

# Perhaps Beth Din needs to think again

## ON THE OTHER HAND

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WHEN a body as central to Jewish life as the Beth Din takes a stance on a matter of public importance, we must pay attention because its actions can affect many people.

Which is why the rabbis who sit on the Beth Din usually act with great deliberation. They decide on such matters as *kashrut*, divorces and conversions. They are charged with upholding the spirit, as well as the letter, of the law of the Bible. The members of the Beth Din are men of learning, dignity and goodwill. But because they make judgments which affect the body of Judaism, they are bound to reflect on the teachings of the Bible — teachings which are often in conflict with the way in which most people lead their lives.

It's not only the Beth Din which occasionally finds itself at variance with the sentiment of the public. Indeed, as life proceeds with breathtaking speed, it is natural that ancient bodies of authority which hold in trust the public good — such as the judiciary, monarchy, priesthood and government — at times find themselves outpaced.

Life is frantic and frenetic. Witness the way in which our lives have been changed by technology and you witness the ability to adapt to almost

any change. Witness the way in which in a couple of decades, the Mardi Gras has become transformed from a tiny demonstration of justification of an alternative lifestyle to a major televised national celebration of difference.

So it's not surprising that the Beth Din — a bulwark against the modernising seductions of the new — should find itself facing criticism from a wide range of the Jewish and wider communities for its decision to call before it the editor of this newspaper to explain its editorial coverage of homosexual matters.

The Bible condemns homosexuals. So does Fred Nile, Pat Buchanan and every other right-wing demagogue. Whether or not the Bible, Fred, Pat and the rest are right or wrong is not the issue. The fact is that a large minority of the population is homosexual. It's not a disease. It's not a crime. It's a fact.

For 2000 years, we've been denying the fact. The ancient Greeks were happy to accept homosexuality as a part of their community's assets. Yet since that time, we've burnt, flayed, executed, punished, banished and ostracised homosexuals because of their nature. Only recently has homosexuality been recognised by the wider public, the police and the judiciary as nothing more than a different sexual orientation, rather than a perversion. And only recently have we learned acceptance of homosexuals as members of society who are neither less, nor more, valuable than anybody else.

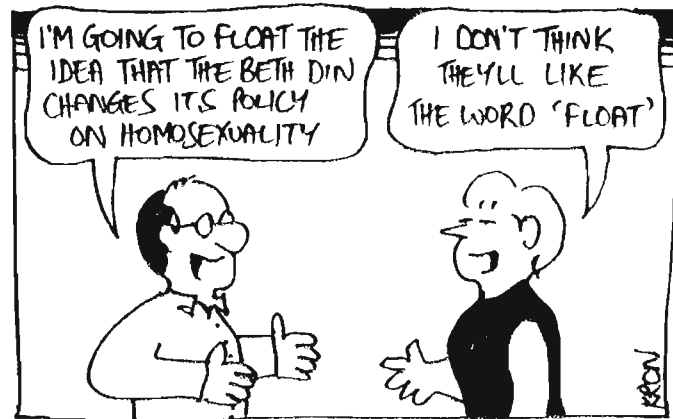
Society has taken thousands of years to change its attitude, but change it most certainly has. Which is the reason for the problem in

which the Beth Din currently finds itself. Having read the story in the *A/N* of the Stars of David float in the Mardi Gras, the Beth Din decided that the newspaper was promoting a sexual orientation which the Bible describes as an abomination. It decided to haul the editor before it for an explanation. But what the rabbinic court didn't expect was the massive outpouring of support for the editor's stance. Dozens and dozens of letters of congratulations and support have been received, with just a handful expressing outrage.

So the question has to be asked — should the Beth Din have accepted that society has changed dramatically since the time of the Bible, and perhaps it should act more in accordance with modern thinking? Or is it, as a rabbinic court, impelled to act when it perceives what is, in its eyes, a challenge to its standards?

Other religions are faced with this vexed question, not least the Catholic Church. The Catholic world begged the Pope to accept contraception, but he decided it was against God's law. So hundreds of millions of Catholic women live with daily sins on their conscience.

Can God's laws be varied with changed circumstance, or are they immutable? Perhaps no



people has been more flexible in adapting to modern times than we Jews. Since the Diaspora, we have been amending, adopting and changing. Our Talmudic institutions were models of explanation and adaptation.

It might not sit well with the rabbinate, but morality has considerable flexibility. It alters with time. What is acceptable today was unacceptable yesterday. Look at a 1960s American sitcom on television and compare it with televised sex and nudity in 2000. This may be unsatisfactory to some, but it is a fact of life, just as societal acceptance of gay lifestyles is now a fact of life. Most people in our society have come to terms with this. Perhaps it's time for the Beth Din to have another think.

■ Alan Gold is a Sydney writer and author.