

## *Nitzotzot Min HaNer*

# Homosexuality - Part 1

*Volume #14, September – October 2003*

*This edition of Nitzotzot Min HaNer presents Part One of a two part article on Homosexuality. Part Two consists of 'Attitudes and Responses to Homosexuality in the Broader Society' and will be sent out in the next few weeks.*

*In 1973 the American Psychiatric Association (APA) removed homosexuality from its list of mental disorders<sup>1</sup>. In June of this year, the Supreme Court struck down criminal sodomy laws, reversing its 1986 decision in Bowers v. Hardwick, which held that the Constitution didn't guarantee the right to engage in "homosexual sodomy." This was followed by a series of events in rapid succession which made headlines for months, and seems to have brought the issue of same-sex marriage in the USA much closer to happening.*

*First came the decision in Ontario, Canada, legalizing same sex marriage there. Then came two high profile cases of the appointment of a gay bishop in England and another in Boston. The Pope and President Bush weighed in against same sex marriage, while many others did just the opposite. Jewish Action magazine, amongst many others, came out with timely articles. A Nitzotzot overview was clearly called for.*

*Points we make in this edition:*

- 1. The Torah prohibited homosexuality despite its general acceptance in the broader society over most of history.*
- 2. Homosexuality was prohibited by the Torah for a variety of reasons. Some of these are:*
  - The sanctity of children – the mitzvah of Pru U'Revu;*
  - The sanctity of marriage and of marriage being the only viable vehicle for bringing up children;*

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<sup>1</sup> The Diagnostic and Statistical Manual (DSM)



- *The first Adam was divided into male and female. Therefore, only male and female can recreate that unity of Adam. Two same sexed people will always remain two people;*
  - *The mitzvos come to transform us;*
  - *The slippery slope: There are already pushes being made to legitimize all other sexual and relationship taboos.*
3. *Western society has come to increasingly legitimize homosexuality for a variety of reasons:*
- *The decline of marriage and the family;*
  - *The sexual liberation;*
  - *Consenting adults are entitled to do what they want;*
  - *People get to choose their private values;*
  - *Gay people are an oppressed group in need of liberation;*
  - *Gay people are born that way and therefore it must be natural.*
4. *The Torah position does not negate the possibility that people may be born homosexual. Judaism accepts that the feelings of the homosexual are real for him.*
5. *Orthodox and other homosexuals are often in great pain. Homosexuality must be faced as a challenge and a handicap like any other. Having to struggle with the message that homosexuality is acceptable makes it harder for the homosexual to face the real challenge. The broader gay sub-culture is overall promiscuous and certainly a destructive force in society.*
6. *Some yetzers are never overcome. Some homosexuals will never overcome their issue. Conversion therapy helps for some, though not all homosexuals. This does not mean that the battle should not be fought.*
7. *The Torah rejects the homosexual act, while requiring sympathy and support for the homosexual struggling with his orientation. Neither the community nor the homosexual as a person should define him by his orientation, this being only one aspect of a rich multi-faceted person.*



## Homosexuality

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### 1. PROHIBITION

#### *For Jewish Men*

1. ויקרא יח<sup>1</sup>: (כב) ואת זכר לא תשכב משכבי אשה תועבה הוא. (כד) אל תטמאו בכל אלה כי בכל אלה נטמאו הגוים אשר אני משלח מפניכם. (כה) ותטמא הארץ ואפקד עונה עליה ותקא הארץ את ישביה.

ויקרא כ יג: ואיש אשר ישכב את זכר משכבי אשה תועבה עשו שניהם, מות יומתו דמיהם במ.

2. דברים כג יח: ולא יהיה קדש (שיטת הרמב"ם)<sup>2</sup>

3. לא להשחית זרע לבטלה:  
שמות כ:יג לא תנאף<sup>3</sup>

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<sup>1</sup> עיין עוד ב: בראשית (מג, לב), דברים (כג, ח), יחזקאל (טז, כב-כה), איוב (ט, לא), (יט, יט)

<sup>2</sup> רמב"ם פ"א מאיסורי ביאה הי"ד והסמ"ג (לאוין פ) נקט כדעת אונקלוס דלא יהיה קדש הוא אזהרה לאיש שלא לישא שפחה  
עיין סנהדרין (כד): ועיין עוד מש"כ רש"י דברים (לב' טז') ד"ה ולא יהיה. עיין היטיב חינוך מצוה רט'

<sup>3</sup> ודרשין לא תהנה לאף כמו אותם המנאפים ביד וברגל – סמ"ג לאוין קכו, סמ"ק רצב והרמב"ם לא מנה אותה כמצוה אמנם הביא אותה בהל' איסורי ביאה פ' יב, טור א"ע טז



4. פרו ורבו (לשיטת התוספות<sup>1</sup> דבכלל עשה דפו"ר איכא נמי איסור השחתת זרע)
5. אזהרה לנשכב: ואת זכר לא תשכב – הרי זה אזהרה לשוכב. אזהרה לנשכב מניין?  
אמר ר' עקיבא, "קרי ביה נמי לא תשכב."<sup>2</sup>

### *For Jewish Women*

ויקרא יח ג: כמעשה ארץ מצרים אשר ישבתם בה לא תעשו<sup>3</sup>

<sup>1</sup>סנהדרין נט ע"ב

<sup>2</sup>הכתב והקבלה על ויקרא פרק יח פסוק כב (כב) ואת זכר לא תשכב. רבותינו למדונו מכאן אזהרה לשוכב ואזהרה לנשכב, קרי ביה נמי לא תשכב בנפעל, השי"ן קמוצה והכ"ף צרוי' (ובכריתות ד' ג') איתא קרי ביה לא תשכיב בהפעיל, וראיתי להחכם רמ"ק שכתב בספר העוין שאין כוונת רבותינו בזה לפרש כן המקרא, יעו"ש. נדמה לעיניו שהיתה כוונת רבותינו בזה לשנות נקודת המלה מן הקל אל הנפעל או אל ההפעיל, לכן אמר שאין דבריהם אלא בדרך רמז ואסמכתא, אמנם המעיין שם בסוגית התלמוד יראה שהיא דרשה גמורה, ואין טענה ממה שאמרו קרי ביה לא תשכיב או לא תשכב, כי אין כוונתם בזה לשנות הנקודה רק לעורר על שנוי המובן וגו' ע"ש שהאריך

<sup>3</sup>רמב"ם פכ"א מהל' איסורי ביאה הל' ח: נשים המסוללות זו בזו (מתחככות משום תאות תשמיש – פירוש רש"י על מס' שבת סה.) אסור וממעשה מצרים הוא שהוזהרנו עליו שנאמר כמעשה ארץ מצרים וכו' לא תעשו (ויקרא יח) ואמרו חכמים (תו"כ פ' אחרי) מה היו עושים איש נושא איש ואשה נושאה אשה ואשה נושאת לשני אנשים. אע"פ שמעשה זה אסור אין מלקין עליו שאין לו לאו מיוחד והרי אין שם ביאה כלל. לפיכך אין נאסרות לכהונה משום זנות ולא תיאסר אשה על בעלה בזה שאין כאן זנות. וראוי להכותן מכת מרדות הואיל ועשו איסור. וגו' (ובפה"ם כתב דאין בו עונש לא מהתורה ולא מדרבנן) ומובא בשו"ע אה"ע ס"כ ס"ב.

Rambam and Shulchan Aruch say only that a woman who has engaged in Lesbian activities is not assur to a Cohen. They do not address the issue of a Cohen Gadol directly (which the Shulchan Aruch would not address because it is not relevant in our time but the Rambam would have.) There is, in fact one opinion in the Gemorrah (Shabbos Samech Heh Amud Beis) that such a woman would be disqualified (m'derabanan) from marrying a Cohen Gadol.

(בגמ' שם – פסולות לכהונה אבל רש"י ותוס' פירשו לכהונה גדולה דלאו בתולה שלימה היא. ולפי היש מפרשים בתוספות לפי דעה זו פסולה אפילו לכהן הדיוט)

But the words of Rambam/Shulchan Aruch are implying that she is mutar even to a Cohen Gadol.

Rabbi Norman Lamm: The less punitive attitude of the Halachah to the female homosexual than to the male does not reflect any intrinsic judgment on one as opposed to the other, but is rather the result of a halachic technicality: there is no explicit Biblical proscription of lesbianism, and the act does not entail genital intercourse (Maimonides).

Rabbi Yuval Sherlo says it's true that there is no explicit prohibition against lesbianism [in the Chumash], but the metahalakhah is clear. We see from the Garden of Eden story that the main thing is the heterosexual family. This, Rav Sherlo suggests, is why the Israeli Rabbinate allows nonreligious Jews to marry halakhically, despite the possible negative consequences --



For non-Jews

נכלל באיסור עריות<sup>1</sup>

אזהרה לנשכב: ודבק באשתו ולא בזכר (מנחת חינוך רט)

## 2. REASONS

Homosexuality was prohibited by the Torah for a variety of reasons. Some of these are:

- *The sanctity of children – the mitzvah of Pru U'Revu*
- *The sanctity of marriage and of marriage being the only viable vehicle for bringing up children.*
- *The first Adam was divided into male and female. Therefore, only male and female can recreate that unity of Adam. Two same sexed people will always remain two people.*
- *The mitzvahs come to transform us*

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because the family structure is the most important thing. For the community's sake (as opposed to the individual's), we must maintain the traditional family. (As brought by Rabbi Uri Cohen, see bibliography. The original is available at <http://www.moreshet.co.il/shut/shut2.asp?id=11120>)

<sup>1</sup>רמב"ם פ"ט מלכים ה"ה-ו

וז"ל הרמב"ם הלכות איסורי ביאה פרק א הלכה יד: הבא על הזכר או הביא זכר עליו כיון שהערה אם היו שניהם גדולים נסקלים שנאמר ואת זכר לא תשכב בין שהיה בועל או נבעל, ואם היה קטן בן ט' שנים ויום אחד ומעלה זה שבא עליו או הביאו על עצמו נסקל והקטן פטור, ואם היה הזכר בן ט' או פחות שניהן פטורין וראוי לבית דין להכות הגדול מכת מרדות לפי ששכב עם זכר ואע"פ שהוא פחות מבן ט'.

ספר המצוות לרמב"ם מצות לא תעשה ש"נ: והמצוה הש"נ היא שהזהירנו שלא לבא על הזכר והוא אמרו יתעלה (שם) ואת זכר לא תשכב משכבי אשה. וכבר נכפלה האזהרה בזה הענין בעצמו ואמר (תצא כג) לא יהיה קדש מבני ישראל. וזה הוא הדרך האמתית שזה הלאו הנכפל לחזוק, לא שהוא אזהרה לנשכב, ושמאמרו לא תשכב נלמד האזהרה לנשכב ולנשכב. ובגמר סנהדרין (נד ב) התבאר דרבי ישמעאל הוא שישים לא יהיה קדש אזהרה לנשכב ולפיכך הבא על הזכר והביא זכר עליו בהעלם אחד חייב שתים על דעת רבי ישמעאל, ורבי עקיבא אומר אינו צריך הרי הוא אומר ואת זכר לא תשכב קרי ביה לא תשכב ולפיכך הבא על הזכר והביא זכר עליו בהעלם אחד אצלו אינו חייב אלא אחת. ואמרו בטעם זה לא תשכב ולא תשכב חדא היא. ואמנם בא לפי דעתו לא יהיה קדש לחזוק. כמו שאמר לא תנאף והוא אזהרה לאשת איש כמו שביארנו (מ' שמז) ואחר כן אמר ואל אשת עמיתך לא תתן שכבתך. וכגון זה הרבה כמו שביארנו בשורש התשיעי. והעובר על לאו זה חייב סקילה ואם לא ייסקל הרי הוא בכרת אם היה מזיד. ואם היה שוגג יקריב חטאת קבועה



- *The Gay Sub-Culture*
- *The slippery slope: There are already pushes being made to legitimize all other sexual and relationship taboos.*

The Torah calls all acts of sexual immorality חוקים, not obvious to our own logic<sup>1</sup>. However, some of the commentators indicate that, despite the prevalence of the homosexuality through most of history, a clear thinking, morally committed person would understand that homosexuality is sexually immoral and that someone engaged in it is committing a תועבה<sup>2</sup>. (Perhaps there is a difference between a חק and חקת תועבה of our verse.) The גמרא tells us that the word תועבה means תועה אתה בה<sup>3</sup>, though there is not indication whether this error is meant to be obvious, or something which the Torah needs to teach us. Torah Temimah<sup>4</sup>, is one who emphasizes the unnaturalness of the homosexual liaison: "You are going astray from the foundations of the creation." Furthermore, mishkav zachur defies the very structure of the anatomy of the sexes, which quite obviously was designed for heterosexual relationships<sup>5</sup>.

Moreover, the Torah does include homosexuality in the general category of עריות prohibitions, and these have all been easily understood by most of mankind through most of time, acts such as adultery, bestiality, relations with a sibling, etc. A generation which will lose its moral sensitivity to these things, would rank amongst the most perverted in history. As Rav SR Hirsch (יח-ל) – מחקות התועבות puts it:

*Sexual excess amongst the Canaanite population had not only ceased to be considered as תועבות, but by general custom and the practice of religious cults has received the general sanction and had even become חוקות חלפו. חק, as Isaiah describes the age of a similar general degeneration (פ' כד:ה): "They have changed the Law over to the very contrary," i.e. they have raised immorality into a law.*

Some of the specific טעמים which are brought are:

### *The sanctity of children – the mitzvah of Pru U'Revu*

<sup>1</sup>ויקרא יח ל: ושמרתם את משמרתי לבלתי עשות מחקות התועבת אשר נעשו לפניכם ולא תטמאו בהם אני ד' אלקיכם:

<sup>2</sup>חינוך רט: מלבד שענין אותו טינוף נמאס ומכוער הוא מאד בעיני כל בעל שכל, והאיש שנברא לעבוד בוראו לא ראוי להתנוול במעשים מכוערים כאלו.

<sup>3</sup>נדרים נא ע"א: מאי תועבה תועה אתה בה

<sup>4</sup> Lev. 18:22

<sup>5</sup> Rabbi Norman Lamm.

The reason why there was such a high incidence of Aids in homosexuals is because penetration would rupture blood vessels in the anus, which was not designed for such penetration.



The Chinuch tells us that homosexuality was prohibited because the world was created to be inhabited, and therefore acts which lead to spilling of seed without reproduction are generally prohibited, unless they are a part of the broader marital relationship (i.e. one may have relations with one's wife even where she is pregnant, nursing or otherwise not capable of bearing children, because these are considered purposeful relations since it is a part of מצות עונה<sup>1</sup>).

*The sanctity of marriage and of marriage being the only viable vehicle for bringing up children*

Rabbi Norman Lamm:

Tosafot and R. Asher ben Jehiel (in their commentaries to Ned. 51a) which applies the "going astray" or wandering to the homosexual's abandoning his wife. In other words, the abomination consists of the danger that a married man with homosexual tendencies may disrupt his family life in order to indulge his perversions. Saadiah Gaon holds the rational basis of most of the Bible's moral legislation to be the preservation of the family structure (Emunot ve-De'ot 3:1: cf. Yoma 9a).

Dennis Prager:

God's first declaration about man (the human being generally, and the male specifically) is, "It is not good for man to be alone." Now, presumably, in order to solve the problem of man's aloneness, God could have made another man, or even a community of men.

But instead God solved man's aloneness by creating one other person, a woman -- not a man, not a few women, not a community of men and women. Man's solitude was not a function of his not being with other people; it was a function of his being without a woman.

In this regard, the Torah and Judaism were highly prescient: the overwhelming majority of violent crimes are committed by unmarried men. Thus, male celibacy, a sacred state in many religions, is a sin in Judaism. In order to become fully human, male and female must join. In the words of Genesis, "God created the human . . . male and female He created them." The union of male and female is not merely some lively ideal; it is the essence of the Jewish outlook on becoming human.

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<sup>1</sup>חינוך רט: משרשי המצוה, לפי שהשם ברוך הוא חפץ ביישוב עולמו אשר ברא, ולכן ציוה לבל ישחיתו זרעם במשכבי הזכרים, כי הוא באמת השחתה שאין בדבר תועלת פרי ולא מצות עונה

נדרים נא ע"א: מאי תועבה תועה אתה בה ע"כ ובפסיקתא זוטרא מפרש טועה אתה בה שהרי אין לך ממנו זרע אנשים



*The first Adam was divided into male and female. Therefore, only male and female can recreate that unity of Adam. Two same sexed people will always remain two people*

Male and female is an underlying principle in the whole of creation. Everything which G-d created, He did so in a male and a feminine form<sup>1</sup>. The Maharal explains that G-d honored man and all of the lower creation by creating male and female pairs which would complete each other, each one fulfilling the deficiencies of the other. For both male and female each have unique attributes which the other is lacking. And the fact that each one comes with a partner whose natural desire is to unite with it is in and of itself a reflection of its importance. For, since each created species is by its nature incomplete, being as it is only a part of the whole creation, therefore, if it remains isolated, it is doomed to be an incomplete part of a whole. But if we see that its nature is to combine with others, and more than that, if we see that it has a natural partner in the creation, we see then that it really does have the potential to move towards wholeness and completion.<sup>2</sup> This is the deeper meaning of G-d's statement:

ויאמר ד' אלקים לא טוב (אונקלוס-לא תקין) היות האדם לבדו אעשה לו עזר כנגדו  
(בראשית ב: יח)

*And G-d said: "It is not good for man to be alone. I will make for him a helpmeet against him.*

אונקלוס translates **לא טוב** as **לא תקין**, i.e. this is an uncorrected or incomplete state. The Maharal explains that man, at that stage, was in an intrinsically not good reality for the only being that can stand alone and yet still in a complete state of unity is G-d himself. Therefore, it had to be that man would have a partner<sup>3</sup>.

What then, asks the Maharal, is the difference between man and the animals. Did they not both need partners? However, says the Maharal, if we will look at the creation process closely, we see that man was first created as one being and only

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<sup>1</sup> בבא בתרא עד:

אמר רב יהודה אמר רב כל מה שהקב"ה ברא בעולמו זכר ונקבה בראם

<sup>2</sup> מהר"ל (חידושי אגדות שם דף קו קטע המתחיל אמנם):

... רצה הקב"ה לזכות את חשיבות האדם וכל התחתונים מה שחסר להם מצד אשר טובים השנים מן האחד, כי מה שחסר בזה גלה בזה כי יש בזכר מה שאין בנקבה ויש בנקבה מה שאין בזכר ... שכל אחד בפני עצמו גם כן הוא יותר חשוב כאשר נמצא זוג אליו כי כאשר נמצא האחד בלבד הוא חלק בלבד וכאשר נמצא זיווג אליו והזוג הוא דבר שלם הרי כל אחד הוא חלק הכל.

<sup>3</sup> גור אריה, שם:

שהמציאות בעצמו לא טוב ... שאין ראוי האחדות אלא ליחיד הקב"ה [א"כ] בהכרח שיהיה לו זוג ...





afterwards was his partner created from him. The animals, on the other hand, were created as two beings from the very outset<sup>1</sup>. This is because:

וכל זה מפני שראוי לאדם קצת אחדות בעבור שהוא יחיד בתחתונים (גור אריה, שם)

This places man between G-d and the animals. He is not a total unity like G-d, for, as a created being, he needs a partner. Yet he has a dimension of unity to him, being created one at the outset and making him more connected to unity, more able to achieve that state of unity which he began with at the outset<sup>2</sup>. We will explain in the next paragraph that man's original unity had its flip side – that although it created unity within himself, it actually held him back in some ways from uniting with the broader creation.

Originally, Adam was created זכר ונקבה, male-female in one being, i.e. complete. According to one opinion in the גמרא, אדם was an androgynous (male/female being – אדם being a gender-neutral term). אדם had two faces, the male face looking one way, the female, the other way. פנים, faces, means turning, i.e. the face is the point at which his internal reality turns towards the outside. (The word פנים – *pnim* – inside, is comprised of the same letters as פנים – *panim*) In the First Man, from whichever side one looked at man, one saw his face. Put differently man's faces, his inner spirituality, faced the world from every side. Man was complete; there was no back to man where lack or sin could take place. Man being complete had no need to face him/herself; there was no deficiency, no need for the male/female parts to give to each other to fill the deficiency; consequently, man faced away from himself. In this state there was no possibility of imitating G-d by giving to another. Man was simply a spiritual robot. This state was לא טוב: It was not good for אדם to be alone and maintain the state of independence in which he/she does not feel the need to relate to others. Initially, Adam thought that the solution lay in becoming a giver to the animals, that they should become the חומר for his צורה. This did not work because, as the Maharal explains, even though he is indeed the צורה of all of creation, providing the creation with its form and content, but uniting with the animals did not provide Adam with the satisfaction and sense of completion which he needed. For he might complete them but they do not fully complete him. They are non-*Sechel* creatures, creating an unconquerable gap between Adam and Behemah. His completion of them, therefore, only involves some of his general potential, but not the full force of his human uniqueness. For a perfect match, Man therefore needed a fellow *bar-Sechel*, a being that he could connect to with all of his unique potential<sup>3</sup>.

<sup>1</sup> גור אריה שם: ויש בזה הפרש גדול בין האדם ושאר בעלי חיים שהרי שאדם נברא יחיד בלא זוג שלו ואלו שאר בהמות ושאר נבראים נברא זוג שלהם עמהם

<sup>2</sup> מכתב מאליהו

<sup>3</sup> אף על גב שהוא צורה לכל הנבראים ... אבל אין בזה הנחה והשקט כי אין האדם צורה מיוחדת בשלימות רק באשתו ... שגם היא בעלת שכל משא"כ הבהמות א"א החבור עליהם לגמרי כי הם אינם בעלי שכל וראוי שיהיה האדם נבדל [מהם].. והכל כדי שימצא לו דבר שהוא לו כמו חומר כי א"א מבלעדי חומר. (גור אריה ב כב ד"ה שבא על כל בהמה)



The solution to this was to take Adam himself and create two beings from one. Adam needed to find himself/herself divided so that he would feel he lacked half of himself. The whole אדם was now being sub-divided into two parts, neither one complete on its own. The creation of an incomplete being was reflected in the תרדמה, the deep sleep, which השם caused to fall on Man at the time of the Woman's creation. Now each half of אדם had a front and a back. The back represented the missing half, what man lacks in his existing state. אדם now exists as a potential to be actualized, like the ground he comes from.<sup>1</sup>

He must now move from being an אדם to being an איש. (According to the א"ג, איש, is a higher level than אדם.) To attempt to fulfill himself to become an איש, on his own, is to self-destruct, to become the unrestrained force of אש כשלא (היינו כשלא אש) (זכה). Only if he takes what he lacks, אישה, can he use that אש to reach קדושה, to become an אש with a ' in it.

Now there is the possibility of the two halves, both בעלי שכל facing each other, of uniting. Man can only unite with his other half by giving himself over to her (and she to him). ידוע כי הצורה נמשל באיש ואשר הוא צורה לו נמשל לנקבה גור אריה (שם). By uniting, man and woman are simply returning to their natural state, i.e. their original condition. But by actively re-creating this state themselves they are doing a lot more; they are, in fact, re-creating G-d's original act of the creation of אדם. Just like the original אדם comprised of a זכר ונקבה, so too husband and wife form this new unit of זו"נ. This is the ultimate imitation of G-d, the creation of Man. (Based on מחשבות חרוץ של רב צדוק).

Therefore woman becomes man's equal, עזר כנגדו:

כי האשה שהיא חשובה ושקולה כמו האיש ומסייע לאיש כי האיש מביא והאשה מתקנת לו  
זה נקרא עזר כנגדו גור אריה (שם):<sup>2</sup>

*For a woman is of the same importance and her value is considered equal to a man's.  
For the man brings and the woman fixes (completes) for him. This is what is called a  
helpmeet against him.*

What each lacked was the other half. And the way to get the other half was to give him/herself over to that person.

When the verse talks about this it does not mention the word love. It talks of אחדות and דביקות:

על כן יעזוב אדם את אביו ואת אמו ודבק באשתו והיו לבשר אחד.

<sup>1</sup>מהר"ל תפארת ישראל פי"ד

<sup>2</sup>לכך אם לא זכה היא כנגדו לגמרי אבל האב לבן אינו כנגדו לעולם ... כי הזכר והנקבה הם שני הפכים מתאחדים בכח אחד לגמרי...



The reason that G-d first made Adam one and then two was not because he changed his mind. It was rather that each male and female should have the potential of becoming one, of cleaving to each other and becoming one flesh. They become one because they were once one.

A same-sex relationship can never achieve this. Such a relationship can be very warm and caring, loving and committed. But it can never achieve *דבוקות* and *אחדות*. Two gays together, remain two gays, never one Adam. This is an incredible loss of the person's potential and therefore the Torah forbade it amongst other reasons.

### *The mitzvahs come to transform us*

*Judaism, Nature and Homosexuality*, by Eytan Kobre:

A primary function and overall goal of the commandments is nothing less than the transformation of the individual. Judaism addresses the human being as it finds him — in his "natural" state — seething with animal passions, ridden with negative character traits. Through the agency of those Divine tools of refinement that are the commandments, the Torah beckons man to exchange his obsession with sensuality, his pettiness, self-centeredness and worse for a world of spiritual grandeur and ultimate meaning.

The implacable foe with which Judaism's battle is forever pitched, then, is not so much secularism or even non-belief as it is "nature," that is, the human being's intense desire to eschew growth and change, to remain static in the face of God's summons to greatness. No one perceived — and furiously opposed — this overarching Judaic objective more than the modern-day manifestation of evil incarnate, Adolf Hitler. He wrote in "Mein Kampf," "a man must...understand the fundamental necessity of Nature's rule.... Then he will feel that in a universe where...force alone forever masters weakness...there can be no special laws for man."

The nature of the challenge posed by the Torah will, of course, vary with the individual, based on proclivities both inborn and acquired. For some, that challenge will be the struggle to control anger and aggressiveness, while for others, it will be the attempt to rein in arrogance and reach out in acknowledgement of the other. Yet others' particularly daunting charge will be combating powerful sensual drives, with their potential to reduce the unlimited human potential to nothing more than the pursuit of shallow, momentary fleshy pleasures. This is no less true for the individual who claims to have been "born gay" than for anyone else. ...

When the Torah decreed that all sexual activity should be channeled into marriage, writes Dennis Prager, it ensured that sex no longer dominated society, heightened male-female love and sexuality, and began the arduous task of elevating the status of women. The ban on homosexuality desexualized religion<sup>1</sup>, gave

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<sup>1</sup> Thus, the first thing Judaism did was to de-sexualize God. In the beginning God created the heavens and the earth by His will, not through any sexual behavior. This broke with all other religions, and it alone changed human history.  
The gods of virtually all civilizations engaged in sexual relations.



boundaries and controls to the strongest of man's sensual urges which until then had been expressed in every which way<sup>1</sup>. When Judaism demanded that all sexual activity be channeled into marriage, it changed the world. The subsequent dominance of the Western world, says Dennis Prager, can largely be attributed to the sexual revolution initiated by Judaism, and later carried forward by Christianity.

The revolutionary nature of Judaism's prohibiting all forms of non-marital sex was nowhere more radical, more challenging to the prevailing assumptions of mankind, than with regard to homosexuality.

Indeed, Judaism may be said to have invented the notion of homosexuality, for in the ancient world sexuality was not divided between heterosexuality and homosexuality. That division was the Bible's doing. Before the Bible, the world divided sexuality between ... active and passive roles<sup>2</sup>.

As Martha Nussbaum, professor of philosophy at Brown University, recently wrote, the ancients were no more concerned with people's gender preference than people today are with others' eating preferences:

Boys and women were very often treated interchangeably as objects of (male) desire. What was socially important is to penetrate rather than to be penetrated. Sex is understood fundamentally not as interaction, but as a doing of something to someone. In this environment, homosexuality was rampant<sup>3</sup>.

Judaism changed all this. It rendered the "gender of the object" very "morally problematic"; it declared that no one is "interchangeable" sexually. And as a result, it ensured that sex would in fact be "fundamentally interaction" and not simply "a doing of something to someone."

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Given the sexual activity of the gods, it is not surprising that the religions themselves were replete with all forms of sexual activity. In the ancient Near East and elsewhere, virgins were deflowered by priests prior to engaging in relations with their husbands, and sacred or ritual prostitution was almost universal.

<sup>1</sup> The revolution consisted of forcing the sexual genie into the marital bottle. It ensured that sex no longer dominated society, heightened male-female love and sexuality (and thereby almost alone created the possibility of love and eroticism within marriage), and began the arduous task of elevating the status of women.

By contrast, throughout the ancient world, and up to the recent past in many parts of the world, sexuality infused virtually all of society.

Human sexuality, especially male sexuality, is utterly wild. Men have had sex with women and with men; with little girls and young boys; with a single partner and in large groups; with total strangers and immediate family members; and with a variety of domesticated animals. There is little, animate or inanimate, that has not excited some men to orgasm.

<sup>2</sup> *Between penetrator (active partner) and penetrated (passive partner).*

<sup>3</sup> It is Judaism's sexual morality, not homosexuality, that historically has been deviant. Greenberg, whose *The Construction of Homosexuality* is the most thorough historical study of homosexuality ever written, summarized the ubiquitous nature of homosexuality in these words: "With only a few exceptions, male homosexuality was not stigmatized or repressed so long as it conformed to norms regarding gender and the relative ages and statuses of the partners . . . The major exceptions to this acceptance seem to have arisen in two circumstances." Both of these circumstances were Jewish.



It is the Hebrew Bible that gave humanity such ideas as a universal, moral, loving God; ethical obligations to this God; the need for history to move forward to moral and spiritual redemption; the belief that history has meaning; and the notion that human freedom and social justice are the divinely desired states for all people. It gave the world the Ten Commandments, ethical monotheism, and the concept of holiness (the goal of raising human beings from the animal-like to the Godlike).

Therefore, when this Bible makes strong moral proclamations, Dennis Prager listens with great respect. And regarding male homosexuality -- female homosexuality is not mentioned -- this Bible speaks in such clear and direct language that one does not have to be a religious fundamentalist in order to be influenced by its views.

Judaism cannot make peace with homosexuality because homosexuality denies many of Judaism's most fundamental principles. It denies life, it denies God's expressed desire that men and women cohabit, and it denies the root structure that Judaism wishes for all mankind, the family<sup>1</sup>.

### *The Gay Sub-Culture*

Dennis Prager: Another reason for opposition to homosexuality is the homosexual "lifestyle." Above we talked about the fact that many homosexuals have joined a gay sub-culture. While it is possible for male homosexuals to live lives of fidelity comparable to those of heterosexual males, it is usually not the case. While the typical lesbian has had fewer than ten lovers, the typical male homosexual in America pre-aids had over 500, and the figure is beginning to rise again.

In general, neither homosexuals nor heterosexuals confront the fact that it is this male homosexual lifestyle, more than the specific homosexual act, that disturbs most people. This is probably why less attention is paid to female homosexuality.

When male sexuality is not controlled, the consequences are considerably more destructive than when female sexuality is not controlled. Men rape. Women do not. Men, not women, engage in fetishes. Men are more frequently consumed by their sex drive and wander from sex partner to sex partner. Men, not women, are sexually sadistic.

The indiscriminate sex that characterizes much of male homosexual life represents the antithesis of Judaism's goal of elevating human life from the animal-like to the God-like.

To a world which divided human sexuality between penetrator and penetrated, Judaism said, "You are wrong -- sexuality is to be divided between male and female." To a world which saw women as baby producers unworthy of romantic and sexual attention, Judaism said, "You are wrong -- women must be the sole focus of erotic love."

To a world which said that sensual feelings and physical beauty were life's supreme goods, Judaism said, "You are wrong -- ethics and holiness are the supreme

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<sup>1</sup> Dennis Prager, *Ultimate Issues*. Adapted and significantly abbreviated from the original.



goods." A thousand years before Roman emperors kept naked boys, Jewish kings were commanded to write and keep a Sefer Torah, a book of the Torah<sup>1</sup>.

### *The Slippery Slope: There are already pushes being made to legitimize all other sexual and relationship taboos<sup>2</sup>*

The slippery slope towards normalizing all kinds of deviation has already begun. In May, 2003 a symposium hosted by the American Psychiatric Association, debated whether pedophilia, gender-identity disorder<sup>3</sup> and sexual sadism should remain classified as mental illness. Included for discussion are exhibitionism, fetishism, transvestism, voyeurism, and sadomasochism<sup>4</sup>. The fact that these sexual interests are atypical, culturally forbidden, or religiously proscribed, the argument went, should not cause one to label the person mentally ill. Different societies stigmatize different sexual behaviors. Furthermore, the existing research cannot distinguish people with the paraphilias from people with conventional sexual interests (normophilias). Besides, psychiatry has no baseline, theoretical model of what, in fact, constitutes normal and healthy sexuality to which it could compare people whose sexual interests draw them to children or sadism/masochism. Some are now arguing that there is no proof that sex with adults is harmful to minors<sup>5</sup>. Many beloved authors and public figures throughout history have been high-functioning individuals who could actually be classified as pedophiles. "Any sexual interest," Moser concluded in his *Archives* commentary, "can be healthy and life-enhancing<sup>6</sup>."

Imagine, these people claim, the pain of a pedophile deprived of his wanton sexual pleasure<sup>7</sup>. And there we go, condemning him, when we know so little about adult-child sexual behavior<sup>1</sup>.

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<sup>1</sup> Dennis Prager, *Ultimate Issues*, updated and summarized

<sup>2</sup> Based on several articles by Linda Ames Nicolosi on the Narth web site

<sup>3</sup> A condition in which a person feels persistent discomfort with his or her biological sex. Gay activists have long claimed that gender-identity disorder should not be assumed to be abnormal, when, they say, it is usually an expression of healthy pre-homosexuality.

<sup>4</sup> Most of these are known under the name paraphilias.

<sup>5</sup> In the December 2002 issue of a prestigious journal, the *Archives of Sexual Behavior*, Moser--along with several other prominent mental-health experts--argued in favor of de-pathologizing pedophilia. Some of the commentators writing in that issue said that there is little or no proof that sex with adults is harmful to minors.

<sup>6</sup> Similarly, in the December 2002 of the *Archives of Sexual Behavior*--the official journal of the International Academy of Sex Research--some clinicians argue that "unusual sexual interests" should not be considered mental disorders.

<sup>7</sup> In an article in the *Archives*, "The Dilemma of the Male Pedophile," Gunter Schmidt, D. Phil., makes a sympathetic case for the pedophile who, Schmidt says, must "remain abstinent for significant periods of time" and "lead a life of self-denial at significant emotional cost." Schmidt calls for a new, "enlightened discourse on morality" with the recognition that "in view



Bruce Rind, author of the 1998 meta-analysis that claimed to find little or no harm in man-boy sex, neither to the man, nor to the boy<sup>2</sup>. Tell us the boy is too young

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of the pedophile's burden, the necessity of denying himself the experience of love and sexuality," he deserves society's respect.

Another author stated: And because an attraction to children is a basic part of the pedophile's identity--in other words, "who he is"-- the pedophile's self-denial of gratification is, in fact, "tragic."

<sup>1</sup> Psychiatrist Richard C. Friedman, the author of *Male Homosexuality: A Contemporary Psychoanalytic Perspective* and a number of related research papers, says that it would be "more helpful than harmful" to continue to view pedophilia as a mental disorder because we know so little about adult-child sex at this time, and because of the potentially harmful age and power discrepancy between children and adults. But he closes his commentary by urging that society not "discriminate" against people who are sexually attracted to children.

<sup>2</sup> This argument is in turn quoted by Schmidt, claiming molested children do not always appear to be harmed. The Bruce Rind study, he notes, found that many boys grow up to have positive or neutral memories of their man-boy sexual experiences. Some boys who were actually forced into sex with a man against their will, Schmidt says, later remember those experiences as having been "favorable to their development" and "interesting and enjoyable."

Dr. Bruce Rind agrees with Dr. Ng and Dr. Okami that lack of consent from the child doesn't necessarily mean adult-child sexual relationships are harmful. (Dr. Rind was the lead author of the 1998 study that was attacked in the media by radio personality Dr. Laura Schlessinger. The Rind study concluded that there was little or no psychological harm in man-boy sexual relationships.)

Dr. Rind notes that many other societies, today and in the past, have endorsed sex between a man and a boy. And, what is necessarily wrong with a power imbalance?

After all, Rind says, some parents force their children to go to church! And couldn't religious indoctrination, for that matter, be harmful to the child?

For example, psychiatrist Emil Ng, M.D. of the University of Hong Kong says that in ancient Chinese history, children are described as "natural sexual beings," and romances are portrayed with children as young as ten years old in sexual relationships with each other, or with adults--and "sex play is viewed as beneficial to their healthy development."

Is lack of "consent" a valid reason to call pedophilia harmful? No, Dr. Ng notes, "the seemingly righteous and humanitarian debate on child self-determination" is nothing more than "another game adults play to impose their own values on children."

After all, Ng notes, "How often do the adults [in the West] try to ascertain 'valid consent' from their children before getting them to do most things?" For example, have parents "sought valid 'consent' from their children before baptizing them soon after birth?" Dr. Paul Okami of UCLA agrees that a power imbalance should not be the deciding issue. History is full of examples, he notes, of unequal relationships that "work" for the individuals involved--for example, a professor and his student marry "and live happily ever after." An unequal relationship doesn't violate principles of justice or fairness in sexual relationships, Dr. Okami says, "unless one views sexual relationships as similar to hand-to-hand combat."

To back up his claim that pedophile relationships can be consensual, Rind describes several cases of men who say they benefited from--and even initiated--their childhood sexual experiences, including a "positive" recollection of father-son incest.

One boy had several relationships with men, starting when he was age 11, "all of which he viewed as very positive. He thinks the sex helped his sexual self-confidence; as he matured, he knew exactly what he wanted in sex, while his peers were still searching."

Another man saw the childhood intimacy he had with a man as the "highlight of his life."



to consent and we will tell you that he is also too young to consent to Baptism or circumcision, but we accept those things too as valid and good<sup>1</sup>. Besides, maybe a boy of ten is in fact old enough to give consent<sup>2</sup>. Tell us it is immoral and we will tell you that that is only according to the Judeo-Christian ethic<sup>3</sup>.

"The situation of the paraphilias at present," Moser and Kleinplatz conclude, "parallels that of homosexuality in the early 1970's," before homosexuality became 'normalized' as a valid sexual choice.

Dr. Robert Spitzer in a paper he presented at the 2001 American Psychiatric Association convention, claimed that there is, in fact a scientific basis for distinguishing the paraphilias from more common sexual behaviors. In all cultures, as children become adolescents, they develop an interest in sexual behavior. That is how we are designed - whether you believe this design is the work of God, or by evolution through natural selection. This design is clearly for the purpose of facilitating pair bonding and interpersonal sexual behavior.

"The paraphilias, when severe, impair interpersonal sexual behavior," Spitzer continued. "Sexual behavior that facilitates caring bonding between people is normal - and that which impairs it is abnormal, not merely an atypical variation."

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Still another boy started having sex with his own father at age ten, and now (he is 33 years old) he looks back on their incestuous relationship as "beautiful, pure" and full of love. He said he "cherished the intimacy."

Dr. Charles Moser--the clinician who was invited to present a paper at the May 2003 American Psychiatric Conference on pedophilia--supported Rind's observations. Psychiatry, he said, is ethically obliged to help those people who have unusual sexual interests pursue their subjective ideal of personal fulfillment.

"Any sexual interest," concluded Moser, "can be healthy and life-enhancing."

<sup>1</sup> Many of the commentators in the *Archives* argued that children are usually too emotionally immature to offer valid consent for sex with an adult. But the issue of ability to give valid consent is not the point at all, another writer responded--for no parent asks his child for his "consent" before baptizing him into a church.

<sup>2</sup> Looking at the issue historically, argues psychologist Robert Prentky, the age for sexual consent used to be age ten in England until about 100 years ago. So when, Prentky asks, is "a child no longer a child?" Certainly there are some 12-year-olds, he says, who are mature enough to give valid consent for sex.

<sup>3</sup> A number of the commentators indicated their disapproval of the moral influences exerted on society by its Judeo-Christian heritage, which has traditionally stigmatized child sexuality. Dr. Gunther Schmidt counters that the Western world was once dominated by Judeo-Christian principles, and we used to judge particular sex acts like adultery, sodomy, and sado-masochistic sex as intrinsically wrong. But now those old "prejudices," he says, are fading away.

Prentky also observes that some of our culture's most beloved heroes were "clearly pedophiles" --including, he says, the authors of the children's classics *Peter Pan* and *Alice in Wonderland*.

People "detest" pedophilia because Christianity has given our culture a restrictive attitude toward the "naturalistic" child and his sexual instincts.

Christianity, Okami says, "regards children as sinful heathens who need the devil beat out of them. The end result is a powerful desire to save priceless, lovable, sacred innocents from something dangerous, dirty, disgusting and sinful."





It is clear that American Psychiatric Association has no intention of deciding the issue based on more research. The issue is a function of a worldview, and a value system which says that anything goes.

NARTH's Joseph Nicolosi stated that "What psychology really needs for its advancement is not another study, but a more accurate worldview. That worldview must take into account our creator's design, which inevitably involves gender complementarity.

"And," Nicolosi added, "we must agree on those things that genuinely enhance human dignity. It's a measure of how low the psychiatric establishment has sunk, that it would even debate the idea that pedophilia, transvestism, and sado-masochism could ever be expressions of true human flourishing."

Psychoanalyst Johanna Tabin, Ph.D., of NARTH's Scientific Advisory Committee, also commented on the A.P.A. symposium. "If the arguments prevail that are given for ignoring these psychological problems, then suicide attempts must be considered normal when they are desired by the participants. And what about the sociopath, who--having no conscience--feels quite content with himself?"

"Uncommon 'common sense,'" Dr. Tabin added, "is sure to reassert itself--but in the meantime, the mental health professions are failing many suffering individuals by rigidly adopting political correctness as the guide as to when people need help.

"And the saddest thing about the current climate," she added, "is that people who ask for help because they are not at ease with homosexual impulses, right now are frequently forbidden to obtain it."

### 3. THE LEGAL SITUATION

#### *Outside of the USA*

Today, the Netherlands and Belgium, and, to some degree Canada, recognize the union of same-sex couples. A law passed in France in 2000 made that country the first predominantly Roman Catholic nation to recognize homosexual unions.

Just this year, Belgium began registering gay partnerships. Germany, which also has a large Catholic population, grants gay couples protections, benefits and responsibilities traditionally reserved for married men and women. Similar measures are being considered in Britain

Canada was the most recent addition, in June, 2003. The legislation immediately took effect in Ontario, which includes Toronto, after the province's highest court ruled that the previous federal marriage laws were discriminatory and therefore unconstitutional<sup>1</sup>. The old laws, the court declared, "offends the dignity of persons in same-sex relationships."

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<sup>1</sup> Courts in British Columbia and Quebec have also struck down marriage laws, but gave governments until next year to rewrite their legislation.

The Ontario judgment goes further because it ordered Toronto's city clerk and the provincial registrar-general to issue and accept marriage licenses for two couples who wed in



There was little organized opposition to such legislation, and public opinion polls show a solid majority were in favor of the change. To protect religious freedom, the cabinet decided that the planned federal legislation would allow religious institutions to refuse to conduct same-sex marriages.

The Canadian move is likely to have a much larger impact on the United States. The policy opens the way for same-sex couples from the United States and around the world to travel here to marry, since Canada has no marriage residency requirements. Canadian marriage licenses have always been accepted in the United States<sup>1</sup>. In addition, gay-rights advocates in the United States are already declaring that Canada will serve as a vivid example to Americans that same-sex marriage is workable and offers no challenge to traditional heterosexual family life.

### *In the USA<sup>2</sup>*

In July, 2003, President Bush said that while he believed Americans should treat gays in a welcoming and respectful manner, he remained firmly opposed to gay marriages and that administration lawyers were working to ensure that the term "marriage" would cover only unions between men and women.

Bush's statements build on the Defense of Marriage Act, signed by President Clinton in 1996. The law prohibits any federal recognition of gay marriage, meaning that benefits like those given under Social Security or to veterans may be claimed only by a surviving spouse of the opposite sex. In addition, the law relieves states of any obligation to recognize gay marriages performed in other states where they might be legal.

No American state yet allows same-sex marriage, but Vermont has enacted a law providing for civil unions, which allow gay couples many of the benefits of marriage. Issues including adoption rights, inheritance, insurance benefits and matters as mundane as sharing health club memberships. However the Defense of Marriage Act, signed by President Clinton in 1996, still prohibits them from enjoying hundreds of federal rights, like Social Security benefits paid to a surviving partner.

During the 2002 congressional elections, Nevada voters approved an amendment to their state constitution preemptively outlawing homosexual marriage before their state court could legalize it. It was the 36th state to do so. A similar amendment to the national constitution has been introduced in the House of

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2001 under an ancient Christian tradition that allowed them to avoid having to get city-issued licenses.

The court rejected the fear of religious groups that gay marriage infringes on religious freedom because it would force them to conduct ceremonies against their will.

<sup>1</sup> By contrast, only a few American same-sex couples have taken advantage of expanded marriage laws in the Netherlands because of its long residency requirement, and Belgium will only allow marriages of foreign couples from countries that already allow such unions. But Canada is nearby and has no such restrictions.

<sup>2</sup> Based on U.S. News & World Report, December 16, 2002



Representatives. Were this amendment to pass in Congress, it would require the ratification of 38 states — only two more than have already banned gay marriage within their own respective borders.

Meanwhile, the Massachusetts Supreme Court is expected this summer to legalize gay marriage in one of the most secularist states in the country, intensifying thereby the congressional debate over a constitutional amendment.

In 1986, in *Bower v. Hardwick* the Supreme Court ruled that the right to privacy does not give homosexuals the right to have sex in their own homes. Since then, the number of states with criminal sodomy laws has dropped from 24 to 13, with four (Texas, Kansas, Missouri, and Oklahoma) applying those laws solely to homosexuals. Gay-rights advocates say that even in states that ban sodomy between both same-sex and opposite-sex partners, the law is invoked almost exclusively against gays.

In 1998, the Alabama Supreme Court ruled that J.F.'s lesbian relationship with her live-in partner was "neither legal in this state, nor moral in the eyes of most of its citizens" and that she was therefore not as capable of raising her child as her remarried ex-husband.

Then on June, 26, 2003, the Supreme Court struck down a Texas law that forbids homosexual sex<sup>1</sup>, and reversed its own ruling in a similar Georgia case 17 years ago, thus invalidating anti-sodomy laws, no matter whether it deals with homosexual or heterosexual activity, in the states that still had them<sup>2</sup>.

Justice Anthony M. Kennedy, writing for the majority in the 6-to-3 Texas decision, said that gay people "are entitled to respect for their private lives," adding that "the state cannot demean their existence or control their destiny by making their private sexual conduct a crime." Justice Sandra Day O'Connor wrote, "A law branding one class of persons as criminal solely based on the state's moral disapproval of that class

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<sup>1</sup> The case, *Lawrence v. Texas*, No. 02-102, was an appeal of a ruling by the Texas Court of Appeals, which had upheld the law barring "deviate sexual intercourse." The plaintiffs, John G. Lawrence and Tyron Garner of Houston, were arrested in 1998 after police officers, responding to a false report of a disturbance, discovered them having sex in Mr. Lawrence's apartment. Mr. Lawrence and Mr. Garner were jailed overnight and fined \$200 each after pleading no contest to sodomy charges.

The Lambda Legal Defense and Education Fund, which works on behalf of gay rights advocates and related groups, brought the appeal of the Texas ruling to the court, arguing that it violated equal protection and due process laws. It described sexual intimacy in the home as an aspect of the "liberty" protected by the Constitutional guarantee of due process.

<sup>2</sup> In 1986, the justices upheld an anti-sodomy law in Georgia, prompting protests from gay rights advocates and civil liberties groups. But in the 17 years since, the social climate in the United States has changed, broadening public perceptions of gays and softening the legal and social sanctions that once confronted gay people. Until 1961, all 50 states banned sodomy. By 1968, that number had dwindled to 24 states, and by today's ruling, it stood at 13. Most of the remaining states with anti-sodomy laws forbid anal or oral sex among consenting adults no matter their sex or relationship. Texas is one of only four states whose law distinguished between heterosexual and homosexual consensual sex.



and the conduct associated with that class runs contrary to the values of the Constitution and the Equal Protection Clause, under any standard of review."

Justice Antonin Scalia wrote the dissent, saying he believed the ruling paved the way for homosexual marriages. "This reasoning leaves on shaky, pretty shaky, grounds state laws limiting marriage to opposite-sex couples," he wrote. "If there's no rational basis for prohibiting same-sex sodomy by consenting adults, then state laws prohibiting prostitution, adultery, bigamy, and incest are at risk," Jan LaRue, chief counsel for Concerned Women for America, a conservative group, said. "No doubt, homosexual activists will try to bootstrap this decision into a mandate for same-sex marriage. Any attempt to equate sexual perversion with the institution that is the very foundation of society is as baseless as this ruling."

State legislation, ostensible protecting gays against discrimination, has sometimes gone as far as requiring that voluntary organizations accept gays who wish to join<sup>1</sup>. At other times, the courts have shown disapproval of gay life-style<sup>2</sup>.

Although Canada is usually ahead of the USA on social issues, nevertheless the USA usually follows the same trends or directions that are taken in Canada<sup>3</sup>. However, for the time being this is not about to take place. In July, '03, President Bush said that while he believed Americans should treat gays in a welcoming and respectful manner, he remained firmly opposed to gay marriages and that administration lawyers were working to ensure that the term "marriage" would cover only unions between men and women.

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<sup>1</sup> In October, 1999, the Supreme Court of the United States reviewed the decision of the Supreme Court of New Jersey which had upheld a state law compelling a Boy Scout troop to appoint an avowed homosexual and gay rights activist as an assistant scoutmaster. In briefs of the court, both Aguda and the OU argued that this abridges the First Amendment rights of freedom of speech and freedom of association. Although the New Jersey's Law contained a religious educational facility exception, this did not obligate other legislatures to provide a similar exception. The OU argued that the First Amendment's guarantee included the right to determination of the form and content of the message to be expressed. By compelling the inclusion of those who dissent from the message, the NJ law is compelling the association to alter its expression.

<sup>2</sup> U.S. News & World Report, December 16, 2002

In 1998, the Alabama Supreme Court ruled that J.F.'s lesbian relationship with her live-in partner was "neither legal in this state, nor moral in the eyes of most of its citizens" and that she was therefore not as capable of raising her child as her remarried ex-husband.

The case could produce the most significant Supreme Court ruling on gay rights since 1986's *Bowers v. Hardwick*, in which a divided court ruled that the right to privacy does not give homosexuals the right to have sex in their own homes. Since then, the number of states with criminal sodomy laws has dropped from 24 to 13, with four (Texas, Kansas, Missouri, and Oklahoma) applying those laws solely to homosexuals. Gay-rights advocates say that even in states that ban sodomy between both same-sex and opposite-sex partners, the law is invoked almost exclusively against gays.

<sup>3</sup> Adapted from the NY Times, Canadian Leaders Agree to Propose Gay Marriage Law, June 18, 2003, by Clifford Krauss



## 4. CONVERSION THERAPY

Nefesh: The International Association of Orthodox Mental Health Professionals, a Brooklyn-based organization, advocates conversion therapy for Orthodox homosexuals. So does the New Jersey-based Jews Offering New Alternatives to Homosexuality. Nefesh members argue that gay men can be treated for homosexuality and converted back to heterosexuality.

A 2002 article<sup>1</sup> published by the American Psychological Association journal<sup>2</sup> defends the ethics and effectiveness of sexual reorientation therapy based on the following grounds:

- *Respect for the autonomy and self-determination of persons;*
- *Respect for valuative frameworks, creeds, and religious values regarding the moral status of same-sex behavior and;*
- *Service provision given the scientific evidence that efforts to change thoughts, behaviors, and feeling-based sexual orientation can be successful.*

The National Association for Research and Treatment of Homosexuality says three out of every ten homosexuals are successfully converted. But there do remain the other seven. For this reason, the 1997 American Psychological Association found that reparative therapy to convert homosexuals is ineffective.

Consider "Shalom," an Orthodox gay Jewish physician in his early 40s who was in conversion therapy for 11 years. At the same time, Shalom dated women. The right one, he believed, could help him change. On one of those dates, Shalom flew to New York from the West Coast. After the date, he broke down in the cab and began crying. "I felt emotionally raped," he says. "I couldn't keep acting. I decided to accept it. At 31, I came out to myself."

Conversion therapy, Shalom says, is emotionally destructive. He says a friend of his who was "cured" of gayness later tried to take his own life. "You don't change," he says. "You only end up hating yourself even more." Still, there are many people who have changed through such therapy.

One of the most successful conversion programs is Jonah, a Jewish organization based on NARTH<sup>3</sup>, which is not specifically for Jews. NARTH does not

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<sup>1</sup> The paper is entitled *Ethical Issues In Attempts To Ban Reorientation Therapies*, by Mark A. Yarhouse, Psy.D. of Regent University and Warren Throckmorton, Ph.D. of Grove City College.

<sup>2</sup> *Psychotherapy: Theory/Research/Practice/Training*, Vol. 39, No. 1, 66-75

<sup>3</sup> The National Association for Research and Therapy of Homosexuality (NARTH) -- a non-profit, educational organization dedicated to affirming a complementary, male-female model of gender and sexuality. NARTH, founded in 1992, is composed of psychiatrists,



promise removal of the attraction, only control. Perhaps it is the hope of cure and the failure to realize that hope that the Orthodox homosexuals quoted above are talking about. Jonah avoids this.

However, some recent research suggests that the success rate may be higher still. Epstein, editor of *Psychology Today* said that, from the current research, he would guess that such therapy is probably successful about a third of the time."

In the *Journal of Marital and Family Therapy* (JMFT) (January, '03), Christopher Rosik, Ph.D., outlined four motivations often reported by clients seeking change-oriented treatments:

- *Religious/moral conflict;*
- *Opportunity for heterosexual marriage and family;*
- *Maintenance of existing marriage and family;*
- *Desire to avoid the non-monogamy and risky sexual behaviors that create serious risk for HIV infection.*

Those who oppose reorientation therapy do so on three grounds:

- *Homosexuality is no longer considered a mental illness;*
- *Those who request change do so because of internalized homophobia and;*
- *Sexual orientation is immutable.*

The dominant approach in therapeutic circles opposes such therapy being offered, even if the client requests it. This means that the client who wishes to change his behavior to heterosexual behavior should no longer be offered such help, according to these circles. It is ironic that liberal opponents of reorientation therapy are just those who emphasize a sexual morality that sees the individual as his own autonomous source of moral truth.

Many gays are extraordinarily aggressive about defending this position. For example, when *Psychology Today* editor Robert Epstein, Ph.D. allowed publication of an ad for a controversial new book<sup>1</sup> (Jan./Feb. 2003), showing how parents can maximize the likelihood of their children growing up with a secure gender identity and heterosexual orientation, the gay community subjected Epstein - who is a social liberal and champion of gay rights - to what he describes as "the dark, intolerant, abusive side of the gay community." The *Psychology Today* editor received "threats, insults," and "brutal letters" from gay activists. Several writers suggested I was a 'Nazi' and 'bigot,' and one compared me with the Taliban. A surprising number of

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psychoanalytically informed psychologists, certified social workers, and other behavioral scientists, as well as laymen in fields such as law, religion, and education.

<sup>1</sup> *A Parent's Guide to Preventing Homosexuality*, by Joseph and Linda Nicolosi



letters asserted that gays have a right to be rude or abusive because they themselves have been abused."

More respectable positions claim that the evidence does not support change as being possible. Much quoted is a recent study by Shidlo and Schroeder (2001), who concluded that only 4% of exclusively gay/lesbian clients who seek change obtain a significant degree of movement toward heterosexual attractions. It should be noted, however, that the Shidlo study specifically sought out dissatisfied reorientation-therapy clients by advertising in gay publications for former clients who considered themselves "harmed," and therefore his study does not reflect a representative sample of consumers.

Using flawed studies, ignoring other studies with countervailing evidence (see below)<sup>1</sup> and failing to defend alternative views as worthy of discussion, all lead to the conclusion that what is masquerading as "neutral" psychological science is really a function of implicit moral values<sup>2</sup>.

Contrary to common perception, the APA, although it favors the 'gay is forever' version of things has never condemned sexual conversion therapy but has merely issued cautionary statements. One of those statements in fact reminds psychologists "of their obligation to 'respect the rights of others to hold values, attitudes and opinions that differ from [their] own' <sup>3</sup>."

"Although homosexuality was removed from the DSM as a mental disorder in 1973," Epstein, editor of *Psychology Today* magazine says, "all editions of the DSM have listed a disorder characterized by 'distress' over one's sexual orientation, and some choose to try to change that orientation. Both gays and straights have a right to seek treatment when they're unhappy with their sexual orientation, and some choose to try to change that orientation. It would be absurd to assert that only heterosexuals have that right."

The American Psychological Association's journal *Professional Psychology: Research and Practice* published in 2003 a comprehensive research paper on sexual-orientation change<sup>4</sup>. Clients have the right to pursue change, the author

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<sup>1</sup> For example, the JMFT journal caved into pressure and withdrew the names of several change affirming organizations in a special edition of the subject. This stands in stark contrast to the fact that several gay-affirmative resources were featured in an October, 2000, special issue of the JMFT journal on therapy with gay, lesbian, and bisexual clients.

<sup>2</sup> For example, one author, Green, asserts blithely and without evidence that elevated levels of psychological distress among gay/lesbian people are minimal, and best resolved when the person accepts and lives out his sexual orientation. In fact, it has been shown that, where a person is trying to change for religious reasons, he will likely experience these gay-affirmative approaches as a mismatch of moral values.

<sup>3</sup> Epstein, editor of *Psychology Today* magazine

<sup>4</sup> An article by Dr. Warren Throckmorton, "Initial Empirical and Clinical Findings Concerning the Change Process for Ex-Gays," has been published in the June 2002 issue of the American Psychological Association's publication *Professional Psychology: Research and Practice*.

Throckmorton's article summarizes the experiences of thousands of individuals who believe their sexuality has changed as a result of reorientation ministries and counseling.



Throckmorton<sup>1</sup> says, because "sexual orientation, once thought to be an unchanging trait, is actually quite flexible for some people ... changing as a result of therapy for some, ministry for others and spontaneously for still others<sup>2</sup>."

This contradicts the APA supported, dominant view that sexual orientation is innate, "in-born," and therefore not subject to change and that therefore, this finding is in contrast to claims from some mental health professionals that efforts to change are always harmful.

Especially where religion plays a major role in motivating a client to seek reorientation, Throckmorton notes, greatly increasing the potential for human change.

Psychologists do not sufficiently factor in the power of religion in facilitating change, he wrote.

Moshe Halevi Spero writes: Many homosexuals who appear incapable of changing their orientation might in fact be individuals who bolted treatment when insight became too painful, who were misaligned with their particular therapist, or who would have changed had their homosexuality caused them sufficient psychological pain and anguish<sup>3</sup>.

Epstein, editor of *Psychology Today*, whom we quoted above as claiming that the success rate of conversion therapy is about a third, notes that perhaps another third of the clients - those who do not succeed and eventually drop out - "are unhappy or even angry" about their failure to change. These figures might sound discouraging, he says, but there are many similar examples of clinical problems that resist change.

He notes that agoraphobia (fear of leaving home) and autism are also very difficult to treat successfully, and that "angry outcomes" after therapy often occur as a result of many difficult treatments, such as marital counseling.

Then there's also the charge by critics of reorientation that therapy may change behavior, but not fantasies. In fact, Epstein notes, mere behavioral change is sufficient for many clients and is not an unethical form of treatment, because "it's common for

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Throckmorton's article is a continuation of a paper presented at the American Psychological Association conference, Washington, DC, in August 2000 in a standing-room-only symposium, entitled "Gays, Ex-Gays and Ex-Ex Gays--Examining Key Religious Ethical and Diversity Issues."

<sup>1</sup> In addition to serving as Grove City College's director of college counseling, Dr. Throckmorton is an associate professor of psychology at the college. A past president of the American Mental Health Counselor's Association, he also holds membership on the Magellan Behavioral Healthcare's National Provider Advisory Board representing licensed professional counselors. In 1998, he received the George E. Hill Distinguished Alumni Award from the faculty of Ohio University's Counselor Education Program. He earned a B.A. from Cedarville College, an M.A. from Central Michigan University and Ph.D. from Ohio University. For more information, email Dr. Warren Throckmorton at [ewthrockmorton@gcc.edu](mailto:ewthrockmorton@gcc.edu). See the full article at the Grove City College web site at <http://www.gcc.edu/news/faculty/editorials/throckmortonpage.htm>

<sup>2</sup> This viewpoint, known as the constructionist perspective, posits that sexual orientation is a socially-constructed product of a client's life experiences and can therefore be modified.

<sup>3</sup> Moshe Halevi Spero, *Handbook of Psychotherapy and Jewish Ethics* (New York: Feldheim, 1986), p. 159.





people to ask therapists to help them suppress a wide variety of tendencies with possible genetic bases: compulsive shopping and gambling, drinking, drug use, aggressiveness, urges to have too much sex, or sex with children, etc."

But of still greater importance in this discussion, Epstein continued, "is a new study by Dr. Robert Spitzer, M.D. of Columbia University." Epstein notes that "even though he has been under tremendous pressure by gay activists to repudiate his findings, Spitzer has concluded that sexual conversion therapy can produce significant, positive and lasting changes<sup>1</sup>."

In a paper presented at last year's APA convention, Spitzer, who is professor of psychiatry and chief of biometrics research at Columbia University, presented a study of 200 men and women who had experienced a significant shift from homosexual to heterosexual attraction and sustained that shift for more than five years. At the time of the study, three-quarters of the men and half of the women were married. Dr. Spitzer's conclusion: "Contrary to conventional wisdom, some highly motivated individuals, using a variety of change efforts, can make substantial change in multiple indicators of sexual orientation." Lest Spitzer be suspected of being a homophobe, it was he who spearheaded the 1973 removal of homosexuality from the DSM<sup>2</sup>.

Research such as this is important to strugglers because whether people manage to control or even eliminate their unwanted SSA depends on many factors, including the extent to which they regard change as possible. Dutch psychiatrist Gerard van den Aardweg puts it bluntly, "Since relatively few homosexuals seriously try to change and few therapists encourage them to do so, the notion that homosexuality is irreversible is a self-fulfilling prophecy. If nobody tries, nobody will succeed.... Working on one's self, let alone fighting one's undesirable, self-centered habits and attachments is not a popular issue in our permissive and overindulgent age<sup>3</sup>."

All of this is unaffected by whether homosexuality is innate or not. Even if a gay gene is discovered, it would not preclude efforts to change any more than the presence of an organic component would dissuade one from seeking to overcome depression, alcoholism or attention deficit disorder.

Some gay advocates, including noted researcher Simon LeVay and psychologist Douglas Haldman have acknowledged that there is no valid reason to deny reorientation therapy to those who want it. Their stance seems to be influencing the mental health establishment. Last year several articles on the subjects appeared in American Psychological Association publications. One article argued in favor of providing reorientation therapy, while another - a study of former gays - found that not only is changing sexual orientation quite realistic for many people, but also that a

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<sup>1</sup> Source of Epstein quotes: Editorial by Dr. Robert Epstein, Ph.D., *Am I Anti-Gay? You Be the Judge, Psychology Today*, Jan./Feb. 2003, page 7-8

<sup>2</sup> As quoted by Adam Jessel, *Jewish Action*-Spring 5763/2003:

<sup>3</sup> Adam Jessel, *Jewish Action* -Spring 5763/2003



majority of those who participated in reorientation therapy felt that their experiences were positive and helpful<sup>1</sup>.

Therapists (and knowledgeable *rabanim*) do not necessarily aim for a cure but rather for control. There are urges, even overwhelming ones that are never cured; people learn to cope with them. Keeping *halacha* was never said to be easy, only right<sup>2</sup>.

### *Support Groups*

Five years ago, a support group called the Gay and Lesbian Yeshiva Day School Alumni Association (GLYDSA), was formed, allowing Orthodox homosexuals to associate with each other.

In the New York area, home to the largest concentration of gay Orthodox Jews, at least four support groups have sprung up to meet their needs. There are also a number of informal groups that meet on a monthly basis for Shabbat meals or Talmud study.

Their purpose, as one of the groups notes on its Web site, "is to provide a safe place for people to integrate their Jewish and gay identities in a self-affirming, positive manner." The groups hold monthly meetings and special events; some even offer a 24-hour help hotline.

The Gay and Lesbian Yeshiva Day School Alumni Association estimates that about 2,000 people have come to its meetings over the past five years. "The people who come are a total cross-section from the Jewish community," a representative says. "People with black hats, colored yarmulkes, girls who wear skirts, pants. *Hasidische* people. And they come from all over. We've had people from Boston, Washington, Florida, California, Israel, England, France, Canada. They come to see that there is something out there for them."

The anonymity provided by chat rooms and web sites like Orthogays ([www.orthogays.com](http://www.orthogays.com)) has been a godsend to Orthodox gays. Suddenly, questions can be asked without fear of exposure.

OrthoDykes, is a group for Orthodox Jewish lesbians, and had its start in Israel about ten years ago. These women are often married and have children, and coming out would mean isolation.

Critics of these groups claim that some are portals to the broader gay community, and are only superficially Orthodox. Some have pushed the halachic envelope, stating that a whole range of physical intimacy, other than the actual act, is permissible. "Promoting the view that "you are gay just as you are Jewish," they encourage members to achieve fulfillment by developing both identities<sup>3</sup>."

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<sup>1</sup> Adam Jessel, *Jewish Action* -Spring 5763/2003

<sup>2</sup> Adam Jessel, *Jewish Action* -Spring 5763/2003

<sup>3</sup> Adam Jessel *Jewish Action* -Spring 5763/2003



Defenders of the groups say that this is the only way the participants are likely to stay frum at all. Prior to this, the idea of being frum and gay was considered so untenable that most gays simply left Yiddishkeit. That had no support and no role models.

## 5. ORTHODOX GAYS

It is impossible to get an accurate number of gay Orthodox Jews, but they number at least in the several hundreds<sup>1</sup>. More and more, gay and lesbian Orthodox Jews are acknowledging they are gay, even if they don't advertise it<sup>2</sup>. Others attempt to ignore or overcome their sexual impulses, perhaps even marrying and raising families. Others act on their impulses to a point—avoiding intercourse because of the biblical prohibition. And then there are those who lead fully gay lives, ignoring the halachic ban on gay sex<sup>3</sup>.

Although the Orthodox community has been giving increasing attention to this issue, a controversial documentary, *Trembling Before G-d* gave the issue national coverage. *Trembling Before G-d* is a documentary by gay activist Sandi DuBowski which played on movie screens nationwide. The film premiered at the Sundance Film Festival in Utah in January. It "stirred much emotion in the audience and immediate interest from buyers," according to a report in the *Washington Post*, putting the gay Orthodox community in an unfamiliar position: the limelight<sup>4</sup>.

One cannot help but feel compassion for DuBowski's interviewees who desperately miss the lifestyle, community and close family ties of the Orthodox world. Unfortunately, DuBowski's film goes further. Implicit in the film is the message that a homosexual lifestyle is desirable, and that the interviewees' only struggle is having their choices accepted and validated by the community<sup>5</sup>.

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<sup>1</sup> Shlomo Ashkenazy, a gay-rights activist and Orthodox Jew who lives in New York City, says he has spoken with over 200 gay Orthodox Jews over the past few years. Filmmaker Sandi DuBowski, who produced and directed *Trembling Before G-d*, interviewed hundreds of gay frum Jews for his movie. And those involved in gay community outreach say there are many more out there.

<sup>2</sup> In the Orthodox community, the number of gay men marrying in pursuit of traditional lives is much higher than in the secular world.

<sup>3</sup> Adapted from an article by Naomi Grossman in *Moment Magazine*, April 2001. For the original look under [www.momentmag.com](http://www.momentmag.com)

<sup>4</sup> Adam Jessel in *Jewish Action*: Richard Isay, a gay New York-based psychoanalyst, estimates that 15 to 20 percent of gay men marry women—because they want to deny or "cure" their gayness, or want children, or to please their parents. After a few years, Isay says, many have episodes of unfaithfulness. After 20 years of marriage, most of these couples were divorced or stuck in loveless marriages.

<sup>5</sup> Ibid. Jessel continues: The problem with *Trembling* is not so much what it shows as what it leaves out. Where are the stories of those who don't act on their homosexual attractions, those who feel that sexual desire is not a license to violate a Divine imperative? Aren't their



## *The Pain of Being Gay & Orthodox*

Most Orthodox gay people, are usually in great pain<sup>1</sup>. One of them writes:

*I am deeply troubled and disturbed by my situation, despite the fact that I know I have not done anything to bring this on myself. ... It is only in the last 2 years that I have actually been able to approach anyone to talk about this ...*

*All my friends are making lives for themselves and I am stuck dealing with this. I am withdrawing for two reasons. A. so as not to have to constantly answer why I am not dating etc etc and B. so as to not allow myself to be tempted by meeting other men in similar situations. At this point I am not sure what to do: Stay alone and struggle like I have been doing, which I doubt I can keep up, or go out and meet other frum people who are [also] struggling? I am afraid of the slippery slope and know there are real dangers. ... I AM DESPERATE!!*

*I just want to be normal. And what is so frustrating is that to all around me I appear to have so much going for me: I am frum, good family, professional, kind, well liked, etc. etc. Yet I am miserable. And hate being like this. Yet, I hang on to the hope that maybe this is all a figment of my imagination and not really happening to me.... Every day seems to be a struggle for me and it is not getting easier<sup>2</sup>.*

"The leaders of the Orthodox community want to pretend you don't exist," says "Baruch," a 20-year-old Yeshiva University student. "I'm not asking for a *hetter*, just recognition. Rabbis can *paskin* that most [homosexual acts] are *assur*, but say, 'These people exist.' Be compassionate and make it easy for us to be part of this community and live with our trials."

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struggles powerful and inspiring as well? Seemingly the liberal mantra of "diversity and inclusion" does not apply to those who strive to adhere to the *halacha*<sup>5</sup>.

Whenever the film debuts in a new city it is often accompanied by a man who bills himself as the "first openly gay Orthodox rabbi." While flaunting his ordination from a known Orthodox institution, he condones a range of non-Orthodox causes as well as intermarriage. Indeed, assimilationists draw inspiration for their agenda from this Orthodox "rabbi" who proposed creating a "new category between Jew and Gentile that will welcome a non-Jewish spouse without insisting on conversion."

Justifying his indulgence in homo-sexual activity, he maintains that *halachah* is subject to change. "I have chosen to accept a certain risk and violate the *halacha* as it is presently articulated in the hope of a subsequent, more accepting halachic expression," he once stated.

<sup>1</sup> Many feel they come from stable, normal homes, and are otherwise quite successful as people, including in their limud Torah.

<sup>2</sup> Letter to HaRav Shalom Kaminetzky, SHLITAH



About four years ago, a young Orthodox man quietly died of AIDS. Before his death, his family did not discuss his condition: They were ashamed. The Tzvi Aryeh foundation that was established in his memory, receives between ten and twenty calls a month from gay Orthodox Jews enquiring about HIV/AIDS.

Orthodox homosexuals talk about living secret lives, and double identities. Most say that they felt that they couldn't go to their rabbis or tell their friends, parents or anyone else about the desires and fantasies plaguing their every waking moment. Almost all are ashamed, and envy other boys for the qualities they don't possess. The strain of maintaining the facade saps their energy, and some become depressed and filled with self-loathing. A number of Orthodox homosexuals have attempted or committed suicide<sup>1</sup>.

Recently, the situation has improved somewhat, with a number of Orthodox organizations to which they can turn, most prominently JONAH<sup>2</sup>, and, in Baltimore, TAHC<sup>3</sup>. A growing number of underground support groups geared specifically to Orthodox Jews are cropping up both online and in Jewish centers in cities such as New York, Los Angeles, and Miami. Some of these are highly problematic, as we have related to elsewhere.

Based on the fact that homosexuality is a sin, and that *teshuvah* is an option open to everyone, JONAH and TAHC are firm proponents of conversion therapy. Jonah provides a compassionate yet firm Jewish response, claiming that, with homosexuals, often perceptions and values are as important as the reality itself<sup>4</sup>.

Relating to this latter issue, Martin B. Koretzky writes as follows:

*Take the case of David<sup>5</sup>, a personable young man from a traditional Jewish family, came to my office in a state of agitation and near despair. He had come to believe that he was homosexual, in conflict with his own values and hopes for a traditional family life.*

*Psychological evaluation revealed that David was a passive, inexperienced and naive young man. His vague and confused thoughts about sex had been misinterpreted by a counselor who had advised him: just accept your homosexuality. Through our discussions, David realized his potential for personal choice. He worked actively and successfully to create*

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<sup>1</sup> Experts say the suicide rate among gay Orthodox Jews is likely to be even higher than for the gay community at large, owing to the more restrictive and tight-knit atmosphere of Orthodox communities.

<sup>2</sup> Jews Offering New Alternatives to Homosexuality

<sup>3</sup> Torah Approaches to Healing and Change, a support organization for parents of homosexuals. TAHC also offers a sexual reorientation therapy program.

<sup>4</sup> The above paragraphs were based on an article by Deborah Walike in the Baltimore Jewish Times, MARCH 16, 2001.

<sup>5</sup> A pseudonym



*a life in keeping with his own deeply held values, including fidelity, a wife and family.*

*The term homosexuality has several meanings today, leading to confusion and sometimes as with David to unnecessary suffering. It can refer to same-gender sexual impulses, fantasies, behavior, or patterns of behavior. It can be a short-lived experiment, a lifestyle, or a political movement.*

*In recent years, some, unlike David, have come to define who they are around homosexual orientation. For these individuals, sexual commitments influence psychological sense of self in a basic way. Family arrangements, social outlets and religious become organized around this core identity construct<sup>1</sup>.*

### *How should Gays respond to their situation?*

Judaism has no position on whether people are born Homosexuals or develop the urge later on. Independent of any reasons of procreation<sup>2</sup>, the Torah makes a moral judgment that it is wrong. Therefore, even if someone is born with such feelings, he should relate to it as a challenge, (viewed negatively as a handicap) which he must face and fight, perhaps never to be overcome. "Halacha rejects the current proposition that sexual fulfillment is the *summum bonum* of life, arguing that a halachically ethical life often denies the heterosexual as well as the homosexual the possibility of total sexual fulfillment<sup>3</sup>."

Lots of people are born with handicaps, some physical, some intellectual, some emotional. In each case, these special needs requires special help. The homosexual is no different<sup>4</sup>. But, as we will show below, the gay person's handicap

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<sup>1</sup> Adapted from Martin B. Koretzky, PH.D. *Special to the Baltimore Jewish Times*, MARCH 30, 2001

<sup>2</sup> חינוך (מצוה רט'): משרשי המצוה, לפי שהשם ברוך הוא הפץ ביישוב עולמו אשר ברא. ולכן ציוה, לבל ישחיתו זרעם במשכבי הזכרים, כי הוא באמת השחתה שאין בדבר תועלת פרי ולא מצות עונה, מלבד שענין אותו טינוף נמאס ומכוער הוא מאד בעיני כל בעל שכל, והאיש שנברא לעבוד בוראו לא ראוי להתנוול במעשים מכוערים כאלו, עכ"ל.

<sup>3</sup> Rabbi Soloveichik as brought by Wolowelsky and Weinstein in *Tradition*, 29:2 (Winter, 1992)

<sup>4</sup> The last Lubavitcher Rebbe put it this way: *When one knows the truth, that this trait is destructive, and is honest enough to acknowledge this fact, one will realize that it is no different from a child who is born with the tendency to tear out his hair, or bang his head against the wall. But there is a very tragic difference in that this trait when practiced is very much more devastating because it destroys, destroys the body and the soul.*

*There are those who argue that an act that brings pleasure and gratification is, or even must be good. This rationalization is analogical to taking a deathly poison and coating it with sugar. Along comes someone and says, "I see sugar, there is no poison in this sugar pill." To prove his words, he tastes it and swears it is sweet! Someone else may come along and say, "I don't care if there is poison in the sugar, so long as I can enjoy the momentary pleasure of the sweetness, albeit in an abnormal fashion, I don't care what the consequences will be!"*



can also become a strength and an advantage. Though we cannot say whether every gay person can change his orientation, the person is bound to try, and many have succeeded<sup>1</sup>. Others have maintained their orientation but were able to bring themselves to the point where they were able to marry and love a woman as well. For others, it may be that their *avoda* is *prishus*<sup>2</sup>. Such a person retains the same obligations and is as beloved by God as any other Jew. God in His love asks the homosexual to refrain from overt sexual activity and direct his life towards His service<sup>3</sup>.

With due recognition to the enormous complexity of the issue, we have brought below an exemplary letter by Rav Aharon Feldman, to a homosexual baal teshuvah<sup>4</sup>. Rav Feldman stressed that his letter “was addressed to those homosexuals who completely lack any attraction for the opposite sex. These individuals are unable to marry and someone whose nature does not permit him a normal family life is in essence handicapped. They are obviously not evil and need to be advised as to how to live their lives according to Torah. My letter tried to point out that that they are the same before God as any other individual and that God does not look down on them - nor is it permitted for any human to do so. Their obligation is to refrain from homosexual activity and to find a way to give meaning to their lives.”

“At the other religious end of the spectrum, at least one contributor to an Internet discussion group for Torah-observant homosexuals used my letter as a source that overt homosexual activity is permitted. This was based on my comment that ceasing homosexual activity "will be difficult, and will have to be accomplished over a period of time." ...

“Another contributor misconstrued my statement that someone not attracted to the opposite sex is not obligated in the Torah commandment of *peru u-revu* ("Be fruitful and multiply"). This statement simply means that one is not held responsible by God for failing to keep a commandment which one is physically incapable of performing. This quite obvious statement was used to imply that prohibitions stemming from this commandment are permitted, an inference completely unwarranted”

Reasons of space do not allow us to bring the letter in full, though the original, in its entirety, is worth obtaining<sup>5</sup>.

*Dear \_\_\_\_\_:*

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<sup>1</sup> Many eminent psychiatrists believe that homosexuality is the result of an ill developed sexual identity due to childhood stress. Their view is that to the extent that other emotional problems can be healed, homosexuals can be healed as well. (Rav Aharon Feldman)

<sup>2</sup> Rav Yaakov Weinberg, ZAL

<sup>3</sup> Rav Aharon Feldman

<sup>4</sup> It appeared, with a slight change, in Jewish Action Magazine, Spring, 1998

<sup>5</sup> Available at: <http://www.jerusalemletter.co.il> go to archives, then March 24, 1998, then A Letter To A Homosexual Baal Teshuva



*I received your letter a few days ago and was very pained by the anguish you have undergone for so many years because of your homosexuality and which is especially tortuous to you now that you have become a baal teshuvah. You have asked me for a Torah view on your problem. I hasten to answer you with the hope that what I write you will help you in some way.*

*I believe that the course you have taken is correct: you must refuse to deny your nature as a homosexual while at the same time refuse to deny your Jewishness. There is no contradiction between the two if they are viewed in their proper perspective.*

*Judaism looks negatively at homosexual activity, but not at the homosexual nature. Whatever the source of this nature, whether it is genetic or acquired (the Torah does not express any view on the matter), is immaterial. This nature in no way diminishes or affects the Jewishness of a homosexual. He is as beloved in God's eyes as any other Jew, and is as responsible as any Jew in all the mitzvos. He is obligated to achieve life's goals by directing his life towards spiritual growth, sanctity and perfection of his character -- no less than is any other Jew. He will merit the same share in the world to come which every Jew merits, minimally by being the descendant of Avraham Avinu and maximally by totally devoting his life towards the service of God.*

*Past homosexual activity has no bearing on one's Jewishness. Although it is a serious sin, all humans by nature have spiritual shortcomings and this is why teshuva was given to them. Teshuva has the capacity to return a person to a state even higher than which he had before the sin.*

*Accordingly, a Jewish homosexual has to make a commitment to embark on a course where he will ultimately rid himself of homosexual activity. It is not necessary that he change his sexual orientation (if this is at all possible), but that he cease this activity. It is obvious that for many people this will be difficult, and will have to be accomplished over a period of time. But it must be done and it can be done.*

*Family and children are important in Jewish society but one who does not have these need not feel that he is not a full-fledged member of the community. The verse in Isaiah 58, which is read by Jews all over the world on every public fast-day, is addressed to the homosexual:*

*Let not the saris (who is physically unable to have children) say 'I am a dried up tree.' For so saith G-d to the sarisim who keep my Sabbath, who choose what I desire, and who keep my covenant: I shall make them in My house and within My walls a monument, a shrine, superior to sons and daughters. I shall render their (lit., his) name everlasting, one which will never be forgotten.*

*Can a homosexual be expected to live as a celibate? I believe a Jewish homosexual can accomplish this if he decides that the Jewish people is his "wife and children." It is possible to do this if he throws his every*





*spare moment into devotion to the welfare of his people. There are many areas where he can do this.*

*Because he does not have a family, a homosexual can make serious contributions to Judaism which others cannot. For example, bringing Judaism to smaller communities where there are no facilities for raising a Jewish family.*

*I know of a case where a rabbi successfully inspired the Jews of an entire city for over forty years because, for various reasons, he never married. Since there were no religious schools in town, the rabbis who had held his pulpit before him all moved away when their children had to start going to school. But this rabbi, because he had no family, stayed on and had a major impact on the entire city.*

*Activities involving much travel, such as fundraising, a vital aspect of Jewish survival, is best accomplished by someone who is not tied down to a family. I know of a homosexual who helped establish several important institutions through his fundraising and is grateful for the sexual orientation which freed him to make this contribution.*

*Even within one's community devotion to public causes can be more easily done by someone who has no family obligations. Several individuals whom I know became respected, active members of their communities during their lifetimes even though it was well known that they had no interest in marriage.*

*It is no accident that homosexuals are generally more sensitive to the needs of others and to matters of the spirit (viz., the high percentage in the arts) than the rest of the population. This is because their function in society is meant to be one where their family is the Jewish people. Their sensitivity is an emotional tool which they were granted for devoting themselves to, and empathizing with, others.*

*Devotion of one's life to others is generally not considered an option in our modern world since fulfillment of one's own desires and appetites is considered the major goal of life. This has caused the homosexual community to publicly flaunt their homosexual activity, as if to say to the rest of the world, "See, we can have just as much fun as you!" This is an understandable response to a culture which believes that without sexual satisfaction life is a failure. But this belief is both a total falsehood as well as a perversion of the nature of humanity.*

*The fact is that neither homosexual or heterosexual activity has the capacity to grant happiness to humans, as even a cursory glance at our unhappy world will demonstrate. The only activity which can give us happiness is striving towards reaching the true goals of life. Life is not meant to be an arena for material satisfaction. It is to be used to carry out G-d's will by coming closer to Him and serving Him by keeping His commandments.*

*Sexual activity, by which the family unit can be built, is only one of the activities with which a man can serve God. But someone who does not*



*have this capacity still has a whole life and unlimited opportunities to serve God.*

*I have written at the outset that it is important for you to come to terms with your homosexuality. But to do so it is vital to change your orientation away from the manner in which Western culture views life and instead see sexuality in its proper perspective.*

*How does Judaism look at the reason for someone having been born or turned into a homosexual? Life is meant to be a set of challenges by which we continuously grow spiritually. Any physical defect curtails the enjoyment of life, but, on the other hand, meeting the challenge inherent in such a defect can be the greatest source of joy and accomplishment. Challenges are what life is all about, and homosexuality is one of these challenges.*

*It is difficult for us to understand why certain people were given certain shortcomings as their challenge in life and other were not. We cannot fathom God's ways but we can be sure that there is a beneficence behind these handicaps. When these shortcomings are met they will grant us a greater satisfaction from our lives and a deeper devotion to G-d than if we were not given them.*

*A homosexual has an admitted defect, namely that he cannot have a family, but one which need not hamper his development into the human which G-d would want him to be. When the challenge of the shortcoming is met, the reward will be that much greater.*

*I will add that I do not think that it is necessary for you to give up on the hope of someday having a family. The ways of Providence are manifold. For example, I was personally involved in a case of a woman who knowingly married a homosexual man in order to help him overcome his condition. They subsequently had a large family. It was only because they were both deeply religious Jews that they were successful. There is reason to hope that with your acceptance of living a life in the service of G-d, your problem as well will be overcome. Nothing is impossible if we merit Divine assistance; "Can the hand of G-d ever be inadequate?"*

*I hope that the ideas I have expressed here will be of help to you. In your struggle towards reaching the goals of your life, remember that you are not unique: all of humanity is engaged in the same struggle. You were just given a different set of circumstances within which to operate.*

*With my heartfelt blessings for your welfare and for your true success, I remain*

*Very truly yours,*

*Aharon Feldman*

Another letter, whose source I cannot locate at present is also very informative:

Dear \_\_\_\_\_:



1) *G-d created me this way for a reason. He understands my suffering and torment and He want me to grow from my situation much the same as everyone in this world is expected to grow from their situation. In that respect I have to appreciate that growth comes with pain, If I am resolved to make things painless and satisfy my desires then I am not going to experience personal growth.*

2) *What we have identified as same-sex attraction is the "yetzer hora" or evil inclination. Everyone has an evil inclination. For some it is vanity, or temper, or greed. The evil inclination usually relates to our animal desires, so not surprisingly it can be manifested in the pursuit of physical and material things like sex, food, money, ego.*

3) *Nobody is given an evil inclination that cannot be mastered in this world. Indeed, I have discovered that our primary purpose in this world is to master our evil inclination. But what does mastery mean? Does it mean denial of ourselves? Apparently, it means that our intellect is in a position to make the right decisions, it is free of the influence of our animal desires. Also, it means that we are in control of those desires and we have the ability to direct them towards Godly purposes.*

4) *Our purpose for existence is to do God's will. That means that Godly pursuits come before our own desires. We are not here, as liberal America claims, to enjoy ourselves. We have to set aside our desires in order to serve God. However, God does not expect us to go through life being miserable in order to serve Him. And, a by-product of serving God is a connection to him and a pleasure that surpasses any enjoyment of pursuing our desires. This pleasure may not be apparent until after much struggle.*

5) *It is impossible to master our evil inclination by ourselves. If we come to believe that conquering this situation is totally in our hands then we will never succeed. It requires nothing less than Divine intervention to do what God expects us to do with our homosexual desires. He put us in this situation because He knew it would be impossible to get out of it without His help. And according to the scientific and gay community it is impossible to change.*

6) *God wants a relationship with us. He wants us to ask Him in earnest for help. He wants us to seek Him out in our prayer and in our study. Our process of self-mastery requires a miracle, and it is incumbent upon us to ask. We have to learn how to ask. We have to learn how to have a relationship with God that demonstrates our sincerity and willingness to change our lives. If we are not prepared to trust Him then we are not ready to change and no amount of asking will help.*

7) *There is nothing constructive about homosexual behavior, and ultimately it beats a path to self destruction. Physiologically and according to Torah, homosexual behavior goes against the design of the world and is a destruction force. This is one of the harder things to realize because the effects are very subtle and when you are young everything feels so new and*



exciting. Sometimes it may take years of indulgence to suddenly wake up and see that this lifestyle is a dead end.

8) It is impossible to go up against the evil inclination directly. It is not enough to simply cease from doing an activity. The void that is left will soon be filled with other indulgences that are usually damaging. That is why I believe drug and alcohol and sexual abuse go hand in hand. They stem from the same void, the emptiness that we are running from. Fill this void with Torah study, as it is the only thing superior to the evil inclination.

In a nutshell, this what I have concluded to be truth. It may be very different from the experience of others on this list. Perhaps every person's voyage will be unique. I am in the process of developing a method to connect to God Although sometimes I fail to achieve my goals, overall the strategy appears to be working. I find that one of the greatest dangers to distancing yourself from God is allowing fantasy to take over. Refraining from sexually charged movies, or books or magazines that put your mind into a fantasy framework that sexualizes others and leads to indulgence. Masturbation is especially harmful in this respect. These activities impede a relationship with God. Don't expect to change things overnight. I had to get used to sleeping on my back and making sure I was so tired that I fell asleep as my head hit the pillow. Going to minyan in the morning also got me out of bed before I could indulge. All these things have made a world of difference. I feel more manly and able to carry myself around the other guys because I haven't sexualized them. Not only does that make me an equal with them but it establishes a very healthy relationship where I am not afraid to get close.

It is not for me to judge what the others on this list have decided to do. However, I do believe that the Torah is absolute truth, and we must look for answers there. I pray for clarity in earnest that we will find them.

Cheers,  
(Signature)

## 6. WHAT SHOULD OUR RESPONSE BE?

A Torah response to homosexuality has several components:

- *How should we feel about the issue for ourselves?*
- *How should we relate to the homosexual?*
- *Our response to the problem of gay communities (the homosexual identity)*
- *What kind of legislation and social attitudes should we pushing for?*

In the scope of this paper, we will consider the first three of these issues.



## How should we feel about the issue for ourselves?

Homosexuals reflect an enormous range of people, each with their own challenges, attitudes, and broader context. We cannot consider them all as a homogeneous group when considering their halachic status. Therefore, although some writers have explored issues such as whether an homosexual act can be considered *anus*<sup>1</sup>, we will focus here on what our responses ought to be in the broader communal context.

Before embarking on this discussion, however, it is vital to get clear for ourselves that homosexuality is a sin of particular gravity, uniquely earning the title *תועבה*<sup>2</sup>. It is difficult to know, and perhaps a moot point, how to classify

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<sup>1</sup> Rabbi Norman Lamm: Clearly, genuine homosexuality experienced under duress (Hebrew: *ones*) most obviously lends itself to being termed pathological especially where dysfunction appears in other aspects of personality. Opportunistic homosexuality, ideological homosexuality, and transitory adult homosexuality are at the other end of the spectrum, and appear most reprehensible.

In formulating the notion of homosexuality as a disease, we are not asserting the formal halakhic definition of mental illness as mental incompetence, as described in TB Hag. 3b, 4a, and elsewhere. Furthermore, the categorization of a prohibited sex act as *ones* (duress) because of uncontrolled passions is valid, in a technical halakhic sense, only for a married woman who was ravished and who, in the course of the act, became a willing participant. The Halakhah decides with Rava, against the father of Samuel, that her consent is considered duress because of the passions aroused in her (Ket, 51b). However, this holds true only if the act was initially entered into under physical compulsion (Kesef Mishneh to Yad, Sanh. 20:3). Moreover, the claim of compulsion by one's erotic passions is not valid for a male, for any erection is considered a token of his willingness (Yev, 53b; Maimonides, Yad, Sanh, 20:3). In the case of a male who was forced to cohabit with a woman forbidden to him, some authorities consider him guilty and punishable, while others hold him guilty but not subject to punishment by the courts (Tos., Yev, 53b; Hinnukh, 556; Kesef Mishneh, loc. cit.: Maggid Mishneh to Issurei Bi'ah, 1:9). Where a male is sexually aroused in a permissible manner, as to begin coitus with his wife and is then forced to conclude the act with another woman, most authorities exonerate him (Rabad and Maggid Mishneh, to Issurei Bi'ah, in loc). If, now, the warped family background of the genuine homosexual is considered *ones*, the homosexual act may possibly lay claim to some mitigation by the Halakhah. (However, see Minhat Hinnukh, 556, end; and M. Feinstein, Iggerot Moshe (1973) on YD, no. 59, who holds, in a different context, that any pleasure derived from a forbidden act performed under duress increases the level of prohibition. This was anticipated by R. Joseph Engel, Atvan de-Oraita, 24). These latter sources indicate the difficulty of exonerating sexual transgressors because of psycho-pathological reasons under the technical rules of the Halakhah.

<sup>2</sup> Some have pointed out that it is not only Homosexuality which is called by the horrible name *תועבה* and that we do not seem to react as negatively to people who engage in those other things, including those who eat treif food. Yet the Gemorrah understands that the word *תועבה* applies more to homosexuality than to anything else. The Ben Yehodaya explains why this is so. Firstly,

סנהדרין פב ע"א: אינשייה רב לגמריה אקריוהו לרב כהנא בחלמיה בגדה יהודה ותועבה נעשתה בישראל ובירושלים כי חלל יהודה קדש ה' אשר אהב ובעל בת אל נכר אתא אמר ליה הכי אקריון אדכריה רב לגמריה בגדה יהודה זו עבודת כוכבים וכן הוא אומר [כן] בגדתם בי בית ישראל נאום ה' ותועבה נעשתה בישראל ובירושלים זה משכב זכור וכן הוא אומר ואת זכר לא תשכב משכבי אשה ותועבה היא



homosexuality. Rav Shalom Kaminetzky *Shlitah* is of the opinion that, since this is a **יצרא דעריות**, homosexuality should not be classified as a psychiatric illness. Although Rav Moshe Feinstein stated that this not a natural *Yetzer*<sup>1</sup>, this does not mean that it is an illness, or, on the other hand that it does not present itself as something very real to the person<sup>2</sup>. Nevertheless, despite its frequency, and even acceptance in different eras, the Torah calls this act a **תועבה**<sup>3</sup>, meaning a mistaken or even an unnatural act<sup>4</sup>, one

בן יהוידע ד"ה ותועבה: קשא והלא עבודה זרה נקראת תועבה בכל מקום בתורה, ומינא ליה לפרש על משכב זכור? ונראה לי בס"ד דכיון דרישא דקרא דקאמר בגדה יהודה מפרש על עבודה זרה, אם כן ודאי מה שכתוב תועבה הוא על עון אחר דנקרא תועבה ואף על גב דבעריות קאמר לא תעשו מכל התועבות האלה, מכל מקום לא נקרא בשם תועבה אלא משכב זכור. אך קשה דהו לפרש תועבה על אכילת דבר טמא דכתיב בפרשת ראה לא תאכל כל תועבה גבי בהמות טמאות, ונראה לי דהתם קרי בשם תועבה לכמה מינין בהמות טמאות וחיות טמאות ודגים ועופות טמאים ולכלהו קרי עלייהו בכלל שם תועבה, אך משכב זכור מין עון אחד הוא, וקרי ליה תועבה. ועוד נראה לי בס"ד גבי משכב זכור נדרש בשם תועבה הפגם שלו, כדדרש בר קפרא מאי תועבה – תועה אתה בה, והיינו דדריש נוסריקון על ענין מעשה העבירה. ועוד נראה לי בס"ד דיש לפרש פסוק זה על תועבה דמשכב זכור טפי מהך משום דכתיב נעשתה בישראל ובירושלים, וידוע מה שכתוב רבינו האר"י ז"ל בשער רוח הקודש החוטא במשכב זכור פוגם שני פגמים, האחד בבחינת התפארת הנקרא ישראל ואחד בבחינת הבינה הנקראת ירושלים של מעלה יע"ש, ולכן כאן דקאמר דנעשתה בישראל ובירושלים דרש לה על משכב זכור. וגו'

See also the *Maharsha* (Nedarim 51A)

<sup>1</sup> אגרות משה או"ח ח"ד ס' קטו: הוא דבר שאינו מובן שיהיה על זה ענין תאוה דבבריאת האדם בעצם ליכא תאוה מצד טבעו להתאוות למשכב זכר, שלכן אמר בר קפרא לרבא על תועבה זו שנאמר באיסור דמשכב זכר דפירושו תועה אתה בה בנדריים דף נא ע"א ופירש הר"ן שמניח משכבי אשה והולך אצל זכר, וכונתו דהוא על לשון תועבה שנאמר במשכב זכור יתר על לשון התועבות הנאמר ד' פעמים בסוף פרשה שקאי על כל העריות דעל קרא דתועבות לא הוקשה לו משום שאין צורך לבאור ופירוש שהם דברים מתועבים ומאוסין מצד איסורי התורה, אבל הוקשה לו על לשון תועבה הנאמר בזכור שני פעמים בפ' אחרי כשנאמרה אזהרה בלאו ובפ' קדושים שנאמר העונש מה שלא נאמר כן בשאר איסורי עריות שאם מצד האיסור מה טעמא שלא נאמר כן בשאר עריות, וע"ז תירץ בר קפרא שהוא תביעת הקב"ה בהקרא להרשעים, שלעבירה זו דמשכב זכור הרי ליכא כלל תאוה מצד הטבע שבראתי שיהיה להם תאוה למשכב הנשים דבלא תאוה לא יהיה אפשר לקיום ישוב בעולם וגו'

<sup>2</sup> See more under the section, *Reasons*, in the introductory paragraph

<sup>3</sup> ואע"פ שדברים אחרים ג"כ נקראים תועבה מ"מ סתם "תועבה" מצינן שהיא משכ"ז, עיין ילק"ש יחזקאל רמז שעג' ד"ה בא אלי וגם ילק"ש האזינו רמז תתקמה' ד"ה יקניאוהו

<sup>4</sup> בנדריים נא ע"א מפרש לשון תועבה – תועה אתה בה. כן כתב האיגרות משה באו"ח ח"ד ס' קטו "שהוא דבר שלא מובן שיהיה על זה ענין תאוה" ע"ש עוד והתורה תמימה עה"פ ובנדריים (נא.) א"ל בר קפרא לרבי מאי תועבה וכו' הכי אמר רחמנא תועבה תועה אתה בה, ועיין שם בר"ן שמניח משכבי אשה והולך אצל זכר עכ"ל וכ"ה בתוס' והרא"ש שם. ועיין שם מש"כ המהר"ל בח"א, דיותר "טעות" מזמה, ע"ש ודו"ק. (ובמדרש לקח טוב [אחרי מות וכו'עין זה בפרשת קדושים] איתא: התעיבו הכתוב יותר מן החמור, שהחמור אינו בא על החמור אלא על החמורה, וזה התעיב דרכו יותר מן החמור ומן שאר בהמה ועוף, עכ"ל)

According to Dr Norman Lamm, "These actions are so repulsive in and of themselves, no rationale or explanation is necessary. Rather, the divine aspect within the human being is automatically and instinctively repelled by these activities." (Judaism and the Modern Attitude to Homosexuality)



which Jews themselves did not normally express<sup>1</sup>. The Torah recognizes that people can have a *Yetzer Hora* for something unnatural<sup>2</sup>, but this urge has to be fought, not legitimized.

Homosexuality is one of the עריות for which the Torah says clearly the land will vomit us out<sup>3</sup>. This is no contradiction to any compassion and sympathy which may be warranted towards any individual homosexual. The human being is capable of contradictory emotions, and in fact we are constantly exercising that capability.

However, although homosexuality is Toevah par excellence, Toevah is used in reference to many other aveiros as well. The Torah uses the term Toevah for *arayos* in general<sup>4</sup> (subsuming Homosexuality), as well as a number of separate *arayos* prohibitions<sup>5</sup>. It also uses the word for incorrect weights and measures<sup>6</sup>, non-kosher food<sup>7</sup>, sacrificing an animal with a blemish<sup>8</sup>, bringing a sacrifice with the wages of prostitution<sup>9</sup>, a woman re-marrying her first husband after marriage to another<sup>10</sup>. As Rabbi Benjamin Hecht points out, the term is found most extensively in the context of idolatry and the unacceptable behavior of the idolatrous nations<sup>11</sup>. Even in terms of its application in the *arayos* category, there is a connection to the fact that these acts

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<sup>1</sup> (רמב"ם פירוש המשניות - מסכת סנהדרין פרק ז משנה ז) (ד) ... שאר העריות אין מותר לאדם שיתייחד עם שום אחד מהן זולתי עם זכור ובהמה, לפי שכך אמרו חכמים (קידושין פב:) לא נחשדו ישראל על הזכור ועל הבהמה, לפי שהגוי הטהור הזה אין יצרם תקפם להרהר בשני הדברים האלה המכוערין שהם חוץ מן המנהג הטבעי

<sup>2</sup> עבודה זרה - דברים ז' כה', מאכלות אסורות - דברים יד' ג', אבן שלמה - דברים כה' ג', ומחזיר גרושתו - דברים כד' ד'

<sup>3</sup> ויקרא יח (כב) ואת זכר לא תשכב משכבי אשה תועבה הוא: (כג) ובכל בהמה לא תתן שכבתך לטמאה בה ואשה לא תעמד לפני בהמה לרבעה תבל הוא: (כד) אל תטמאו בכל אלה כי בכל אלה נטמאו הגוים אשר אני משלח מפניכם: (כה) ותטמא הארץ ואפקד עונה עליה ותקא הארץ את ירביה: (כו) ושמרתם אתם את חקתי ואת משפטי ולא תעשו מכל התועבת האלה האזרח והגר הגר בתוכם: (כז) כי את כל התועבת האל עשו אנשי הארץ אשר לפניכם ותטמא הארץ: (כח) ולא תקיא הארץ אתכם בטמאכם אתה כאשר קאה את הגוי אשר לפניכם: (כט) כי כל אשר יעשה מכל התועבת האלה ונכרתו הנפשות העשת מקרב עמם: (ל) ושמרתם את משמרתי לבלתי עשות מחקות התועבת אשר נעשו לפניכם ולא תטמאו בהם אני ד' אלקיכם:

<sup>4</sup> Vayikra 18:29

<sup>5</sup> Transvestite behavior: Devarim 22:5

<sup>6</sup> Devarim 25:16

<sup>7</sup> Devarim 14:3; see T.B. Avodah Zarah 66a

<sup>8</sup> Devarim 17:1

<sup>9</sup> Devarim 23:19

<sup>10</sup> Devarim 24:4

<sup>11</sup> Devarim 7:25; 7:26; 12:31; 13:15; 17:4; 18:9; 18:12; 20:18; 27:15.



were practiced by the surrounding idolatrous nations<sup>1</sup>. It is most interesting, he states, that the first use of the word *to'evah* is found in relation to the Egyptian attitude towards eating with *Ivrim* (i.e. Yosef's brothers): "for the Egyptians were not able to eat bread with the Jews for that was a *to'evah* to the Egyptians"<sup>2</sup>.

Rabbi Hecht therefore surmises that the word is used when all people reject a specific behavior, there is a shared full reaction of repulsion for there is no human element in that behavior<sup>3</sup>.

Rabbi Norman Lamm suggests the following:

It may be, however, that the very variety of interpretations of *to'evah* points to a far more fundamental meaning, namely, that an act characterized as an "abomination" is *prima facie* disgusting and cannot be further defined or explained. Certain acts are considered *to'evah* by the Torah, and there the matter rests. It is, as it were, a visceral reaction, an intuitive disqualification of the act, and we run the risk of distorting the Biblical judgment if we rationalize it. *To'evah* constitutes a category of objectionableness *sui generis*: it is a primary phenomenon. (This lends additional force to Rabbi David Z. Hoffmann's contention that *to'evah* is used by the Torah to indicate the repulsiveness of a proscribed act, no matter how much it may be in vogue among advanced and sophisticated cultures: see his *Sefer Va-yikra*, II, p. 54.)

### *How should we relate to the homosexual?*

Despite the gravity of the sin, the Torah obligates us to be compassionate to all those who suffer, including homosexuals. Most homosexuals have never experienced

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<sup>1</sup> Vayikra 18:30

<sup>2</sup> Bereishit 43:32, Bereishit 46:34 declares that the shepherd status of the Jews was also a *to'evah* to Egypt. See also Shemot 8:22.

<sup>3</sup> See Crosscurrents, A Journal of Torah and Current Affairs, Vol2 Issue 4, Sep. 2000: <http://www.cross-currents.com> by Rabbi Yitzchok Adlerstein where he puts to rest Rabbi Shmuli Boteach's specious argument that because *arayos* is used in all these places, homosexuality is no more horrific than a host of other transgressions that are termed abominable by the Torah. Rabbi Adlerstein's argument, based on the Maharsha, is that homosexuality is much worse. But he and Rabbi Hecht imply a second critique of Rabbi Boteach. To the degree that the word *toevah* is used by other things as well such as faulty weights and measures, and remarrying a divorced wife, we ought to bear a particular moral revulsion to them all. What Rabbi Boteach tries to do, is to minimize our revulsion to homosexuality based on the fact that we do not revile other sinners in the *toevah* category in the same way. 'Would we heap moral opprobrium on eaters of cheeseburgers?', he asks. There are many differences between cheeseburgers and gay sex which would show why R. Boteach is wrong on this one. Firstly, homosexuality gets the death penalty, cheeseburgers does not. Homosexuality had the word *toeva* associated with it individually and as a part of the general *arayos* category. The Torah explicitly mentions *arayos* as one of the reasons why we will be kicked out of the Holy Land. It does not mention cheeseburgers. *Arayos* attacks the sanctity of Jewish marriage; cheeseburgers do not.





attraction to the opposite sex, which makes it impossible for them to marry and have a normal family<sup>1</sup>. This is truly a great loss. As one author put it:

*Struggling Torah Jews, regardless of their problems, are beloved in the eyes of HaShem. They did not seek this problem. HaShem gave them a terrible test, and nobody really knows how to solve it. May HaShem enlighten us to know how to deal with it<sup>2</sup>.*

We can never presume to understand the pain a homosexual, grappling with his issue may go through. Yet it is important that we express some appreciation that many homosexuals struggle greatly. We should also communicate that if they do not act on their desires they are worthy of more merit in that regard than someone who does not feel such desires at all<sup>3</sup>. They may have struggled just as greatly even on the occasions when they gave in. Many are in great pain.

There are certainly limitations on the love one is supposed to feel for any sinner, but almost all homosexuals are worthy of our attempts to bring them close to the Torah<sup>4</sup>. Moreover, as the Maharal points out, the *Mitzvah* of *Tochacha* requires

<sup>1</sup> Rav Aharon Feldman

<sup>2</sup> We will deal with this issue in greater detail below, when dealing with the appropriate response of the homosexual himself to his own illness.

<sup>3</sup> Rav Shalom Kaminetzky

<sup>4</sup> דרך אצל מומרים אין חיוב להוכיח: הנה בתנא דבי אליהו רבה פ' יח מובא בביאור הלכה תרח ד"ה אבל הוכח תוכיח את עמיתך יכול אפילו אם אתה יודע שהוא רשע ושנאך אעפ"כ אתה חייב להוכיח אותו? תלמוד לומר הוכח תוכח את עמיתך - לעמיתך שהוא אוהבך ושהוא עמך בתורה ובמצות אתה חייב להוכיח אותו אבל לרשע שהוא שונאך אין אתה חייב להוכיח אותו וגם אי אתה רשאי להוכיח אותו שנאמר (משלי ט ז) יוסר לך לוקח לו קלון ומוכיח לרשע מומו. אל תוכח לך פן ישנאך הוכח לחכם ויאהבך וגו' (והביאור הלכה קיצר קצת בהעתקתו) וכן איתא במלבים דתוכחה שייך רק בין אלו ששנים במצוות וכדומה המהרש"א על יבמות סה: והסביר ע"פ הגמ' שהסיבה שהפסוק הצריך עמיתך במצוות כי רק יהודי כזה יקבל תוכחה וז"ל: עמיתך במצוות שמקבל תוכחה ובהיפך שאינו מקבל תוכחה ע"כ וכן כתב הגר"א באדרת אליהו פרשת קדושים יז והוסיף שלא רק שרשע לא יקבל תוכחה אלא ישנאך וז"ל: את עמיתך .... ולא לרשע שישנאך שמאמר אל תוכח לך פן ישנאך וגדולה מזה כתב הש"ך (יו"ד ס' קנא ס"ק ו) שמומר לע"ז אינו חייב אפילו להפרישו מאיסור (ולמטה במקומו הבאנו פלוגתא דרבנותא על זה).

אע"פ שבשו"ת מהר"מ שיי"ק (שו"ת או"ח שב קטע המתחיל אמנם) כתב שלפי מעוט הפסוק אין מקור שאפילו לסתם רשעים חייב להוכיח, מ"מ כל המפרשים כללו סתם רשע בהחיוב להוכיחם (חוץ מהדגול מרבבה יו"ד ס' קנא א דעת יחידה היא) ורק הוציאו פורקי עול טפי כמו מומר, אפיקורוס או לך. והמהר"ם שיי"ק בעצמו (או"ח ס' שג) כתב להוציא מומרים לחלל שבת בפרהסיא ומומר לע"ז ומומר להכעיס שדינים כגוי. הערוך השולחן (או"ח ס' קנו ס"ק ט) רק מוציא מן הכלל מינים ואפיקורסים הביאור הלכה (עיין הארה הקודמת) מוציא מחלל שבת בפרהסיה ומומר להכעיס הרבה מפרשים הבינו שכל סיבת הפטור מלהוכיח רשע הוא שלא מקבל רשע תוכחה אבל שרשע שמ"מ יקבל תוכחה (או אפילו יש סיכוי שיקבל תוכחה) חייב להוכיחו וכן כתב המנחת חינוך במצוה ר"מ וזה לא כמו שאנו דורשים בדומה בחו"מ רכ"ח כלפי אונאת דברים ועיין מהר"ם שיי"ק בספר המצוות שלו על מצוות אונאה שהניח בצרך עיון למה באמת לא מפרשים את הגדר של עמיתך כאן כמו שם ואע"פ שבסברה יש לחלק ולהגיד ששאני תוכחה דכל מהות המצוה הוא להחזיר את המוכח למוטב, מ"מ היינו צריכים ללמוד שהמלה עמיתך בא להוציא מסברה כזאת כדי לסלק קושיא ז, פירש ספר מצוות תוכחה את הפסוק שחייב אתה להוכיח באופן שהמוכח יהיה עמיתך בסוף



unusual wisdom and exceptional sophistication<sup>1</sup> as well as sensitivity and warmth<sup>2</sup>. It often needs to be seen as a process rather than a discreet act. Intrinsic to this process is maintaining an attitude of respect to the homosexual *as a person* (as opposed to ones attitude to the homosexual act), and to allowing him to maintain a sense of dignity<sup>3</sup>.

וכדומה במנחת חינוך (רלט). אבל נ"ב פירוש זה דוחק ואולי היה אפשר לתרץ באופן אחר: בחזו"א (יו"ד ס' ב ס"ק כח) הביא שאדם רק נקרא רשע אחרי התוכחה (ע"ש מה שכתב בנוגע לזמנינו) ולכן שאני הגדר של עמיתך הכתוב אצל תוכחה משאר מצוות כי לפני תוכחה הוא עדיין נקרא עמיתך ורק אחרי התוכחה נקרא רשע ואתה פטור ממנו. ואפילו אז רק כשקיימת את המצוה לפי השעור הדרוש (שהלימוד מתוך המלה "תוכיח" שצריך לחזור ולהוכיחו אפילו מאה פעמים. (מס' ערכין טז ע"ב אבל לפי הגמ' בב"מ לא ע"א הלמוד הוא ממילת הוכח) ולכאורה מי שחטא וקבל תוכחה וחזר וחטא נקרא רשע (כן משמע מהחזון איש יו"ד סוף ס"ב) וא"כ סתם רשע אינו פטור מתוכחה. אבל לפי זה קשה למה יש פטור להוכיח מומר וכדומה. ואפשר שהגדר של מומר הוא כל כך בגס וכ"כ ברור האיסור שהוא כמוכח ועומד וצ"ע.

עיין עוד במ"ב ס' תרח ד"ה אבל (והעקידת יצחק פרשת קרח שער עח רוצה לכלול בשנה גם מי שפורש את עצמו מהכלל)

<sup>1</sup>מהר"ל נתיב התוכחה פ"ב: שצריך על זה [כדי לדעת איך יוכיח] חכמה יתירה ותחבולה גדולה מאד

ובהיערות דבש ח"א דף נו: המוכיח לרבים צריך דעת וחכמה

<sup>2</sup>הגר"א על משלי (י-כ) בהסבר להגמ' בערכין טז: תמיהני אם יש בדור הזה שיודע להוכיח וז"ל "מפני שמוכיח בדברים קשים ומבזה ואומר מפני מה אתה עושה כך ומחרף אותו ועל ידי זה אינו מקבל ממנו. אך הצדיק שיודע להוכיח בא דברים טובים ומקרב אותו לתורה בכדי שישמע אליו והכל נכספים אליו לשמוע מוסר ותורה ממנו".

ואפילו שלא במקום תוכחה כתוב במס' שבת לד. אמר רבה בר רב הונא אע"ג דאמרי רבנן שלשה דברים צריך אדם לומר (בתוך ביתו ערב שבת) צריך למימרינהו בניחותא כי היכי דליקבלינהו מיניה

<sup>3</sup>בילקוט מעם לועז מלכים א' תוכחה: ועוד נרמז בזה שנאמר ואחר האש קול דממה דקה (זו) שהמוכיח צריך לדבר אחרי התוכחה דברים רכים ונעימים. כמו שאמר חז"ל (סו) משל למה הדבר דומה לבן שאמר לו אביו לך לבית הספר. הלך לו לשוק והיה מתחיל משחק עם הנערים. וידע אביו שלא הלך לבית הספר והיה משמיעו דברים רעים. אחר כך אמר לו רחוק ידך ובא סעוד עמי. כך אמר ישעי', בנים גדלתי ורוממתי והם פשעו בי. וכשהוא גומר כל הענין מהו אומר, לכה נא ונכחה יאמר ה'. אף כאן נרמז לו שלאחר הרוח והרעש של התוכחה צריכים לבוא דברים רכים ונעימים בחינת שמאל דוחה וימין מקרבת. וכן פירשו בדרך צחות. (סו) מילא בסלע משתוקא מתרין, אם הדיבור של התוכחה שוה סלע, הרי השתיקה אחריו שוה ב' סלעים. (ע) כמו השמש שבא אחר המטר ששוה כשתי פעמים מטר.

ובאלון איש לרעהו, פרשת דברים תש"ס:

נלמד מהפסוק: "אלה הדברים אשר דבר משה אל כל ישראל" (פרק א-א).

וכתב רש"י: לפי שהן דברי תוכחות, ומנה כאן כל המקומות שהכעיסו לפני המקום בהן. לפיכך סתם את הדברים והזכיר ברמז מפני כבוד של ישראל.

באופן שישמר כבודו

להקדים דברי שבח והערכה לאדם

וכך כתב השל"ה הק': "כשהוכיחם [משה] בדברי מוסר סיפר מעלתם "הבו לכם אנשים חכמים נבונים וידועים" וגו' הוא על דרך הפסוק "אל תוכח לץ פן ישנאך הוכח לחכם ויאהבך" הענין, כשאתה רוצה להוכיח את אחד, אל תאמר לו כך וכך אתה גרוע, כי אז ישנאך ולא ישמע לדבריך, וזהו שנאמר "אל תוכח לץ" – שלא תוכיח אותו דרך זלזול לומר לץ אתה, רק אדרבה תאמר לו חכם אתה, וא"כ חרפה



The meforshim point out that human nature is such that it is simply counter-productive to rebuke in a hostile, threatening or aggressive way<sup>1</sup>. Moreover, the Torah specifically prohibits embarrassing the person one is rebuking<sup>2</sup>. However, there

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היא לאיש כמוך לעשות כה וכה, זהו "הוכח לחכם" כלומר תעשנו לך לחכם, אז יאהבך וישמע לקול דבריך ויקבל מוסר. עכ"ל.

המאירי... וכשהוא צריך להוכיח ברבים יוכיח דרך כלל ולא דרך פרט (סנהדרין יא).

פעם אחת הגיע רבי ישראל סלנטר זצ"ל לווילנא והביא עמו סכום כסף בשביל רב אחד, בעצמו הלך לביתו של הרב כדי להביא לו את הכסף. הרב חש אי נעימות גדולה ואמר לרבי ישראל: למה היה הרב צריך להטריח את עצמו להביא את הכסף לבית, הרי יכל להודיע לי שהביא כסף והיית בא אליו כדי לקבל.

השיב לו ר' ישראל: אתה צודק, אבל רציתי להגיד לך תוכחה על משהו, ולכן צריך אני קודם לכבד אותך כדי שאוכל אח"כ להשמיע לך תוכחה. "איזו שייכות יש בין זה לזה?" – שאל הרב. "גמרא מפורשת היא" השיב ר' ישראל. איפוא יש גמרא כזו? הקשה שוב הרב.

ענה רבי ישראל: הגמרא (יבמות עח:) מפרשת את הפסוק (שמואל ב-כא) "ויהי רעב בימי דוד שלוש שנים", שדוד המלך שאל לסיבת הרעב וה' ענה לו: "אל שאול ואל בית הדמים", ומפרשת הגמרא, על שאול שלא נספד כהלכה ועל שהרג את נוב עיר הכהנים. ושואלת הגמרא: כיצד זה שמצד אחד ישנה תביעה על ששאול לא נספד כהלכה, ומצד שני התביעה על שאול שהרג את נוב עיר הכהנים. ומשיבה הגמרא: אה"נ "אשר משפטו פעלו" (צפניה ב-ג) ופירש רש"י: "במקום שדנים האדם שם מזכירין פועל צדקותיו"!!!

"רואה אתה" – הפטיר רבי ישראל - "אם אני מבקש לומר תוכחה, צריך אני קודם לכבד אותך, לקיים מאמרם, שכאשר שופטים אדם, צריכים לזכור קודם את הפועל הטוב שהוא פעל!...וגו"

<sup>1</sup> כתר ראש קמג - דברים קשים אינם נשמעים

<sup>2</sup> רמב"ם דעות פ"ח הל' ו: המוכיח את חבירו תחלה לא ידבר לו קשות עד שיכלמו שואמר ולא תשא עליו חטא כך אמרו חכמים יכול אתה מוכיחו ופניו משתנות ת"ל ולא תשא עליו חטא זה נלמד מתוכחה לכל התורה וכלשון הרמב"ם דעות פ"ח הל' ו: "מכאן שאסור להכלים את ישראל וכ"ש ברבים" משמע שאסור אפילו בינו לבין עצמו ודלא כהרא"ם (עמוד היראה ס' לז) שכותב שהאיסור רק ברבים וז"ל שם "צריך המוכיח להוכיח במקום שלא יתבייש חברו דתניא בערכין יכול תהא מוכיחו אע"פ שפניו משתנות ת"ל לא תשא עליו חטא פ' חוכיחו במקום שלא ישתנו פניו. (וכן משמע מרש"י ערכין טז: שכתב "שיוכיחו ברבים להלבין פניו" כתב דווקא ברבים.) ובשו"ע חו"מ סת"כ סל"ט: וכל המלבין פני אדם כשר מישראל בדברים אין לו חלק לעולם הבא" ולא חילק בין בסתר בין ברבים.

Rather one should talk gently and softly:

ילקוט מעם לועז מלכים א':

ועוד נרמז בזה שנאמר ואחר האש קול דממה דקה (זו) שהמוכיח צריך לדבר אחרי התוכחה דברים רכים ונעימים. כמו שאמר חז"ל (סח) משל למה הדבר דומה לבן שאמר לו אביו לך לבית הספר. הלך לו לשוק והיה מתחיל משחק עם הנערים. וידע אביו שלא הלך לבית הספר והיה משמיעו דברים רעים. אחר כך אמר לו רחוק ידיך ובא סעוד עמי. כך אמר ישעי', בנים גדלתי ורוממתי והם פשעו בי. וכשהוא גומר כל הענין מהו אומר, לכה נא ונוכחה יאמר ה'. אף כאן נרמז לו שלאחר הרוח והרעש של התוכחה צריכים לבוא דברים רכים ונעימים בחינת שמאל דוחה וימין מקרבת. וכן פירשו בדרך צחות. (סט) מילא בסלע משתוקא מתרין, אם הדיבור של התוכחה שוה סלע, הרי השתיקה אחריו שוה ב' סלעים. (ע) כמו השמש שבא אחר המטר ששוה כשתי פעמים מטר. עכ"ל עיין הארה הבאה

and give a person to understand that this is for his own good:



may come a time when the rapid legitimization of homosexuality may lead the Gedolim to tell us to change from *tochacha* mode to *mechaa* mode<sup>1</sup>.

We need to strike a balance between de-stigmatizing the homosexual as person, while maintaining our deep repugnance to the acts he may be involved with. As a community, our role is to encourage such a person to see himself as someone with a problem that needs to be overcome, rather than someone who is defined by his sexual orientation<sup>2</sup>.

In Tikkun magazine<sup>3</sup> an individual struggling with homosexual inclinations describes a visit to one of the great Talmudic sages today, Rav Elyashiv: "Speaking in Hebrew, I told him what, at the time, I felt was the truth. 'Master, I am attracted to both men and woman. What shall I do?' He responded, 'My dear one, then you have twice the power of love. Use it carefully.'" I was stunned. I sat in silence for a moment, waiting for more. 'Is that all?' I asked. He smiled and said, 'That is all. There is nothing more to say...' Rav Elyashiv did not deny the man's attractions, rather, he acknowledged them, but warned lovingly to channel his desire the right way.

In this sense, the gay person is no different to any sinner, about whom the Chazon Ish says in the Yoreh Deah (2:16) "To bring them back with the ropes of love." To alienate homosexuals, to exclude them from our communities and our Shabbos tables is, in essence, to push them away from Torah Judaism. As long as the

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רמב"ם פ"ו מדעות הל' ז: צריך להוכיחו בינו לבין עצמו וידבר לו בנחת ובלשון רכה ויודיעו שאינו אומר  
לו אלא לטובתו להביאו לחיי העוה"ב וגו'  
ובסמ"ג מצוה יא: שבזה יתקבלו דבריו יותר.

<sup>1</sup> The gemora in Sanhedrin 75a discusses the case of a man who fell madly in love with a woman. Doctors say that he will die if he does not have her. The woman is willing to give him whatever sexual pleasures the rabbis advise is appropriate to save a life. The Torah, of course, assigns primary importance to the saving of a life. "One who saves a life is as if he saved the entire world," and "saving a life precedes the Sabbath." On the other hand, cardinal sins, such as murder, paganism and adultery/incest, are never permitted, even to save a life. The Talmud concludes that such a woman, even if she is unmarried, may not even talk to the man behind a wall to save his life, and he will die.

The gemora rules that we may not break down social sexual standards even to save a life.

We see clearly from the gemora that community standards are very important. If the man himself wants just to talk to the lady with a fence between them, Rambam says we tell him to die and not speak to her, even if she is unmarried and willing to talk to him. We see clearly that human life does not override the proper social sexual standards of Israel.)

ספר לקט הקמח החדש (א-ב דף יד ס' י): מש"כ בש"ע (או"ח ס"א) שלא יתבייש מהמלעיגים ע"י בה"ט ב' שלא יתקוטט עמהם. וע' בשו"ת זכרון יהודה ובערוך השלחן האשכנזי ובה"ל דזהו לעצמו, אבל בנוגע לכלל להקהלה שרוצים לשנות איזה תקנה מצוה לשנאותם ולהתקוטט עמהם, בחינת החיד"א שפירש "רודף שלום" לשלח השלום. וידוע זה מזמן שגדולי אונגרין נתפרדו וייסדו קהלות היראים ומבואר באריכות במהר"ם ש"ק בתשובותיו בחלק או"ח וגם מקדוש זקני הגה"צ מה"ר שמואל פרנקל מב"ח ז"ל וז"ע בספרו אמרי שפר, שזה בכלל מלחמת מצוה ... אבל לזה צריכין חכמה בינה ודעת שלא יהא מצוה של שטן דמחלוקת דבר גדול הוא וגו'

<sup>2</sup>Rabbi Freundel, The Journal of Halacha and Contemporary Society Pg.76

<sup>3</sup> Vol. 8, Pg.54



homosexual is making every attempt to be discrete and not promoting an agenda in any way, we should provide the support of the community as a crucial vehicle to help him to bring his life in line with halacha.

### *Our response to the problem of gay communities (the homosexual identity)*

One of the problems which some gays have is that they define their whole selves in terms of their orientation. They become a part of a whole 'culture', gay culture. Above, we mentioned this as one of the explanations for the prohibition of homosexuality to begin with.

As we mentioned there, the gay culture itself is highly problematic. The broader gay culture celebrates homosexuality. Many gay men (far more than women) who belong to this culture are highly promiscuous.<sup>1</sup> Despite many exceptions, there is no question of the gay subculture overall sending out messages of promiscuity. David Bianco, a 32-year-old gay media mini-mogul<sup>2</sup>, who discontinued his same-sex lifestyle after he got closer to a Torah lifestyle, stated that the gay community has "overly glorified sex to the point that it's expected to be the most important piece of our lives" Ironically, the gay community's "narrow definitions are as constricting and as oppressive as the norms that the gay community was rebelling against in the first place<sup>3</sup>."

Secondly, there is a problem with a person with homosexual tendencies defining his whole essence in this way. All people are multi-faceted. A person may be artistic, or scientifically orientated, passionate or bland, organized, punctual, interested in stones, and a dozen other things. He may or may not be attracted to members of the same or the opposite sex. A gay person must be taught to redefine himself as a person who has, amongst many other things, an attraction to other things. This is important for many reasons, chief amongst them the ability of the person to first approach Judaism. Many gay people, faced by the impenetrable wall of the

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<sup>1</sup> Before the aids epidemic (which reduced promiscuity significantly) the average gay male was reporting an average of 40 partners per year. In a study of 156 male couples 95% were not faithful to each other. Another study found that the "cheating rate" among homosexual couples given enough time approached 100%, and that many homosexual couples consider marital fidelity to be a threat to their ability to stay together. Lesbians (females) tend to be far less promiscuous and much more likely, overall, to be looking for a long term partner. Many women confirmed their orientation after negative experiences with men who were insensitive and looking to use the woman. However, these are generalizations; some gays have life-long partners, though this does not always impact on their promiscuity. Others are not much distinguishable from broader society, holding down good jobs, and relating to the broader world with sensitivity and responsibility. Some, in particular the women, are very spiritual.

<sup>2</sup> He founded Bianco Q Syndicate, most of which he sold. He writes "Over the Rainbow", a weekly column.

<sup>3</sup> To read the complete interview with David Bianco, from which the above quotes were taken, please refer to: <http://www.gaycitynews.com/gcn205/takingthegayout.html>



prohibition against homosexuality, just give up on Judaism. This need not be so. A person does not have to face this issue at the outset. No-one should be asked to face what they view as the most difficult and challenging issue of their life, right at the beginning of their relationship with Judaism. Female singers should not be told to deal with their careers as they approach Judaism, just like someone who is intermarried wouldn't be told to convert or leave his wife before he starts keeping at least some mitzvos. But gay people don't see it that way. They see a contradiction between Judaism and their very selves' right at the outset.

In fact, Rabbi Aaron Feldman points out that, from the aspect of the rights of the individual, the Torah views homosexuals no differently from the Gay Liberation Movement. Those with a homosexual orientation are equal to any other individual before God and deserve equal social rights and it is praiseworthy that this Movement has done much to secure these rights. However with respect to homosexual activity, there is a sharp variance between the view of Torah and that movement.

There are also increasing trends to develop a more 'Jewishly' identified gay sub-culture', most notably the forming of separate gay communities. The first such "gay synagogue", apparently, was the "Beth Chayim Chadashim" in Los Angeles. Spawned by that city's Metropolitan Community Church in March 1972, the founding group constituted itself as a Reform congregation with the help of the Pacific Southwest Council of the Union of American Hebrew Congregations some time in early 1973. Thereafter, similar groups surfaced in New York City and elsewhere. The original group meets on Friday evenings in the Leo Baeck Temple and is searching for a rabbi - who must himself be "gay". The membership sees itself as justified by "the Philosophy of Reform Judaism". The Temple president declared that God is "more concerned in our finding a sense of peace in which to make a better world, than He is in whom someone sleeps with"<sup>1</sup>.

Freundel, in an article entitled "Judaism and Homosexuality" (*Journal of Halacha and Contemporary Society*) stresses that gay individuals should be kept within the Torah community. Freundel advocates *kiruv* (outreach) for homosexual Jews, much as some might advocate outreach to an intermarried couple. "We must create a situation which offers a positive alternative to the gay synagogue and to the even worse choices of complete abandonment and assimilation," he writes.

But Judaism is opposed to defining people as being homosexual as a definition of a person. It is homosexual acts that are forbidden, not homosexual orientation<sup>2</sup>. There is, in fact, no word in Judaism for a gay person per se.

There is no category of a "homosexual" within halachic frameworks. There are many "characters" within halacha: the mamzer, the priest, the slave, the king, the convert – all have a unique halachic status – the homosexual is not one of them. Halacha never placed homosexuals in a unique category or even as different as the non-homosexual. Halacha therefore does not accord special treatment, special vilification or greater or lesser rights to homosexuals as a category. Judaism doesn't

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<sup>1</sup> Rabbi Norman Lamm quoting "Judaism and Homosexuality" C.C.A.R. Journal, summer 1973, p. 38; five articles in this issue of the Reform group's rabbinic journal are devoted to the same theme, and most of them approve of the Gay Synagogue.

<sup>2</sup> Rabbi Shalom Kaminetzky



define people based on sexual desire; we do not define people who lust over married woman or people who desire non-kosher food in separate halachic groups. This should improve the homosexual's self-perception. He can come to realize that he is not a homosexual who is different from a heterosexual. He will not define himself by that inclination. Jewishly, he is not a minority with fewer rights. He is a Jew, who like all Jews needs to repress his evil inclination in general. Just like any other sinners, from adulterers to speakers of gossip, can feel accepted while dealing with guilt because of sinful activities, so can he. He is not part of a sub-group; just as the above are required to change their ways likewise, he needs to discontinue engaging in his sinful behavior.

Freundel seems to search for a middle ground between acceptance and rejection. "We cannot close our eyes and pretend that a problem of this magnitude will go away," he writes. "It is our task to present a legitimate Jewish response, balancing our opposition to homosexual activity with our concern for the human beings involved."

What the Orthodox community wants to avoid at all costs is to legitimize the homosexual life-style, and to prevent independent, "Orthodox", gay communities from springing up. As Rabbi Avi Shafran noted: "The whole approach to demanding to be accommodated is profoundly non-Orthodox. I have a hard time dealing with someone who says, 'I'm gay and I want to be accepted.' Adulterers are not demanding adulterers' minyans. We can't elevate sinning to a lifestyle. The more it's mainstream ... the more people will choose it and accept it as an option." The only viable way to avoid these communities would seem to be a message of acceptance within existing communities.