

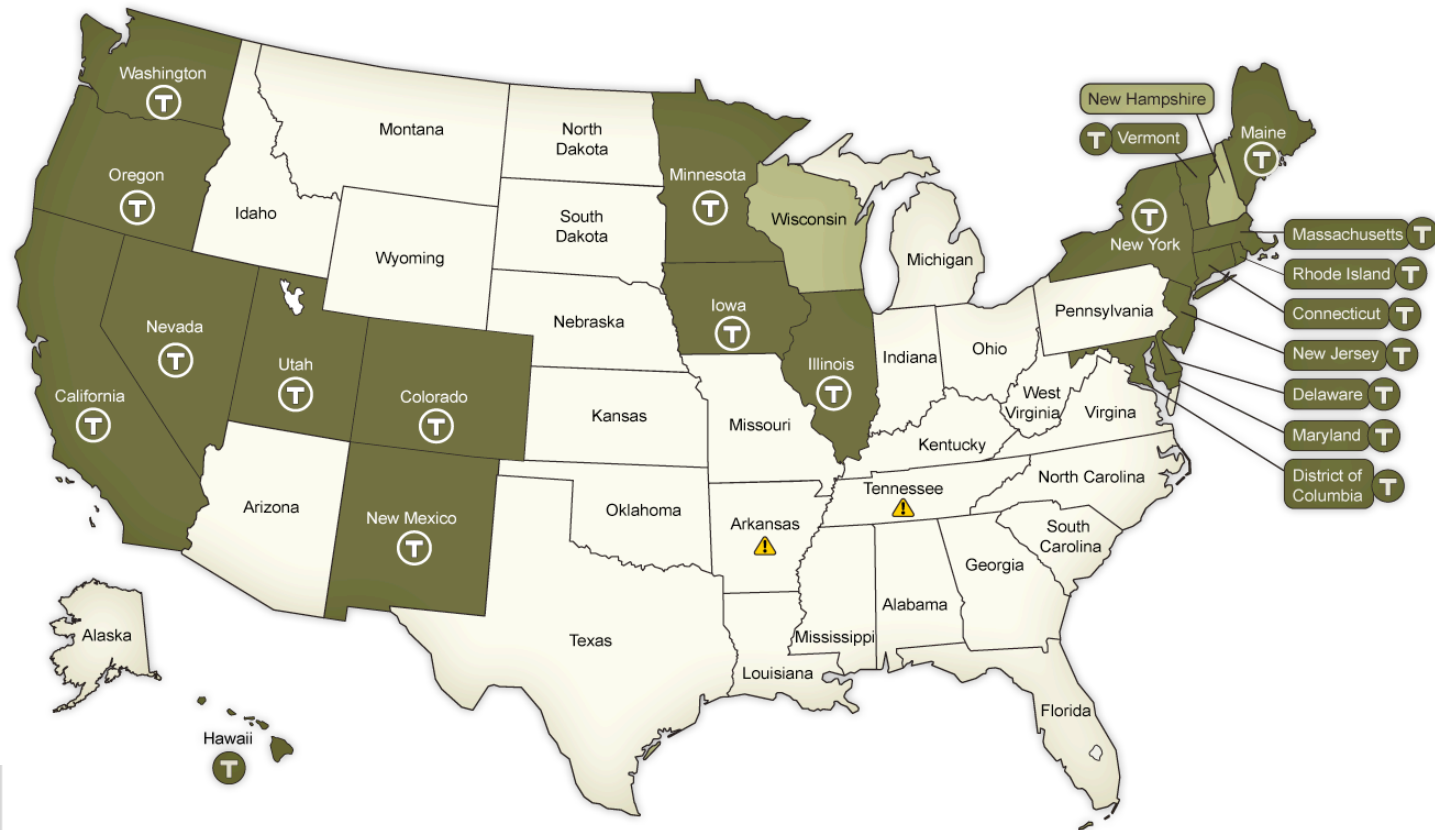
Congrats on Your Gay Marriage – You're Fired!







For thousands of years Jews have been studying in pairs or in groups, respectfully debating each other, learning the stories and legal texts of Judaism, and investigating their past as a means for enriching their present. Tonight, we continue to engage in the millennia-old practice of exploring the written word as a means to connect with our tradition, open ourselves up to our inner selves, make sense of the world around us, and inspire us to action. Thank you for joining us on this journey.

*This evening's event is part of The Well's **CSI: Coffee. Study. Interpret.** series, in partnership with the Jewish Bar Association of Michigan, Jewish Gay Network, Holocaust Memorial Center, Cohen-Haddow Center at Wayne State University, and Hillel of Metro Detroit, and is made possible in part by funds granted by The Covenant Foundation. The statements made and the views expressed, however, are solely the responsibility of The Well.*

In over half of U.S. States you can be fired just for being gay.



-  Employment non-discrimination law covers sexual orientation and gender identity (20 states + D.C.)
-  Employment non-discrimination law covers only sexual orientation, though federal law offers some protections (see note) (2 states)
-  No employment non-discrimination law covering sexual orientation or gender identity, though federal law offers some protections (see note) (28 states)
-  State has law preventing passage or enforcement of local nondiscrimination laws

NOTE: Various rulings by the federal Equal Employment Opportunity Commission extend Title VII's prohibition on sex discrimination to prohibit discrimination on the bases of sexual orientation and gender identity. However, EEOC rulings are not binding on private employers and federal courts may rule differently. This map also only reflects states that have statewide statutes banning discrimination in private employment. Many states have executive orders or laws that protect all public employees, and many large cities and other localities have ordinances, executive orders, or personnel policies that protect local employees and some employees of local businesses. These laws, regulations and executive orders are not reflected on this map.

The Voice

For a Look or a Touch

Music: Jake Heggie (b. 1961)

A void consumes me.

My spirit and body are suddenly lame.

Terror fills the time that follows.

Will each new day be the same?

Often I feel utterly abandoned

See myself on the edge of an abyss,

And I become dizzy as I look down,

With blood-drained cheeks that you would kiss.

Suddenly from the darkest depths,

A loving voice echoes and seeks me out.

I look down and ask: "Who is calling?"

And I hear a voice that ends all doubt.

It is the voice of a sanctified power,

The sacred place where fears dissolve.

The unyielding blessing, the generous heart

The voice of souls in perfect resolve.



For a Look or a Touch is the story of Gad Beck's relationship with Manfred Lewin who was murdered with his family at Auschwitz. The full opera chronicles life before the Third Reich took power, how Gad and Manfred met and travels forward to chronicle the atrocities inflicted on Gay and Lesbian people at the hands of the Nazis.

Gad, a gay man of partial Jewish ancestry, attempted to save his lover, Manfred, from deportation by dressing as a Hitler Youth and asked for Manfred's release at a pre-deportation camp. Manfred refused to flee with him, saying, "Gad, I can't go with you. My family needs me. If I abandon them now, I could never be free." Gad was one of the last gay survivors of the Holocaust and passed away June 24, 2012.

The Voice is a musical setting of a poem written by Manfred in a handmade journal before he was deported, titled "Do you remember, when." Gad held onto the journal as a lasting memory of his young love.

Discussion Questions:

*Why do you think the Nazis felt the need to persecute homosexuals, regardless of whether or not they were Jewish?

*Do you think that their shared persecution by the Nazis has anything to do with US Jews supporting same-sex marriage at a higher rate (76% according to a 2013 Pew study) than self-identifying Democrats, liberals and people without religious affiliation?

Contrary to what you may have learned in Hebrew School, it's not entirely clear that the first human being was male...

Genesis 1:26-28

כו וַיֹּאמֶר אֱלֹהִים, נַעֲשֶׂה אָדָם בְּצַלְמֵנוּ כְּדִמוֹתֵינוּ; וַיְרִדּוּ בְּדִגְתַּי הַיָּם וּבְעוֹף הַשָּׁמַיִם, וּבַבְּהֵמָה וּבְכָל-הָאָרֶץ, וּבְכָל-הָרֶמֶשׂ עַל-הָאָרֶץ.

26 And God said: 'Let us make human in our image, after our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps on the earth.'

כז וַיִּבְרָא אֱלֹהִים אֶת-הָאָדָם בְּצַלְמוֹ, בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ: זָכָר וּנְקֵבָה, בָּרָא אֹתָם.

27 And God created the human being in God's own image, in the image of God God created him; male and female God created them.

כח וַיְבָרֶךְ אֹתָם, אֱלֹהִים, וַיֹּאמֶר לָהֶם אֱלֹהִים פְּרוּ וּרְבוּ וּמְלֵאוּ אֶת-הָאָרֶץ, וּכְבֹּשֶׁהָ; וַיְרִדּוּ בְּדִגְתַּי הַיָּם, וּבְעוֹף הַשָּׁמַיִם, וּבְכָל-חַיָּה, הָרֶמֶשֶׂת עַל-הָאָרֶץ.

28 And God blessed them; and God said to them: 'Be fruitful, and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creeps on the earth.'

Discussion Questions:

*According to our creation narrative, in whose image was humankind created?

*Who was created first – man or woman? Does it matter? Why or why not?

The following selection is from the **Midrash**, which is commonly defined as the process of interpretation by which the ancient rabbis filled in "gaps" found in the Torah. It is designed to help ask (and answer) the questions that inevitably arise from reading our skeletal Torah text.

Bereshit Rabbah 8

R' Yirmiyah ben Elazar said: When God created Adam, he was created as both genders. That's why it says: "male and female God created them."

R' Shmuel bar Nachman said: When God created Adam, God created him with two faces, one on each side, and [when God made Eve,] God split Adam along the middle, forming two backs.

They challenged him: But it is written, "And God took one of his ribs!" (referencing the story in Genesis Chapter 2)

R' Shmuel replied: [the word "*Mitzalotav*" doesn't mean rib, it means] one of his sides [similar to another instance in our Tradition where the word *tzela* (which is the root of *mitzalotav*) means "side"].

Discussion Questions:

- *What question / gap are the ancient rabbis trying to answer / fill with this exchange?
- *Two different ancient rabbis argue that the original human being was in fact neither exclusively male nor female. Does this surprise you?
- *Jewish liturgy often refers to God as a King. Does the Jewish tradition seem to think that God is inherently and exclusively a man? Why or why not?



The ancient rabbis engaged in elaborate interpretation of the Torah's text, often striving to read between the lines. Yet in the case of this particular verse, seem to have been willing to simply accept it at face value and not dig deeper...

Leviticus 18:22

כב וְאֶת-זָכָר--לֹא תִשְׁכַּב, מִשְׁכְּבֵי אִשָּׁה:
תוֹעֵבָה, הוּא.

22 Thou shalt not lie with mankind, as with womankind; it is an abomination.

Discussion Questions:

- *Is the Torah's language clear? Why or why not?
- *How does one lay with mankind as with womankind?
- *The Hebrew word *to'evah* – here translated as abomination (which itself is questionable – some scholars suggest “taboo” or “abhorrent” is more appropriate) – also is used Biblically in the context of eating non-kosher animals, fortune telling, idolatry, adultery, and more. Why do you think that homosexuality has been perceived as taboo long after kosher laws were discarded by those who say they believe in the Divinity of the Bible?

There are some who point to the relationship between David (later King David) and his friend/soulmate/(lover?) Jonathan as evidencing a Biblical love beyond friendship between men.

I Samuel 18:1

א וַיְהִי, כְּכַלְתּוֹ לְדַבֵּר אֶל-שָׁאוּל, וַנִּפֹּשׂ יְהוֹנָתָן, נִקְשְׁרָה בְּנִפְשׁ דָּוִד; וַיֶּאֱהָבֵהוּ יְהוֹנָתָן, כְּנִפְשׁוֹ.

1 And it came to pass, when he had made an end of speaking unto Saul, that the soul of Jonathan was knit with the soul of David, and Jonathan loved him as his own soul.

I Samuel 20:41

מֵא הַנֶּעֱר, בָּא, וְדָוִד קָם מֵאֵצֶל הַנָּגֶב, וַיִּפֹּל לְאַפָּיו אַרְצָה וַיִּשְׁתַּחוּ שְׁלֹשׁ פְּעָמִים; וַיִּשְׁקּוּ אִישׁ אֶת-רֵעֵהוּ, וַיִּבְכּוּ אִישׁ אֶת-רֵעֵהוּ, עַד-דָּוִד, הַגָּדִיל.

41 And as soon as the lad was gone, David arose out of a place toward the South, and fell on his face to the ground, and bowed down three times [to Jonathan]; and they kissed one another, and wept one with another, until David exceeded [alt. translation: became engorged].

II Samuel 1:26

כו צָר-לִי עֲלֶיךָ, אָחִי יְהוֹנָתָן--נָעַמְתָּ לִּי, מְאֹד; נִפְלְאָתָה אֲהַבָתְךָ לִּי, מֵאֲהַבַת נָשִׁים.

26 I am distressed for thee, my brother Jonathan; very pleasant you have been to me; wonderful was your love to me, passing the love of women.

Discussion Questions:

*Does it matter to you whether or not Judaism's sacred texts somehow acknowledge homosexual relationships? Why or why not?

*If you do not identify as LGBTQ personally, would your answer change if you did identify as such?

More Than a Binary?

“The rabbis . . . who lived in the first two centuries of the Common Era, identify at least four possible genders/sexes: the “*zakhar*” (male) and the “*nekevah*” (female), as well as two sexes that are neither male nor female, called the “*tumtum*” and the “*androgynos*.” They also had two other categories for gender identity that don’t appear at birth, but develop later in life. The “*saris*” is born male but later develops female traits; the “*aylonit*” is born female, but later develops male traits. All these genders appear frequently in classical Jewish texts – the *tumtum* appears 119 times in the Babylonian Talmud alone! And yet gender diversity is seldom discussed as an integral part of Jewish sacred texts or as a spiritual resource of our tradition.”

- Rabbi Elliot Kukla (the first openly transgender person to be ordained by the Reform Jewish seminary HUC-JIR, and a rabbi at the Bay Area Jewish Healing Center)

Examples:

Rabbi Yose says: ‘An *androgynos* is a created being of its own.’ The Sages could not decide if the *androgynos* is a man or a woman. But this is not true of a *tumtum*, who is sometimes a man and sometimes a woman.

- Mishna Bikkurim 4:5 (written 3rd Century CE)

R. Ammi stated: Abraham and Sarah were originally of doubtful sex (and thus barren)....

- Bab. Talmud, Yevamot 64a-b (written 6th Century CE)

Discussion Questions:

*What is your reaction to this information? Surprised? Not surprised?

*Some think the ancient rabbis were struggling to fit everyone into their binary while others think they were ahead of their time. What do you think?

*Is your default to think about gender in binary terms? Should it be? Why or why not?

DeBoer v. Snyder
973 F. Supp. 2d 757 (E.D. Mich. 2014)
Opinion by Judge Bernard A. Friedman

“Many Michigan residents have religious convictions whose principles govern the conduct of their daily lives and inform their own viewpoints about marriage. Nonetheless, these views cannot strip other citizens of the guarantees of equal protection under the law. The same Constitution that protects the free exercise of one’s faith in deciding whether to solemnize certain marriages rather than others, is the same Constitution that prevents the state from either mandating adherence to an established religion, U.S. Const. amend I, or “enforcing private moral or religious beliefs without an accompanying secular purpose.” Perry, 704 F. Supp. 2d at 930-931 (citing *Lawrence v. Texas*, 539 U.S. 558, 571 (2003)). As a result, tradition and morality are not rational bases for the Michigan Marriage Amendment.”

“In attempting to define this case as a challenge to “the will of the people,” Tr. 2/25/14 p.40, state defendants lost sight of what this case is truly about: people. No court record of this proceeding could ever fully convey the personal sacrifice of these two plaintiffs who seek to ensure that the state may no longer impair the rights of their children and the thousands of others now being raised by same-sex couples. It is the Court’s fervent hope that these children will grow up “to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.” Windsor, 133 S. Ct. at 2694. Today’s decision is a step in that direction, and affirms the enduring principle that regardless of whoever finds favor in the eyes of the most recent majority, the guarantee of equal protection must prevail.”

Discussion Questions:

*One of the key issues addressed in this opinion is the intersection of faith and the law. It is the State that grants marriage licenses, while for many, marriage is a sacrament / beyond this world and its laws. Are there other examples you can think of where the government exercises control over something others deem inherently religious? Should government be in the business of granting/solemnizing marriages at all? Why or why not?

*The language of the “most recent majority” is powerful, as it implies the inevitability of said majority to shift and change with the times. Even the Jewish tradition historically advocates for following the wishes of the majority. When is it appropriate for the majority to rule in our society, and when is it inappropriate?

Supreme Court's Opinion

“The nature of injustice is that we may not always see it in our own times. The generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning. When new insight reveals discord between the Constitution’s central protections and a received legal stricture, a claim to liberty must be addressed.”

Obergefell v. Hodges, 135 S. Ct. 2584, 2588 (U.S. 2015)

Discussion Questions:

*Does the Court’s statement about not always recognizing injustice in its own time speak to you? Why or why not? Can you think of other examples where this might be / have been the case?

*There is much debate over the acceptability of words in a legal context having a “continuously unfolding meaning.” While some view this as an appropriate approach, others believe the meaning of words should be limited to their meaning when originally drafted. We find this disagreement in interpretations of Jewish law as well. Where do you come down on this and why?



A Little Revenge Politics at the State House

by Zoe Clark and Rick Pluta

Michigan Radio 12/5/14

The state House passed the Michigan Religious Freedom Restoration Act (RFRA) yesterday and it's fair to say it was a little dose of Republican Speaker Jase Bolger's "here's-how-bad-it-can-get-if-you-don't-play-along." The RFRA was supposed to move in tandem with a measure that would add protections based on sexual orientation to the state's civil rights law. That was a version that Bolger said he would accept, as long as there was a separate bill that would provide some cover for people who have religious objections to gay rights. But LGBT advocates said there also should be explicit protections for transgender people. Bolger said he wouldn't support that.

Bathroom Fears Flush Houston Discrimination Ordinance

by Alexa Ura

Texas Tribune 11/3/15

Delivering a hit to the Texas gay rights movement, Houston voters on Tuesday resoundingly rejected an ordinance that would have established protections from discrimination for gay and transgender residents and several other classes. With 95 percent of votes counted, 61 percent of voters opposed the measure....

Dubbing it "the bathroom ordinance," they [opponents] argued the ordinance's gender identity protection would allow sexual predators to enter women's bathrooms. Outside of polling places, signs read "NO Men in Women's Bathrooms." And television ads bankrolled by opponents depicted a young girl being followed into a bathroom stall by a mysterious older man.

Discussion Questions:

While many across the country have come to accept LG&B, it seems clear that there are still those who have fears / reservations about Transgender individuals.

- *What are your own feelings about Transgender as a concept?
- *Do you know / have relationships with anyone who identifies as Transgender?
- *Does linking the Transgender cause to the LGB cause make sense? Why or why not?
- *Have your own views changed at all with exposure to celebrities such as Laverne Cox and Caitlyn Jenner?