

From Oxymoron to Opportunity

by Rabbi Steven Greenberg

Koshering a Reptile

BT Sanhedrin 17a

Rabbi Yehudah said in the name of Rav: We appoint to the Sanhedrin only someone who knows how to purify a reptile (almost the epitome of biblically impure animals) according to the Torah.

JT Sanhedrin ch. 4, 22a

Rabbi Yohanan said: Anyone who does not know to prove a reptile pure and then to prove it impure a hundred times cannot open in the defense of the accused. (JT Sanhedrin ch. 4, 22a)

Abraham Isaac Kook, Arpelei Tohar, 30.

There are times when there is a need to violate the words of the Torah since there is no one in the generation who can show the way [to do it permissibly] and so it comes as a breach. It would be much better if such [violations of the law] came about as unintentional transgressions, as the saying goes, “better they be accidental sinners rather than intentional sinners.” However, only when a prophetic spirit rests upon the people of Israel is it possible to fix such matters legally by a decree of the sages. Then the matter is addressed legitimately and openly as a straightforward mitzvah. But by the obstruction of the light of prophecy, **the matter is fixed by an extended breaking [of the law], the external manifestation of which saddens the heart, and yet gladdens the heart by its inner essence.**

Note: Abraham Isaac Kook, Arpelei Tohar p. 15. I was informed of this original version of the text by Rabbi Yehuda Gilad. Actually, this text was first amended by Rabbi Kook's son, Rabbi Tzvi Yehuda Kook to read, “the matter is fixed by a breaking [of the law] which, of itself, makes us sad, while its end result gives us joy.” Then in later editions the entire piece was removed.

Original Text

לפעמים כשיש צורך בהעברה על דברי תורה, ואין בדור מי שיוכל להראות את הדרך, בא הענין על ידי התפרצות. ומכל מקום יותר טוב הוא לעולם שיבוא ענין כזה על ידי שגגה, ובזה מונח היסוד של 'מוטב שיהיו שוגגין ואל יהיו מזידין'. רק כשהנבואה שרויה בישראל אפשר לתקן ענין כזה על ידי הוראת שעה, ואז נעשה בדרך היתר ומצוה בגלוי, ועל ידי סתימת אור הנבואה, נעשה תיקון זה על ידי פרצה ארוכת זמן, שמדאבת את הלב מצד חיצוניותה, ומשמחת אותו מצד פנימיותה.

Text amended by Rav Tzvi Yehudah Kook

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Leviticus 18:22

And with a male you shall not lie the lyings of a woman: it is a toeva.

ואת זכר לא תשכב משכבי אשה תועבה היא

Leviticus 20:13

If a man lies with a male the lyings of a woman, the two of them have done a toeva, they shall be put to death—their bloodguilt is upon them.

ואיש אשר ישכב את־זכר משכבי אשה תועבה עשו שניהם מות יומתו דמיהם בהם

Rambam, Hilchot Issurei Biah 21:8

It is forbidden for women to rub against one another; it is among the “ways of the Egyptians,” about which we were warned in Leviticus 18:3 and about which our sages expounded, “What would they (the Egyptians) do? A man would marry a man, a woman would marry a woman, and one woman would marry two men.

נשים המסוללות זו בזו אסור וממעשה מצרים הוא שהוזהרנו עליו שנאמר כמעשה ארץ מצרים לא תעשו, אמרו חכמים מה היו עושים איש נושא איש ואשה נושא אשה, ואשה נשאת לשני אנשים.

1. What is the pshat of the text?
2. What is the reception history among the sages? Are there purposes (te'amim) and what might they be?
3. What are the human realities (psychological and social) upon which the issur is applied?
4. What are likely outcomes or consequences of the normative ruling, and do they matter?

There are no Homosexuals

Declaration on the Torah Approach to Homosexuality (2/2012)

Introduction and Purpose of The Torah Declaration on Homosexuality.

The current situation: Over the past few years homosexual activists have infiltrated every aspect of the secular world and have achieved acceptance in the media and most of the general culture. They have been fighting fiercely on issues pertaining to the legitimacy of the homosexual lifestyle in all aspects of society, including homosexual marriage, in order to gain full acceptance. The last line of resistance against acceptance of the homosexual agenda has been mostly from the religious communities.

There are no “homosexuals”

The Torah makes a clear statement that homosexuality is not an acceptable lifestyle or a **genuine identity** by severely prohibiting its conduct. Furthermore, the Torah, ever prescient about negative secular influences, warns us in Vayikra (Leviticus) 20:23 “Do not follow the traditions of the nations that I expel from before you...” Particularly the Torah writes this in regards to homosexuality and other forbidden sexual liaisons.

Reality Obeys Ideology: Same-Sex Attractions Can Be Modified And Healed

We emphatically reject the notion that a homosexually inclined person cannot overcome his or her inclination and desire. Behaviors are changeable. The Torah does not forbid something which is impossible to avoid. Abandoning people to lifelong loneliness and despair by denying all hope of overcoming and healing their same-sex attraction is heartlessly cruel. Such an attitude also violates the biblical prohibition in Vayikra (Leviticus) 19:14 “and you shall not place a stumbling block before the blind.” The concept that G-d created a human being who is unable to find happiness in a loving relationship unless he violates a biblical prohibition is neither plausible nor acceptable. G-d is loving and merciful. Struggles, yes, difficult struggles, along with healing and personal growth are part and parcel of this world. Impossible, life long, Torah prohibited situations with no achievable solutions are not.

Rabbi Moshe Feinstein: Igrot Moshe, Orach Haim Vol. 3, responsa no. 115

The first thing you need to know is that homosexuality has the severe punishment of stoning and kares and it is also called disgusting by the Torah itself. It is one of the most debased sins and it even is prohibited for non-Jews. This knowledge is a strong bulwark against the yetzer harah. Secondly it is inexplicable that there should be a lust for it. That is because in the creation of man himself there is no natural lust for homosexuality... **The desire for homosexual relations is against natural lust and even the wicked do not have a desire for it itself. Rather their entire desire for it is only because it is something prohibited and the yetzer harah seduces them to rebel against the will of G-d...**The third thing is that homosexuality is an embarrassment even to the common man. Because the entire world – even the wicked - ridicule those who are homosexuals.

Denial of the Conflict

Statement of Principles on the Place of Jews with a Homosexual Orientation in Our Community

Originally Published: 7/2010. List of Signators Most Recently Updated: 8/2015

Dignity

All human beings are created in the image of God and deserve to be treated with dignity and respect (*kevod haberiyot*)....Embarrassing, harassing or demeaning someone with a homosexual orientation or same-sex attraction is a violation of Torah prohibitions that embody the deepest values of Judaism. ...

Halakhah sees heterosexual marriage as the ideal model and sole legitimate outlet for human sexual expression. The sensitivity and understanding we properly express for human beings with other sexual orientations does not diminish our commitment to that principle...Halakhic Judaism views all male and female same-sex sexual interactions as prohibited. The question of whether sexual orientation is primarily genetic, or rather environmentally generated, is irrelevant to this prohibition...

Full Welcome

Accordingly, Jews with homosexual orientations or same sex-attractions **should be welcomed as full members of the synagogue and school community...****We do not here address what synagogues should do about accepting members who are openly practicing homosexuals and/or living with a same-sex partner.** Each synagogue together with its rabbi must establish its own standard with regard to membership for open violators of halakha. Those standards should be applied fairly and objectively. **Halakhic Judaism cannot give its blessing and imprimatur to Jewish religious same-sex commitment ceremonies and weddings, and halakhic values proscribe individuals and communities from encouraging practices that grant religious legitimacy to gay marriage and couplehood.**

Rabbinic Allies Boldly Admit the Conflict

Ohness Rahmana Patrei

Rabbi Shlomo Riskin, in an article written in nearly twenty years ago, stated the challenge for rabbis in these words: “how can we deny a human being the expression of his physical and psychic being? **If there’s a problem with the kettle, blame the manufacturer.** Is it not cruel to condemn an individual from doing that which his biological and genetic make-up demand that he do? The traditional Jewish response would be that if indeed the individual is acting out of compulsion, he would not be held culpable for his act.”

Rabbi Yosef Kanefsky, *A More Modern View of Homosexuality*, Dec 5, 2012

The statement of the RCA however, quietly, boldly and courageously breaks new ground. In recognizing that there is no evidence that reparative therapy is effective, and that there is, consequently, no obligation to pursue it, our community is acknowledging that homosexuality may very well be simply part of the human condition. Accordingly, we have decided that **homosexuals should not any longer have to pay the psychological, emotional and even physical price for our theological comfort.** We have effectively designated our theological question as a *teyku*, one whose answer still needs to be determined. But one that will, meanwhile, not prevent us from seeing the human truths in front of our eyes.

***The Greatest Challenge to 'Emunah' of our Time*, Sept. 14, 2016**

16. Rabbi Ari Segal, Head of School at Shalhevet Academy in Los Ang

This may surprise many adults, but the reconciliation of the Torah's discussion of homosexuality represents the single most formidable religious challenge for our young people today. More young people are "coming out" than ever before, and that repeatedly puts a face to this theological challenge. These weighty issues do not live in the abstract; they powerfully and emotionally impact genuine individuals living in our Orthodox community, with real life families and friends. What may seem like an interesting sociological debate in truth is creating crushing pain, anxiety, and general turmoil for people about whom we care deeply.

As they go off to college, students invariably face the painful moral dilemma created by the seemingly intractable conflict: believing in the primacy and validity of the Torah on the one hand, and following their hearts' sense of morality with regard to loving and accepting their gay friends – or perhaps "coming out" themselves—on the other. All too often, this earnest challenge results in our children quietly losing faith in the Torah as a moral way of life.

**Introduction to the *Guide for the Wellbeing of LGBTQ+ Pupils in Orthodox Schools*
from Chief Rabbi, Ephraim Mirvis**

A priority for every school is the wellbeing of its students. In this context, for some time, numerous professional and lay leaders of our schools and many Rabbis, have shared with me their view that there is an urgent need for authoritative guidance which recognises **the reality that there are young lesbian, gay, bisexual and transgender (LGBT+) students in our schools to whom we have a duty of care....**

To our great regret, without appropriate measures in place, harm has too often been caused in our schools and this is a problem that persists today. With this in mind, I consider it a *chiyuv* (obligation) to provide appropriate direction to our schools and to ensure that Rabbis and other suitable members of staff are on hand to provide support and guidance to our students....

This guide promotes a whole-school approach to the **wellbeing and safety of LGBTQ+ young people. This requires robust behaviour policies alongside wider school work to integrate understanding and awareness about LGBTQ+ experiences. It is for this reason that we have specifically included the reflections of LGBTQ+ people which provide an essential insight for teachers into how some of their pupils may be experiencing their education...**

I hope that this document will set a precedent for genuine respect, borne out of love for all people across the Jewish world and mindful of the fact that every person is created *betzelem Elokim* – in the image of God.

Chief Rabbi Ephraim Mirvis Chief Rabbi of the United Hebrew Congregations of the Commonwealth

On same-sex couples in the Orthodox Jewish community

By Benny Lau

'It is not good for a person to be alone' – regardless of their sexuality. On coming out, finding a partner, tying the knot, and having children

Introduction

The impetus for the document that you are about to read was a scene from Rabbi Mordechai Vardi's unsettling documentary "Marry Me However," a film that tells the stories of Orthodox gay men and lesbian women who entered marriages to opposite-sex partners in an attempt to live in accordance with Jewish law and be accepted by their religious families and communities. In that scene, **Rabbi Yuval Cherlow remarks that "we [rabbis] know how to say no, but we can't cite an article or viewpoint that says what is permitted."**

Rabbi Cherlow's reference to our lack of a "yes" regarding same-sex partnerships touched me deeply, because I knew how right he is. For almost 30 years, I have been in contact with LGBTQ+ people and have counseled them and their families. The term that best describes the way the Orthodox community deals with the reality that surrounds us is "confusion." Few parents want to tear their clothes in mourning and cut off ties with their child who has come out of the closet. But the way in which this situation should be navigated in family and community life in the Orthodox Jewish community is very unclear, and we desperately need a road map to guide us.

The thought of the need for this document would not leave me. Following in the footsteps of Rabbi Moshe Chaim Luzzatto, whose principle of "alacrity" in the book *Mesilat Yesharim* teaches us the value of turning thought into action without any delay, I wrote a first draft and sent it to several rabbis and to a few LGBTQ+ friends. I discussed some of the points with them and incorporated some of their suggestions.

The document before you is not a detailed treatise of Jewish law with halakhic rulings that should be followed without question. Rather, it is a collection of recommendations for how people of the same sex can live together as couples and have families within the larger context of Orthodox Jewish families and communities, and for how their families and communities should relate to them. It does not seek to permit the forbidden, or to forbid the permitted; rather, it aims to pave a possible way of life within the reality in which we are living. It is a meeting point between the world of revelation and the world of reality; between our eyes that look toward Heaven and our encounters with the people who live around us.

The act of repair in the world takes place by means of meeting the eyes, hearing the voice, and feeling the heartbeat of the people around us. The world of theory strives to create pure truths, and therefore prefers to look away from the personal when a person's reality does not match our philosophical constructs. Our religious world is always composed of these two levels: the world of the Torah and the world as it is in reality.

The admonition against same-sex relations in the book of Leviticus is well known. But we also must deal with the reality around us. When torn between the words of the Torah and the reality of people who are attracted to people of their own sex, some people cling to the words of the Torah and ignore the reality around them, while others focus on the reality and give up on the words of the Torah. But a person who wants to serve God fully in the world must learn to hold the words of the Torah in one hand, to hold reality in the other, and to live with them both. **Living with both simultaneously is always more difficult than forfeiting one or the other. It often leaves us without answers and without clear understanding. At times, the gap between Heaven and earth can also be daunting.**

The guidelines that follow were first published in a [Hebrew post on Facebook](#) on October 10, 2020. While translated excerpts were made available immediately in the English press, it took weeks for volunteer translators and editors in different countries to produce an English adaptation that would speak to the sensibilities of a wide range of readers, including LGBTQ+ readers. These partners in this endeavor know who they are and have my thanks; while not all of their suggestions were incorporated into the final document, each contributed to it in an important way. It should also be noted that as some pointed out, **this discussion does not directly address the important questions of life partnership for transgender people, which also deserve rabbinic attention.**

I believe in the wisdom of the crowd and hope that the readers of this document will comment on it and will enlighten us by sharing their own perspectives. By virtue of the collective insights and the goodwill of many people, we will hopefully continue to improve and refine these guidelines in the future.

A. The Closet Is Death: Revealing the Secret

1. **“It is not good for a person to be alone” (Genesis 2:18).** In the entire story of creation in the Book of Genesis, only one thing is deemed “not good”: the state of being alone. The need to break out of loneliness is as essential as air is to breathing.

2. **The process begins at a special moment when a person, whoever that person may be, looks in the mirror and says to the Creator: “Hineni – here I am.” Standing upright with eyes wide open, facing who I really am, is a prerequisite for choosing life. This encounter with the self, standing alone in front of the mirror, is the defining moment before coming out of the closet.** It is vital for enabling a person to respond to the Divine question “where are you?” without going into hiding.

3. The next step in entering into life is coming out of the hermetically sealed closet. Another set of eyes and another beating heart must also be let in on the big secret. Some people prefer to keep the truth hidden from the public eye and reveal it only to a close confidant. Other people feel that coming out liberates them, allowing them finally to live without having to hide from who they really are. Coming out is a very personal process and people chose to do it in different ways. In my experience, often the best way to come out is gradually and carefully, so that family and friends can come to terms

with this newly revealed reality, which may come as a shock. This also enables the person who is coming out to process the experience gradually, in whatever way is most appropriate for their needs. In my experience, it is helpful if the person who is coming out begins by identifying someone who is receptive and has the capacity to be able to handle the news. Proper preparation for coming out may have a welcome and positive outcome, yielding a family that provides lifelong acceptance, care, and support.

4. Parents often want to slow the process of their child coming out, both because of their own needs and out of concern for their child's welfare. Children who are coming out may find it difficult to understand their parents' ambivalence. If rabbis are accompanying individuals and their families in the coming out process, it is important for them to be aware of all the competing needs.

B. "I will make him a helpmate": Partnership

1. "I will make him a helpmate" ([Genesis 2:18](#)). The family that the Torah portrays as ideal is one in which a man and a woman create a complete family unit. Reality, however, does not always match this, and the question of what the right partnership framework is for each unique individual is a critical question.

2. Finding a partner with whom to share all of life is one of life's greatest gifts.

3. In the rules of dating and courtship, there is one cardinal rule that is above all others: the prohibition of deceit, as expressed in the commandment "Do not wrong one another." If a person who is primarily attracted to people of the same sex nevertheless chooses to try to marry a person of the opposite sex in order to create a family, that person is obligated to inform their partner of their actual sexual orientation. Concealing this has left too many people broken and shattered in our world.

4. In the above situation, it is difficult to say exactly when the right time is to reveal one's actual sexual orientation to their partner. Opening up and divulging innermost feelings requires complete trust and confidence. While sharing intimate information on a first date is not required, it is very wrong to allow a deep and intimate relationship to develop while concealing this information. Finding the elusive right time to share this information is critical, and it is advisable to consult with someone else when making this decision.

5. Whatever one's sexuality, the need for intimate partnership is human. The way this need is realized may be different, varying with the intensity of each person's orientation and other considerations that affect their choice. Some people may enter into a loving relationship with a partner of the opposite sex, while others may enter into a relationship with a partner of the same sex. This is a very personal decision; family and friends should avoid being judgmental and should try to allow the process to develop in accordance with the person's nature and individual needs.

6.If physical contact with a person of the opposite sex causes feelings of revulsion, it is forbidden to try to form a heterosexual couple and build a family that way. This attempt would be extremely damaging to the other person entering into the committed relationship.

7.Most gay and lesbian people and many bi people seek to build intimate relationships with people of the same sex. When a child tells their parents or family about a same-sex partner, the news often triggers turbulent and conflicting emotions. On the one hand, parents are happy to see their loved one leaving loneliness behind. On the other hand, they often experience this as a new stage of mourning and of letting go of their dream of their child, who is now clearly staking out a different path in life. Just as the process of coming out should be undertaken in a gradual and sensitive manner, it is advisable to introduce a same-sex partner to the family in a way that takes into account the family's ability to deal with this news. In my experience, I have found that parents often react more strongly to meeting a same-sex partner than to their child's coming out. It is advisable for parents or family members to get assistance from support groups in the religious community, such as those operated in Israel by the TEHILA non-profit organization.

8.Sometimes, a heterosexual person makes a conscious decision to enter into a life of partnership with a person who is primarily attracted to people of their own sex. This is sometimes done out of altruism, without sufficient understanding of the challenges and pitfalls that will arise. It is imperative that couples considering this possibility receive guidance that will raise all the issues that may arise in the future. These include the possibility that the lack of sexual intimacy within the partnership may lead people to seek it elsewhere. Choosing a life of partnership that is devoid of sex is a possible choice, but is not a natural one. As with all human needs, sexual needs are not uniform and vary in intensity from person to person. For some people, a warm embrace is enough, while others need more intimate contact. At any rate, it is difficult and perhaps even impossible to suggest as part of spiritual or emotional counseling that a person undertake a life of complete sexual abstinence.

9.A person's journey of self-awareness must include arriving at an understanding of whether they are attracted to people of the opposite sex, the same sex, neither, or both. It can be very difficult for people to fully understand this aspect of their sexuality, particularly in a religious community in which physical relations are reserved for marriage. The challenge of creating a satisfying sexual relationship is difficult for any couple. Being part of an Orthodox Jewish community can make this infinitely more difficult for a person whose primary attraction is to people of the same sex. This too should be discussed and processed under the guidance of expert, qualified professionals.

10.There are therapists who claim to be able to change or "fix" sexual orientation. One should be very careful and cautious regarding such conversion therapies, as they can inflict immense and devastating emotional damage. When a child first comes out, the initial response of parents may be one of fear, and they may immediately seek to provide such assistance, motivated by love. Understanding that sexual orientation is usually not a matter of choice, but rather an inherent inclination, can help parents and other family members deal with the challenges they will face. Nevertheless, an adult struggling with their sexual orientation may wish to see a (qualified, professional) therapist to get help in coming to terms with who they are and with what their sexual orientation is, and they should not be prevented from doing so, since it is their choice and right.

C. Formalizing the Relationship

1. In Orthodox Judaism, halakhic marriage (“kiddushin”) is limited to heterosexual relationships. The absence of a halakhic status of marriage for people in same-sex relationships is an extremely painful point for both the people who cannot marry and for those around them. No accepted solution for this problem has been found within normative Orthodox Jewish law.

2. Living life as a couple, with a formal agreement and a commitment to building a deep partnership in the form of a family, is part of human nature for most people. Even if the framework of Orthodox Jewish law does not have a solution that enables halakhic marriage between same-sex partners, there is no reason to deny or renounce a child’s same-sex relationship. The desire to have a wedding is not simply a matter of wanting the external trappings of the ceremony and celebration; rather, it stems from a desire to make a public declaration of mutual commitment when entering a committed union. The desire to affirm to ourselves and to others that we have decided to formally enter into a committed union is understandable and explains why many people in same-sex relationships wish to be recognized as a couple and to marry. It is both impossible and wrong to ignore or deny this need.

3. Parents and relatives often agonize over the question of whether to attend the same-sex weddings of their children or family members. Participating in a wedding may be difficult for them for many reasons. The doubts can vary from person to person, and members of the same family may be torn in different directions. There are no clear-cut answers to this question. In my experience, if a young person intends to marry someone of their own sex, a discussion between them and their parents leads to greater understanding, even if some parents may still not give their blessing. A couple planning to marry should be understanding of the difficulty that parents have in processing this news and in being part of the wedding planning. Such understanding increases the chances that parents will be involved both in the process and in the wedding itself. The wedding ceremony need not be patterned after the traditional Jewish marriage ceremony; in fact, adopting an alternative format to the traditional ceremony may relieve much of the opposition to the wedding.

Parents are often also concerned about how to present their child’s relationship to the members of their synagogue and community. The family’s ability to mediate and facilitate acceptance will depend on how receptive the community is and will differ from place to place. The family will almost always be able to find someone who can liaise with the community on their behalf.

D. “Be fruitful and multiply”

1. The human desire to bring life into the world is a deep, natural impulse. It is impossible and forbidden for any person to suppress this inner desire. The world has heard the cry of our Matriarch Rachel: “Give me children or I shall die” ([Genesis 30:1](#)). **Halakha does not forbid a person who is attracted to people of the same sex from raising children and building a family. The ability to parent is similarly not limited to people of a particular sexual orientation. Same-sex couples can create a responsible, committed family unit, and their children can be part of the community in which they live.**

2.As in cases of heterosexual couples who need sperm or egg donations in order to become parents, halakhic questions may arise with regard to the legal lineage of children of same-sex couples. Questions arise regarding surrogate motherhood and conversion (in the case of two men) and regarding sperm donors (in the case of two women). It is advisable for the couple to get advice at the outset from a rabbi who will be able to provide them with guidance throughout the process.

3.Same-sex partners and their children should be involved in their communities and should have the same rights and obligations as all other members of the community. Their decision to live as a committed couple does not undermine the community or threaten its integrity. Like all other members of the community, they should behave in a modest and restrained manner and should avoid public displays of intimacy.

4.Society can and should refrain from making judgments about the religious status of people who have come out of the closet. Even if they are living together as a same-sex couple, it does not mean that they are sinning, as each couple decides for themselves what they do or don't do behind closed doors (this is true for heterosexual couples as well). If a couple does not violate Torah prohibitions in public and they do not show contempt or disdain for the Torah, they are halakhically fit for all roles within a congregation, including serving as leaders of public prayer and as representatives of others in the performance of mitzvot. Including all Jewish people, regardless of their sexuality, in community life does not undermine the family or the community. Sexual orientation is not a matter of choice; accordingly, there is no reason to fear that acceptance of same-sex couples will generate a wave of confusion about sexual orientation and gender identity among young members of the community.

5.As is the case with their parents, children of same-sex couples have not sinned, and are no different from other children. It is important to be careful not to embarrass them or do anything that will damage their self-respect or undermine their standing among their peers.

6.The question of belief in the Creator is inextricably bound up with the issues raised in this document. Any person who views some people's need to form same-sex relationships as ugly should take that up with the Almighty, Creator of humankind. In any event, it is forbidden for us to hurt people who are living with the sexual orientation with which they were created. May we be able to fulfill the words of Psalms: "With You is the fountain of life; by Your light do we see light" ([Psalms 36:9](#)).

<https://blogs.timesofisrael.com/guidelines-for-same-sex-couples-in-the-orthodox-jewish-community/>