vantage of the halakhah’s own mandate to safeguard human dignity.

- Homosexuality, Human Dignity & Halakhah: A Combined Responsus for the Committee on Jewish Law and Standards, Rabbis Elliot N. Dorff, Daniel S. Nevins & Avram Reisner (Conservative, 2006)

And As For A Woman

A. Lesbianism is not mentioned explicitly in the Bible. However, a [rabbinic] proscription against such behavior is derived from another biblical passage: 'According to the deeds of the Land of Egypt, in which you dwelt, you shall not do; and according to the doings of the Land of Canaan, where I bring you, you shall not do; and in their statutes you shall not walk.'...What were these statutes? 'A man would marry a man, and a woman would marry a woman, and a woman would marry two men, and a man would marry a woman and her daughter.'

- Rabbi Chaim Rappaport
Judaism and Homosexuality, An Authentic Orthodox View (2004)

B. It is forbidden for women to enmesh...with one another and this belongs to the 'practices of the Egyptians' [of] which we have been warned: 'you shall not copy the practices of the Land of Egypt'...although such conduct is forbidden, it is not punishable with lashes since there is no specific prohibition against it and no sexual intercourse takes place at all.

- Maimonides, Mishneh Torah, Hilchot Issurei Biah 21:8
C. Female homoeroticism was considered the ultimate depravity in Roman society. Women who loved other women were seen as seeking male privilege and attempting to usurp the authority of men.

- Rabbi Rebecca Alpert, Troubling Texts from the Torah Like Bread on a Seder Plate

D. Ancient Jewish sources were aware of, but not threatened by, female homoerotic behavior. This stance created a silence around the subject, for there was little to discuss....Reading traditional Jewish legal texts on lesbianism leads to the conclusion that the private sexual behavior of women was viewed as trivial.

- Rabbi Rebecca Alpert, ibid.

Sodom and Gomorrah

Genesis 19:5

וְתַזְרִיעַ אֶלֶֽלֶֽת אֵלֶֽוָֽה לִפְנֵי הָאָנָשִׁים אֶלֶֽוָֽה בָּאֵר אֶלֶֽוָֽה וַיִּקְרְא אֵלֶֽוָֽה אֶל לֹט

And they [the men of Sodom] called to Lot and said to him, "Where are the people who came to you tonight? Bring them out to us and let's know them!

Ezekiel 16:49

הָגָה יִהוּדוֹת יִהוּדֶת יִהוּדֶת לֹא אֵילֶגֶנֶה לָה אָבָיָה לָה

Behold, this was the iniquity of your sister Sodom: pride, surfeit of bread, and abundance of idleness was in her and in her daughters; and she did not strengthen the hand of the poor and needy.

Through A Modern Lens

A "...the present understanding of the nature of homosexuality indicates that is it not an 'offensive thing' (also translated 'abomination') as described in this verse. The Hebrew term for 'offensive thing' (תועבָה) is understood to be a relative term, which varies according to human perceptions. For example, in Genesis, Joseph tells his brothers that 'any shepherd is an offensive thing to Egypt;' but, obviously it is not an offensive thing to the Israelites. In light of the evidence at present, homosexuality cannot said to be unnatural, nor is it an illness. Its prohibition in this verse explicitly applies only so long as it is properly perceived to be offensive, and therefore the current state of the evidence suggests that the period in which this commandment was binding has come to an end."

- Richard Elliott Friedman, Commentary on the Torah
B  The...most far-reaching reaction to the theological argument against normalization [of homosexuality] calls into question the very theological premise on which the argument rests. When someone says, “What can we do? The Torah is clear on the subject!”, what is being said amounts to a claim of infallibility and irrefutability for the text of the Torah. And that claim ultimately rests on the assumption that the words...express directly and completely the will of God. (Indeed, treating a text as infallible on any basis other than on such an assumption would surely count as a form of idolatry.) But that assumption...is one that, for all its currency in parts of the Jewish world, is not accepted in our Conservative Jewish world.....We should be clear that this is not an assertion that the Torah is not divine, or that it is merely human. Heschel famously wrote that “as a report about revelation, the bible itself is a midrash.”.... It is, in other words, possible to (a) believe in God; (b) believe in revelation; (c) believe that it is meaningful to speak of a divine will for the world; and (d) to have faith in the idea that the Torah is our first (and thus, in an important sense, most sacred) expression of God’s will in human language, and still insist that the sacred text of the Torah does not perfectly and infallibly express that will.

- Halakhic and Metahalakhic Arguments Concerning Judaism and Homosexuality
Rabbi Gordon Tucker (Conservative, 2006)

C  "Do not lie with a man as if it were the same thing as lying with a woman." That is, when two gay males have a sexual encounter, they should continuously be aware that it is different from a male–female coupling..... "Do not sleep with a man as if it were with a woman." That is, if two males engage in a sexual act, neither should pretend that the [other] partner is like a woman.

- Rabbi Arthur Waskow (ALEPH/Renewal)

D  Throughout the Bible, sexuality between people of the same gender, especially between two men, is understood in one of two ways: 1) A form of violence and domination exerted by one man over another to humiliate him, and 2) A form of sexual excess that is so unbridled that it does not discriminate between male and female.

Modern examples of the first category are rapes committed in prisons, on battlefields, and by bullies in schools.... Such crimes are committed by men who seem to be more interested in subjugating and humiliating their victims than in sexual gratification. The second category is the indiscriminate sexuality we associate with modern orgies.... See, especially, Romans 1:25–32, which refers specifically to men who allow their lust to become so unbridled that they "leave the natural use of women."

- Judaism, Homosexuality, and the Supreme Court
Rabbi Jeff Goldwasser (Reform, 2013)
We have seen that homoeroticism in the Book of Genesis never appears outside of violent contexts...What Leviticus prohibits, then, may be the humiliation of one's fellow by sexual penetration, and the willingness to humiliate one's self by allowing such a violation of one's male body.

- Rabbi Steve Greenberg, Wrestling With God & Men: Homosexuality in the Jewish Tradtion (Orthodox)

In relations between God, men, and women[,] God is on top and men on bottom; men are on top and women are on bottom. In relation to God humans are receptive; in relation to men women are receptive. As God rules men, men rule women. The order is meant to be beneficient, but its potential for violence is implicit....How does one humiliate a male? By sexual penetration. And why is this humiliating? Because this is what a man does to a woman.

- Rabbi Steve Greenberg, ibid.

In the rabbinic understanding of sex and gender....sexual intercourse is an act between unequals. Adam is on top and Eve on bottom. Adam rejects the very thought of equality....Each partner, says the midrash, looks toward its source, from whence it comes. He looks down toward the earth; she looks up toward the rib.

- Rabbi Steve Greenberg, summarizing Midrash Rabba (Vilna) 1:14

[In ancient Greece and Rome] any male citizen who was found to have been sexually subordinate to his fellow was stripped of his citizenship, of his membership in the community of men, and demoted to the ranks of women, foreigners, and slaves, [becoming bound to be receptive to the control (and usage) of the men, the masters of Athens]....The Athenian testifying in court had to swear that he was not a slave, not a woman, and not a foreigner. The rabbis introduced three blessings in the morning prayer that are essentially identical to the Athenian oath and have a similar task of defining the nature of membership before the testimony of prayer begins.

- Rabbi Steve Greenberg, ibid.

In my view, the Jewish condemnation of homosexuality is the work of human beings – limited, imperfect, fearful of what is different, and, above all, concerned with ensuring tribal survival. In short, I think our ancestors were wrong about a number of things, and homosexuality is one of them....In fact, the Jewish values and principles which I regard as eternal, transcendent and divinely ordained do not condemn homosexuality. The Judaism I cherish and affirm teaches love of humanity, respect for the spark of divinity in every person and the human right to live with dignity. The God I worship endorses loving, responsible and committed human relationships, regardless of the sex of the persons involved.

- Rabbi Janet Marder, Senior Rabbi at Congregation Beth Am in Los Altos Hills, CA and former President of the Central Conference of American Rabbis
Parshat Kedoshim
Guiding Questions and Points for Discussion

This compilation of sources is intended to be over-filled. We have chosen to include so many sources so that you may choose which to include in your workshops and discussions. We strongly encourage you to distribute the entire packet and the accompanying discussion points so your congregants and students may take the time to study on their own as well.

And You Shall Be Holy
Lev 19:1–2

1. What does it mean for people to be holy? What specific commandments would you include in a list that described "being holy"?

2. Do you agree or disagree that no commandment is more important than any other? If you disagree, which commandments are most important?

Lev 19:18

3. Many people understand this commandment to mean "you shall only love your fellow Jew as yourself" because there are other commandments that specifically refer to non-Jews in the same parasha. What do you think the commandment means?

Lev 20:10–21

1. Leviticus 20:10–21 contains a full litany of prohibited sexual relationships. What's interesting here is that they each have different punishments based on the type of relationship. And, not every relationship is called a toevah/תועבה – that designation is actually only reserved for male–male relationships. Other relationships are described as "aberrations" or "perversions" – there is no mention of perversion in regards to male–male sexual relationships, they are only defined as an "offensive thing." However, participants in male–male relationships are, according to the text, sentenced to death. Why, do you think, is the description of the act so light, yet the punishment so harsh?

2. A man who takes a woman and her mother at the same time – they are to be burned in a fire so as to prevent perversion among the Israelites. This is, quite possibly, the harshest punishment of them all, and a very rare case of such a punishment (burning them in a fire). Is the crime worthy of the punishment? How is this relationship different from the others?
3. The last few forbidden relationships are not punishable by death, although the consequences are quite harsh. Each of the last 5 (man/sister, man/menstruating woman, exposing nudity of aunts, man/sister, man/brother's wife) are objectionable primarily because they have exposed nudity or uncovered something intimate about the other person. A couple that has sexual relations during menstruation will be cut off from their people. Are these punishments relative to the crimes?

4. A man who takes his brother's wife - this is not referring to the commandment of fulfilling one's brother's lineage if he dies - this is assuming that the brother is still alive and happily married.

Leviticus 20:22-23

1. Why is it that we are forbidden from the previous list of relationships? Because the nation whose land we will be taking (Canaan) did these things, and they disgusted God. And, if we do not want to disgust God and get "vomited out" like them, we should refrain from these acts.

2. Many of the laws of the Torah are written so as to remind the Israelites to not be like the other nations - to keep us separate. Is every law that's written from this perspective a valid law? How can we keep ourselves separate if we take on the practices of the other nations? Do we need to keep ourselves separate in modern times?

And A Man Who Lies With A Man

Lev 18:22

1. It's hard not to see the political/moral agendas that accompany a translation, especially in this verse. Exact translations of the Torah are complicated for a variety of reasons: there was no dictionary when it was written, and that leaves us to use context clues to figure out challenging words and phrases, and, much of what we understand as translation started in Hebrew, was then translated to Greek, and then into English. Much of the secular/Christian understanding of what is in the Torah comes along that path - which includes many chances for translators to add their own interpretation and judgements into the translations.

2. Which translation do you prefer to use? Why?

3. An interesting thing to note here is that in this verse, only the active participant is implicated in the act, and only he is subjectable to the punishment. This verse appears a full parsha before the other verses. Why are they separate, do you think?
Lev 20:13
1. The main difference here is the inclusion of the phrase, "the two of them have done an offensive thing, their blood is on them." This shows that both the active and the passive participants are implicated and subjectable to the punishment.
2. Is there a difference in the roles of the participants that would lead the text to need to clarify that both participants should be punished? Why would it be necessary to be so clear in this verse?

Talmud Nedarim 51a
1. This quote deals with the definition of the word toevah/תועבה. The suggestion is that "toevah" actually warns against acts that will cause the actor to go astray – not that they are necessarily offensive or an abomination, but, that they are the start down a path of no return.
2. This could also be a play on words with a pun: instead of "תועה אטות בר" (And you will go astray) it could also be "תועה עטות בר" "And you will go astray NOW" – but it may not be considered "astray" tomorrow, relating back to Friedman's comment about something being offensive only in its time.

Dorff Responsum
1. Dorff uses a physical rationale to explain the prohibitions on male–male sexual intercourse. The verses prohibit sex with men in the style of sex with women. The rabbis acknowledge two types of sex with women; vaginal and anal. Therefore, anal is the specific prohibition here.
2. The Rambam and Ramban instituted heavier restrictions on male–male relationships because of the fear of the so–called "slippery slope" argument. Their argument was that one act will lead to the next and so on. Dorff here argues against this belief – that the text of the Torah is clear, and it is the only prohibition that is required to be kept.
3. Dorff acknowledges (and allows for) the myriad of other sexual acts between two males. This responsum was approved by the Conservative Movement's Committee on Jewish Laws and Standards and is one of the possible rulings that Conservative rabbis can use when dealing with same–sex couples. This accompanied the decision to admit openly gay people into the movement's rabbinical seminaries in America.

And As For A Woman
A1. Lesbianism is very conspicuously not mentioned in the Torah. This may because very few women (or women's concerns) are mentioned in the Torah and it is not a book that deals heavily with woman at all. (While this does not justify the exclusion of women, but, it is very hard to say that the Torah is very concerned with women, with some notable exceptions.)
A2. The only prohibitions on female–female sexual relations are rabbinic. They stem from the interpretation that we are forbidden to do what the other societies would do (see Lev 20:22–23), and this was on the list.

B. Maimonides (Rambam) is clear that while female–female sexual relationships are probited (by his/rabbinic interpretation), it is not a punishable offense because it does not fulfill the halakhic definition of sex (penetrative). Because it is not actually sex, it is not actually an offense. (But still, don't do it, he says.)

C. In ancient times, it was the exclusive right of men to find sexual pleasure in women. For a woman to take pleasure in another woman meant she was literally taking a privilege that was not available to her; a threat to a patriarchal society.

D. Similar to Maimonides' view, ancient legal experts declared that lesbian sexual activity was not considered to be sex because of the lack of penetration. Therefore, it was not something that needed a discussion, which sends the implicit message that those who engage in lesbian sex are not worth discussing.

Sodom and Gomorrah

1. Many people mistakenly understand the story of Sodom and Gomorrah as a precautionary tale against homosexuality. In fact, it is not. In 19:5, the "people / אנשים" are referenced. Traditionally this has been translated as "men", but because Hebrew is a gender–specific language, this could also be 1000 women + 1 man. That they were all men is not specified, it is simply assumed.

2. Even if the verse was describing a group of men wishing to rape other men, Ezekiel 16:49 clearly shows that this was not the reason for their destruction. The people of Sodom and Gomorrah were inhospitable, they were lazy, and they were prideful. The cities were destroyed because they were horrible people making horrible choices, not specifically because they were practicing sodomy. (Yes, this is where the term comes from.)

Through a Modern Lens

A. Friedman offers an interesting "way–out" of the traditional interpretations of the Leviticus text. (Referring to 18:22 here.) Is he making a "slippery slope" argument, though? There are other prohibitions in the Torah that are called a toevah/תועבה, such as the laws of kashrut. Are those laws worth repealing as well, or is there a reason to keep certain "offenses" prohibited even if they are not "perceived to be offensive" anymore?

B. This highlights one of the areas where progressive Judaism and Orthodox Judaism differ. Tucker highlights the Conservative movement's philosophy that no text or tradition is infallible, and that it is our responsibility as critical thinkers to consider, argue with, and interpret text through our modern ideas. The Orthodox movement stands in stark contrast with this philosophy, believing that it is our responsibility to adapt ourselves to a traditional interpretation of the text instead.
C. Do you agree with Waskow's interpretation here? Is it too simple, or is it stunningly profound? How would you reconcile his interpretation with all of the others in our tradition?

D. Goldwasser here presents the idea that the biblical prohibitions are not about committed relationships, but rather, the abhorrence of uncontrollable, violence–filled sexual acts. He separates between a sexual act that occurs in rape and one that occurs between two people in a loving committed relationship.

E. Continuing on the previous themes, Greenberg shows that the only time male–male sexual relations (or homoeroticsm) are mentioned at all in Genesis are in the context of violence and humiliation, not in cases of loving partners.

F. Many have argued that a major issue in heterosexual relationships is the lack of equality. Indeed, there is an inherent power structure in heterosexual relationships that has been enforced for thousands of years. The traditional marriage ceremony, in order to be considered halakhically valid, cannot be a ceremony uniting two people equally. Traditionally, a man "acquires" a wife, and she becomes, in essence, his property. With the recent rise in same–sex marriages, this incongruence with our modern ideals has been exposed and debated at length. One of the inherent problems with a same–sex union is that neither party can (traditionally) be considered the acquirer or the acquiree – in other words, same–sex unions highlight the disparity (and inherent misogyny) that is tacit in heterosexual relationships.

G. In ancient times, the passive recipient of penetrative sex was considered "less than." (See previous comment.) In order to be considered a citizen, though, one was required to have been a male in good standing. To be in good standing meant: 1) not being a woman, 2) not being a foreigner, and 3) not being the passive recipient of penetrative sex (a slave). This idea, that one must remain at the top of the power chain in order to be considered a full citizen, was so pervasive that Orthodox Judaism holds onto these standards to this day and are referenced in daily morning prayers. The progressive movements have since changed these three blessings (who has not made me a woman, who has not made me a foreigner, who has not made me a slave) to "who has made me in God's image," "who has made me a Jew," and "who has made me a free person."

J. Departing from the need to be faithful to the specific letters of the text, Marder uses the Reform movement's philosophy that halakha is non–binding to disagree with the traditional interpretations of Lev. 18:22, 20:13. In her view, there are things that are so incongruent to the other values and teachings of Judaism that they are rendered obsolete.

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