

Academic Freedom and the Catholic University: Reflections of a Reform Jewish Faculty Member (Or, What's a Nice Jewish Boy Doing in a Place Like This)

by Jay Erstling
Entrepreneurship and Business Law

The classroom is peculiarly the marketplace of ideas. The nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, [rather] than through any kind of authoritative selection."

Justice William J. Brennan, Jr., in *Keyishian v. Board of Regents*, 385 U.S. 589, 603
(1967)

Among Jews there is an old saying that goes, "Two Jews, three opinions." While non-Jews might view the saying in a negative sense, to Jews it is a source of pride.¹ We view it as our right, indeed our obligation, to question, doubt, argue, differ, and debate. Contentiousness is a part of our tradition that dates back to the biblical days of Abraham and Sarah, yet persists in the writings of the modern great Jewish thinkers, such as Elie Wiesel. Our debates have not only been with each other, but even with God, who has not been viewed as immune from criticism or scrutiny.

Although our ongoing quest for answers may have led us to choose different Jewish paths, it has not led to disunity within the Jewish population. We are inexorably bound together by our Jewish identity, our common heritage, and our shared commitment to "*Tikkun Olam*" ("repairing the world").² When the eminent *Orthodox* rabbi, Emanuel Feldman, was asked how he could maintain a close friendship with the noted *Reform* rabbi and civil rights leader, Jacob Rothschild, his response typified the way in which Jews tend to relate to each other, despite our internal squabbles and the different ways in which we choose to express our religious beliefs. He stated simply, "Listen, we're all Jews. I'm no more; others are no less."³

So what has this got to do with academic freedom? Everything, in my opinion. Inherent in academic freedom is the notion of intellectual dissent. In the absence of dissent, the question of academic freedom becomes moot. Academic freedom is put to the test only when rules, ideas, and principles are questioned and challenged. If the Jewish experience can serve as a model, it demonstrates that embracing intellectual dissent may lead to a diversity of accepted viewpoints, but it does not (at least in my opinion) weaken the whole. In fact, I believe the Jewish experience proves the opposite to be true. Judaism's history of questioning and arguing has produced a robust intellectual atmosphere in which we forever challenge each other, as well as God, to do what is just and right.

In this paper, I will try to provide an informal glimpse of the Jewish tradition of intellectual dissent as well as to point out the way in which that tradition has shaped a few elements of contemporary Reform Jewish thinking. This is an intensely personal paper. I have no pretensions of being a Jewish scholar, and would not be surprised if individuals far more knowledgeable than I am would take issue with some of the statements I make. I acknowledge that I am embarking on risky ground, but I nevertheless feel it is important to grapple with the topic of intellectual dissent from a Jewish perspective, and this for at least two reasons.

I am both a committed Reform Jew and a committed member of the St. Thomas community. While I usually find those two parts of my life to be in harmony, I must admit there are moments of incompatibility, times when I struggle—not always successfully—to come to grips with issues from an appropriate Catholic perspective.⁴ The question of academic freedom is one of those issues. Perhaps because the notion of academic freedom is so inherent in Jewish tradition, Reform Jews tend simply to take it as a given. Encountering contemporary Catholic perspectives on academic freedom was accordingly a difficult experience for me. I was frequently baffled and felt that the moral universe I was trying to understand was alien and impenetrable.⁵ By focusing on my Jewish traditions and moral universe in this paper, I hope I will gain the vision to see outside my own world. At the same time, I hope the comparative context I offer will make a meaningful contribution to the ongoing dialog about academic freedom at St. Thomas.

The Covenant

Among the relationships Jews share with God is one based on contract, or a Covenant (*Brit* in Hebrew). While we most frequently have related to God as our parent or our sovereign, in keeping with the Covenant we have also thought of God as our partner. In his book *Arguing with God: A Jewish Tradition*, Rabbi Anson Laytner stated:

"According to this view, the relationship with God is more one of contractual equals, of partnership. According to this view of the Covenant, it is as though God and the Jewish people grew up together and so treat each other with the familiarity common to old friends and lovers."⁷

There is mutuality in the relationship between God and the Jewish people. Just as Jews of every generation are required to renew the Covenant with God and obey God's commandments, so are Jews free to challenge God and call God to task "for lapses of duty which result in suffering and injustice."⁸ The Jewish conventional relationship with God is at the heart of the notion of intellectual dissent. If Jews are entitled to question God, how can anyone tell us that we are not free to question Jewish teachings or their historical interpretations? The Covenant, it may be argued, gives us the right to continue our historical dialog with God as well as with each other.⁹

According to Rabbi Laytner, Abraham's argument with God over the fate of Sodom and Gomorrah¹⁰ is the first major example of a "Jewish" confrontation with God. Abraham

appeals to God's moral nature to spare the people of Sodom and Gomorrah so as not "to bring death upon the innocent as well as the guilty."¹¹ He bargains with God over the number of innocent people needed to save the cities ("What if there should be fifty?... What if the fifty should lack five?... What if forty should be found?..."), and ultimately has God agree to withhold punishment if ten innocent people can be found. It is the Covenant that Abraham and Sarah first entered into with God that gives Abraham the right to question God's judgment.¹² Since the essence of the Covenant is "to keep the way of the Eternal God, to do righteousness and justice,"¹³ it is clear that God has obligations to uphold, just as do Abraham, Sarah, and their future generations. In appearing to stray, God virtually compels Abraham to intercede.

Another biblical argument with God examined by Rabbi Laytner concerns the account of God's vision and promise to Jacob.¹⁴ Jacob, who was also called "Israel"—"one who struggled with God"—had a dream in which he saw a ladder stretching to the heavens, at the top of which stood God. In his dream, God said to Jacob, "Behold I am with you. I will protect you wherever you go and I will bring you back to this land."¹⁵ When he awoke, Jacob responded to God's promise with a highly conditional vow: "If God will be with me, and will protect me on this journey that I am making, and *if* I return safely to my father's house, *then* the Eternal shall be my God and I will serve the Eternal."¹⁶ (emphasis added) Jacob thus challenged God to demonstrate worthiness as a condition of earning Jacob's respect. As Rabbi Laytner states:

"Before Jacob would enter into a Covenant with God, he had to be shown that God would indeed *act* as his God. Only after God had demonstrated His reliability was Jacob willing to give the Lord a shot at a steady job as the God of Israel. Jacob may have been young, but he was wily. He knew how to get what he wanted—even from God. By binding God to a clear-cut contract, Jacob provided an excellent model on which to build."¹⁷

In not entrusting his "future well-being to words spoken in some dark dream,"¹⁸ Jacob shows us once again that we are free to "take on" God. But the story also reveals another aspect of the Jewish tradition of dissent. When Jews study the biblical account of Jacob, we also typically examine the debate between two rabbinical scholars, Rabbi Abahu and Rabbi Yohanan, about the proper interpretation of the text. Rabbi Abahu argued that the order of the statements in the Bible could not be correct, since Jacob would not have dared to utter his vow after God had already promised to protect him. Rabbi Yohanan, however, maintained that the order of events was correct, that Jacob did indeed pledge to keep his vow only if all the conditions that God promised were fulfilled.¹⁹

What is important about this debate is not so much that it happened, but rather that it has been an integral part of the teaching of Jacob generation after generation. The tradition of Jewish study has consisted in large part of the examination of rabbinical disagreement. By scrutinizing differing points of view and perspectives, Jews are supposed to acquire the skills to analyze, interpret, and discern, and thus attain knowledge. The obligation to consider and weigh diverse views never ceases. For example, during the service for Yom Kippur (the Day of Atonement), a day spent in prayer, Reform Jews read and reflect on the following Meditation:

"Rabbi Samuel ben Nachmani said: At times the gates of prayer are open, at times the gates of prayer are barred. But the gates of repentance are never barred.

"But it is reported that Rabbi Judah the Prince taught: In truth, the gates of prayer are never barred.

"Rabbi Akiba taught: The gates of prayer are open, and the prayer of those who practice steadfast love is heard.

"Rav Chisda taught: Though sometimes the gates of heaven seem shut to prayers, they are open to the prayers of the wounded and the hurt."²⁰

No doubt because we are proud of our tradition of intellectual dissent, Jewish study generally does not discard even abandoned viewpoints, but rather continues to subject them to the same respectful examination as their prevailing counterparts. The study of *Hanukkah* (the festival commemorating the rededication of the Second Temple), for example, usually includes an exploration of the practice of kindling the menorah (the eight-branched candelabrum) each night during the eight-day celebration. The tradition stems from the legend that although only one day's worth of pure oil needed to rededicate the Temple could be found, the oil miraculously burnt for eight days until new supplies could be provided.

During the early stages of the development of the practice, a debate raged between two groups of rabbinical sages over the manner in which the menorah should be lit. According to the School of Rabbi Hillel, one light was to be kindled the first night, and one successively added every following night. The School of Rabbi Shammai, however, was of the opinion that eight candles should be lit on the first night, and then decreased by one each night.²¹ Although the view of Rabbi Hillel prevailed long ago and is universally accepted, Jews still routinely study the debate and question the wisdom of Rabbi Hillel's position. Undertaking such an exercise, which may seem almost silly at first glance, in fact serves a most important purpose, for it makes us realize that we need to challenge and question even the most mundane and well-accepted practices, customs, and beliefs. It also reinforces the notion that our spiritual choices are best made on the basis of knowledge.

The Holocaust

The experience of the Holocaust is central to the being of all contemporary Jews. It has marked us forever and has caused many to question God's justice, absence, and indifference. Of all the great modern Jewish thinkers, none represents the voice of the Holocaust more eloquently than the Nobel laureate, Elie Wiesel. As a survivor of the concentration camps, Wiesel experienced overwhelming suffering. In his essays, novels, and plays reflecting on his experiences, Wiesel continually confronts and argues with God, all the while searching for a "meaningful and functional post-Holocaust interpretation of Judaism."²²

Most recently Wiesel repeated his challenge to God when he stated:

"Where were you, God of kindness, in Auschwitz? What was going on in heaven, at the celestial tribunal, while your children were marked for humiliation, isolation and death only because they were Jewish?"

"These questions have been haunting me for more than five decades."²³

The answer Wiesel himself provides is one of paradox, a paradox that Wiesel argues we must all learn to accept:

"Auschwitz must and will forever remain a question mark only: It can be conceived neither with God nor without God."²⁴

Wiesel's paradox is most clearly present in what may be his best known work, *Night*, an autobiographical text describing the indelible impact of the concentration camp and Wiesel's own loss of faith. In *Night*, Wiesel portrays God as being both alive and dead.²⁵ Promising never to forget "the little faces of the children, whose bodies I saw turned into wreaths of smoke beneath a silent blue sky," Wiesel goes on to vow: "Never shall I forget those flames which consumed my faith forever... Never shall I forget those moments which murdered my God and my soul and turned my dreams to dust... Never."²⁶ Just a few pages later, however, he laments, "How I sympathized with Job! I did not deny God's existence, but I doubted His absolute justice."²⁷

Rabbi Laytner, in *Arguing with God*, examines this apparent contradiction and concludes that for Wiesel, as well as for all post-Holocaust Jews, "[t]he contradiction is itself the answer."²⁸ Our relationship with God requires both defiance of God and faith in God. We must argue with and question God, but we must also adhere to the Covenant, even in spite of God. Above all, in order to be true to the Covenant, we must live our lives in the pursuit of justice and righteousness. Quoting Wiesel, Laytner states:

"A Jew today must argue with God, but that argument is, and must be, a two-way interrogation in which the questions put to God rebound to the asker. 'To be a Jew therefore is to ask a question—a thousand questions, yet always the same—of society, of others, of oneself, of death and of God.' As a result of this 'endless engagement with God, we proved to Him that we are more patient than He, more compassionate too. In other words, we did not give up on Him either. For this is the essence of being Jewish: never to give up—never to yield to despair."²⁹ (footnotes omitted)

Wiesel's vision and the vision of other Holocaust writers have been incorporated into the prayers Reform Jews recite, particularly on Yom Kippur. We pray for redemption and ask God to forgive our sins,³⁰ but we also protest the suffering of innocent people and go so far as to ask God, "Is not Your fate bound up with ours? How can Your presence abide in a world where murder rules?"³¹ Just as Wiesel recognized that the Holocaust "must and will forever remain a question mark only," so too are we called upon to recognize that ambiguity, uncertainty, and unanswered questions permeate the universe. However, as

Jews it is our duty not only to accept ambiguity, but to make the world flourish despite it. We thus proclaim:

"This is the vision of a great and noble life:

to endure ambiguity and to make light shine through it;

to stand fast in uncertainty;

to prove capable of unlimited love and hope."³²

The Reform Jewish Vision of Justice

In attempting to fulfill our Covenant with God, Reform Jews have pursued a vision of justice that both embraces the obligation to love our neighbors as ourselves and recognizes that every individual is created in God's image. In 1937, the Central Conference of American Rabbis (CCAR), the American Reform rabbinical association, adopted a new platform called "Guiding Principles of Reform Judaism," which was intended "not as a fixed creed but as a guide for the progressive elements of Jewry."³³ A commitment to social justice figures heavily in the platform, which provides as follows:

"Judaism seeks the attainment of a just society by the application of its teachings to the economic order, to industry and commerce, and to national and international affairs. It aims at the elimination of [human]-made misery and suffering, of poverty and degradation, of tyranny and slavery, of social inequality and prejudice, of ill-will and strife. It advocates the promotion of harmonious relations between warring classes on the basis of equity and justice, and the creation of conditions under which human personality may flourish. It pleads for the safeguarding of childhood against exploitation. It champions the cause of all who work and of their right to an adequate standard of living, as prior to the rights of property. Judaism emphasizes the duty of charity, and strives for a social order which will protect [people] against the material disabilities of old age, sickness and unemployment."³⁴

Over the past decades, the CCAR and the Union of American Hebrew Congregations (UAHC), the association of Reform Jewish congregations and their members, have sought to give life and meaning to the platform's commitment to social justice. Reform Jews assumed a prominent place, for example, in confronting McCarthyism and defending free speech, battling for civil rights, opposing U.S. military involvement in Southeast Asia, and combating religious and social intolerance.³⁵ To the CCAR and UAHC, the pursuit of justice³⁶ has also encompassed the fight for gender equity and gay and lesbian rights. As Reform Jews, we have not only demanded that principles of human dignity be adopted as a matter of public policy, but we have also struggled to embrace those principles within our own congregations.

According to a Reform rabbinical statement, "Since our relationship with God lies at the heart of prayer, the nature of our personal call to God, and our conceptions of God, color

the meaning of our prayer."³⁷ In Jewish tradition, God is formless and imageless, but God is also described in numerous human ways and is accorded a host of human attributes and characteristics, both feminine and masculine in nature. For example, God is called "Mother of the universe" and "lover of the people Israel" as well as "Lord" and "King."³⁸ Because God is portrayed in both masculine and feminine terms, yet is neither one nor the other, Reform Jewish prayer ascribes no gender to God. Rather, it employs gender neutral or egalitarian terminology and avoids all mention of God as either He or She.³⁹ So, for example, God is our Sovereign, but not our King; our Master, not our Lord; our Parent, not our Father or our Mother. Moreover, since God is the God of our matriarchs as well as our patriarchs, we have broadened one of the important ways in which we refer to God. To Reform Jews, God is not merely the God of our fathers, as was historically the case, but the God of our fathers *and* our mothers. God is not only the God of Abraham, Isaac, and Jacob, but equally the God of Sarah, Rebekah, Leah, and Rachel.⁴⁰ In this way, we are challenged to expand our conceptions of God, and to reject images that might narrow our focus.

In 1972, Reform Judaism paved the way in ordaining the first woman as rabbi.⁴¹ Today, roughly half of all Reform rabbinical seminary students are women, and it is not uncommon, particularly at my synagogue, to have an entire Sabbath or other religious service conducted by women. In 1977, the UAHC took the first step in extending to gay and lesbian Jews the same rights of inclusivity, participation, and equal dignity that it had accorded to women. At its 1977 conference, the UAHC resolved to support and defend the civil and human rights of gays and lesbians, and affirmed its belief that "private sexual acts between consenting adults are not the proper province of government."⁴² It therefore declared its welcome to congregations with special outreach to gay and lesbian Jews, and "urged congregations to conduct appropriate educational programming for youth and adults so as to provide greater understanding of the relation of Jewish values to the range of human sexuality."⁴³

In 1987, the UAHC concluded that it needed to do more. In a strongly worded resolution, the UAHC declared as follows:

"[A]rmed with the teachings of our faith, we Jews are asked to create a society based on righteousness, the goal being tikkum olam, the perfection of our world. Each of us, created in God's image, has a unique talent which can contribute to that high moral purpose; and to exclude any Jew from the community of Israel lessens our chances of achieving that goal...

"While strongly affirming Judaism's historic commitment to the Jewish family, we recognize the reality of non-traditional familial relationships. The word 'family', today, defies simple definition. Sexual orientation should not be a criterion for membership or participation in an activity of any synagogue. Thus, single Jews and members of Jewish families should be welcome, however they may define themselves."⁴⁴

The UAHC then resolved to urge its congregations and affiliates to:

"Encourage lesbian and gay Jews to share and participate in the worship, general congregational life, employment, and leadership of all synagogues.

"Implement programs supportive of Jewish lesbians and gays.

"Continue to develop educational programs in the synagogue and the community which promote understanding and respect for lesbians and gays."⁴⁵

The 1977 and 1987 resolutions were not without controversy and vigorous debate. That the principles embodied in the resolutions gave rise to a diversity of viewpoints was acknowledged in a "Report of the Ad Hoc Committee on Homosexuality and the Rabbinate," adopted by the CCAR in 1990. The purpose of the CCAR report was to review the admissions and placement policies of Hebrew Union College-Jewish Institute of Religion, the Reform rabbinical seminary, and of the Rabbinical Placement Commission.

The CCAR report recognized that "the unique position of the rabbi as spiritual leader and Judaic role model make the acceptance of gay or lesbian rabbis an intensely emotional and potentially divisive issue,"⁴⁶ and lamented that many gay and lesbian rabbis were unable "to live openly as homosexuals."⁴⁷ Nevertheless, the report urged "that all rabbis, regardless of sexual orientation, be accorded the opportunity to fulfill the sacred vocation which they have chosen,"⁴⁸ and emphasized that lesbian and gay rabbis, including those in loving and committed same-sex relationships, can serve their communities "effectively, with dignity, compassion, and integrity."⁴⁹ The report accordingly affirmed the right of lesbian and gay Jews to be admitted to the seminary, to be ordained as rabbi, to be members of the CCAR, and to be provided with rabbinical placement services.⁵⁰

The synagogue to which I belong, Congregation Shir Tikvah,⁵¹ places the principle of inclusivity at the core of its mission "as a community to provide a place of Jewish worship, learning, and assembly."⁵² Central to the congregation's mission statement is the following:

"We welcome individuals and families of varying Jewish lifestyles. We are particularly sensitive to the need for inclusion of both traditional and nontraditional family structures, and for the development of an appropriately inclusive ritual life that enriches our Jewish experience.

"We are fully committed to a policy of non-discrimination on the basis of gender, marital status, race, age, and sexual orientation, in all aspects of congregational life. This will include, but not be limited to, membership, Rabbinic and lay leadership, employment, and ritual involvement."⁵³

Among the ways in which it puts its mission into action, Shir Tikvah celebrates same-sex commitment ceremonies, honors the anniversaries and other life events of congregants in same-sex relationships, and welcomes as full members of the community the children of

same-sex couples. While the lifestyles of our congregation membership may vary, we are all united in our common commitment to Judaism and its pursuit of justice.

Would all Jews espouse the mission that members of Shir Tikvah have chosen to pursue? Certainly not. It is likely that Orthodox Jews would reject many of the tenets that Shir Tikvah congregants hold dear, and many Conservative and even some Reform Jews might feel uncomfortable in the sacred space that Shir Tikvah has created. But to most contemporary Jews, those differences do not matter. What is important is that the unity of the Jewish people (in Hebrew, "*Kelal Yisrael*")⁵⁴ has proven strong enough to permit diversity in the way we conceive of and act on our relationship with the one, same God. In turn, it is that diversity which gives the greatest strength and vigor to Judaism and "*Kelal Yisrael*."

Conclusion

One of the greatest joys of teaching at St. Thomas is that learning takes place in a values-based context. A value sometimes overlooked, however, is an appreciation of the importance of multiple voices. Judaism's example, in my opinion, demonstrates the power that multiple voices can generate. Our heritage of dissenting, arguing, questioning, doubting, and challenging has not led to our loss of faith; instead, it has prompted us to focus our attention on critical analysis and forced us to accept and deal productively with ambiguity and uncertainty. It has also demonstrated, in my view, that contention can be invigorating, enlightening, and fortifying. As a Reform Jew, I am convinced that multiple voices, even if they are sometimes abrasive and annoying, are an essential element in the task of education. As a member of the St. Thomas community, I hope we never lose sight of the value of multiple voices. Our failure to recognize their worth might force people like me seriously to ask, "What are we doing in a place like this?"

Footnotes

* -I wish to thank Rabbi Barry Cytron, Director of the Center for Jewish Christian Learning, and my own wonderful rabbi, Rabbi Stacy Offner of Congregation Shir Tikvah, for helping me identify sources for this paper. Responsibility for inaccuracies and errors, however, is entirely mine.

1. -As in the case of many expressions peculiar to a particular community, Jews would usually feel comfortable using the saying with each other, but might feel less comfortable if it were employed by a non-Jew.

2. -*Tikkun Olam*, or healing, repairing, and transforming the world, is an expression of the collective Jewish obligation to perform acts of loving kindness and social responsibility. We are commanded, for example, "to speed the day of reconciliation when poverty, racial prejudice, and religious hatred no longer threaten to destroy us; when violence, angry conflict, and mistrust are forgotten evils; when our wealth is used to feed the hungry and heal the sick; when we cherish the world and hold it in trust for our

children's children; [and] when the weak become strong and the strong compassionate." *Gates of Repentance* 446-447 (revised 1996).

3. -Melissa Fay Greene, *The Temple Bombing* 17 (1996).

4. -I fully realize that, among Catholics, the range of Catholic perspectives is as broad as the range of Jewish perspectives is among Jews. What distinguishes the two, I believe, is that there is one Magisterium in the Catholic Church, whereas there is a diversity of "official" Jewish voices (for example, the Central Conference of American Rabbis, speaking generally for Reform Jews, and the Union of Orthodox Rabbis, speaking generally for Orthodox Jews), with no one voice having more authority than any other.

5. -I hope the reader will forgive me if I have given the impression that academic freedom is not generally respected at the University of St. Thomas or that I do not feel I am a welcome member of the St. Thomas community. That was not my intention, nor is it the case.

6. -"You stand this day, all of you, before your Eternal God... to enter into the sworn covenant which your Eternal God makes with you this day, in order to establish you henceforth as the people whose only God is the Eternal, as you had been promised, and as God had sworn to your fathers, To Abraham, Isaac, and Jacob [and to your mothers, to Sarah, Rebecca, Rachel, and Leah]... For I command you this day to love the Eternal, to walk in the ways and to keep the commandments, laws, and teachings of your God, that you may live and increase, and that your God may bless you in the land that you are about to occupy... I call heaven and earth to witness against you this day that I have set before you life or death, blessing or curse; choose life, therefore, that you and your descendants may live—by loving your God, listening to God's voice, and holding fast to the One who is your life and the length of your days." Deuteronomy 29: 9-14, 30: 11-20.

7. -Anson Laytner, *Arguing with God: A Jewish Tradition* xvi (1990). As the footnotes below indicate, I have drawn heavily from Rabbi Laytner's work.

8. -*Id.* at xv.

9. -Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* 360-364 (1988).

10. -Genesis 18:23-32.

11. -*Id.* at 25.

12. -Sarah, Abraham's wife, also demonstrates irreverence towards God. When God announces that Sarah, in her very old age, will bear a child, Sarah laughs at God, forcing God to respond, "Is any thing too hard for your God?" Genesis 18:9-15.

13. -Genesis 18:19.

14. -Laytner, *supra* n. 7 a xiii-xiv.
15. -Genesis 28:15.
16. -*Id.* at 20-21.
17. -Laytner, *supra* n. 7 at xiv.
18. -*Id.*
19. -Genesis *Rabbah* 70:3, in Laytner, *id.*
20. -*Gates of Repentance*, 323 (revised 1996).
21. -*Encyclopedia of the Jewish Religion* 172 (Weblowsky and Wigoder, eds, 1965).
22. -Laytner, *supra* n. 7 at 214.
23. -Elie Wiesel, "Forgiving God's silence at Auschwitz," *Star Tribune*, Oct. 12, 1997, at A31.
24. -*Id.*
25. -See Laytner, *supra* n. 7 at 215.
26. -Elie Wiesel, *Night* 44 (1969).
27. -*Id.* at 55-56.
28. Laytner, *supra* n. 7 at 215.
29. -*Id.* at 226.
30. -While we pray to God for forgiveness, we also recognize that God is self-limiting when we say: "For transgressions against God, the Day of Atonement atones; but for transgressions of one human being against another, the Day of Atonement does not atone until they have made peace with one another." *Gates*, *supra* n. 20 at 324.
31. -*Gates*, *supra* n. 20 at 436.
32. -*Id.* at 446.
33. -In Meyer, *supra* n. 9 at 388.
34. -*Id.* at 390.

35. -*Id.* at 364-368. See also Green, *supra* n. 3.
36. -"Justice, justice shall thou pursue" (Deuteronomy 16:20) is the core of all Jewish teaching.
37. -Memorandum from the files of Rabbi Stacy Offner (no date).
38. -*Id.*
39. -I recognize that some of the sources quoted in this paper do not conform to the principle of gender neutrality.
40. -See, for example, Gates, *supra* n. 20 at 104-105.
41. -Meyer, *supra* n. 9 at 379.
42. -Human Rights of Homosexuals, resolution adopted by UAHC (1977).
43. -*Id.*
44. -Support for Inclusion of Lesbian and Gay Jews, resolution adopted by UAHC (1987).
45. -*Id.*
46. -CCAR, "Report of the Ad Hoc Committee on Homosexuality and The Rabbinate, Adopted by the Central Conference of American Rabbis, June 25, 1990," at 5.
47. -*Id.* at 2.
48. -*Id.* at 3.
49. -*Id.* at 5.
50. -*Id.* at 5-6. The report also concluded that there was "a great need for education and dialogue in our congregations," and acknowledged the ad hoc committee's concern about the reactions of the other Jewish movements (i.e., Orthodox and Conservative) and the non-Jewish community to its decisions. It concluded, however, that its decisions had to be made independent of those concerns. *Id.* at 5.
51. -Shir Tikvah is Hebrew for "Song of Hope."
52. -"Shir Tikvah Mission Statement."
53. -*Id.*

54. -"*Kelal Yisrael*" conveys the conception of the "totality of the Jewish people as one indivisible unit." The underlying idea is expressed in a teaching which speaks of "the four types of Jews who make up the community—those who have both Torah and good works, those who possess only one or the other of them, and those who are completely devoid of any virtue. 'Yet I cannot destroy them', the [teaching] has God say, 'let them all be bound together and they will complement and atone for one another'." *Encyclopedia, supra* n. 21 at 224-225.