

Why the Recent Modern Orthodox Rabbis' Statement on Homosexuality is Unhelpful

By: JOSEPH BERGER

Recently, a group of modern Orthodox rabbis released a statement that essentially encouraged the Orthodox community to be more accepting and tolerant of those who identify themselves as homosexual.¹ The statement was not *per se* a halakhic statement, and contained no references to either basic sources or recent *teshuvot*.

The introduction to the statement claimed that “mental health professionals” had been involved in producing it, and the statement contained a number of comments regarding the possibilities of change in terms of sexual behavior, and the possibilities of success of psychotherapeutic treatment.

Looking at the list of those who had signed the statement, it would be obvious to people in different communities that particular

¹ See <<http://statementofprinciplesnya.blogspot.com/>>.

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rabbis whom they would have identified as modern Orthodox had not signed the statement—for whatever individual reasons they might have had.

After the statement was publicized, some such rabbis publicly and others privately expressed their disagreement with aspects of the statement, and with some of the implications that might be drawn from the statement by some people, regarding the position of traditional Judaism on homosexuality.

It was also obvious to any mental health professional with knowledge of the literature in this area, that there were no names among the signatories who were recognizable as being psychiatrists or psychologists from the traditional community who have made significant contributions in this area.

While the alleged “mental health professionals” who contributed to the statement were not identified, a number of the assertions—especially regarding psychotherapeutic treatment—were seriously incorrect, and appear to have been influenced by propaganda from gay extremist circles.

The statement appears to have been produced in response to some pressures that have come from a few people identifying themselves as homosexual and claiming that they have not been accepted within the Orthodox community in a warm, tolerant and non-judgmental manner, even though in their personal lives they are quite Orthodox or traditional in how those terms are understood today, which I think would generally be agreed as meaning fully observing Shabbat, *ḥagim*, *kashrut* and regular *Tefilla Be'Tzibbur*.

Now there is little doubt that the Orthodox approach to sexual matters would make it none of anyone’s business to inquire into the sexual behavior of anybody else. Nor should it be the business of anyone to question the single status of an individual, or to cast any aspersions on the refusal of any man or woman to be introduced to an eligible potential partner of the opposite sex.

On the other hand, it would be equally inappropriate for those who identify themselves as homosexual to blatantly display same-sex sexual behavior in a *shul*—however they might behave in bars, or night clubs, or certain areas in large cities where homosexuals are known to congregate and openly display sexual gestures and behaviors.

But it would appear that the pressures from gay activist circles have been directed towards achieving much more than the perhaps simple goals of being able to *daven* in a *frum shul* without being subjected to intrusive or inappropriate questions and comments.

People have to appreciate how far gay activism has succeeded in ‘normalizing’ homosexuality, in order to understand what this statement, and some of the highly erroneous and prejudicial comments regarding treatment contained in it, are designed to achieve.

Many date the origins of current gay activism in North America to what are called the ‘Stonewall’ riots of 1969, when a club catering to homosexuals was raided by police in a manner that was considered so excessive that it drew widespread responses of disgust, rage and fury.

Much has been written about that event and its consequences, and many references can be found on the Internet. It has been said that the fighting back by the Stonewall Inn’s patrons represented a major turning point in how homosexuals were viewed in North America. It has been noted that within a short time after the episode, two homosexual organizations and three newspapers were formed, and movements for ‘gay rights’ were launched.

In 1971, the American Psychiatric Association held its annual meeting in San Francisco, a city that had been well known as a place of tolerance for a variety of human behaviors, and many self-identified homosexuals had chosen to live there.

Not surprisingly, therefore, the psychiatric meeting was besieged by many protesters claiming that psychiatry stigmatized and was harmful to homosexuals.

I wasn’t at that meeting, but I had the privilege of being invited to be a discussant of papers presented at the meeting of the American Psychiatric Association in Hawaii in 1973, and at that 1973 meeting a whole session was devoted to different presentations about homosexuality.

There were four presenters, three of them leading psychiatrists in the area of sexual matters. Irving Bieber, a distinguished New York psychoanalyst, had led the group that had published some years earlier a major psychoanalytic study exploring the psychodynamic origins of homosexuality, and the success or failure of psychoanalytic treatment.

The other two psychiatrists were Richard Green, a laid-back California sex researcher, and Judah/Judd Marmor, another older distinguished psychoanalyst who had come to take a more liberal and less pathological view of homosexuality.

The fourth presenter was a man named Ron Gold, a 'gay rights' activist, obviously of Jewish origin, who boasted about his same-sex activities on kibbutzim in Israel. Following Gold's presentation, the wise older Bieber made a brief but enormously prescient comment about an 'inappropriate rage reaction.' Anyone who has had to deal with the rage and vehemence coming from 'gay activist' sources objecting to any reasoned scientific discussion concerning the origins of homosexuality or the psychological treatment of self-identified homosexuals in recent years, has come to realize how profound was this insight nearly forty years ago.

In the '60s and '70s, more people began identifying themselves as homosexual. During these decades 'coming out of the closet' was encouraged to counteract the repressive attitudes of previous generations.

The American Psychiatric Association, under similar community pressures, decided that it would no longer categorize all homosexual behavior as a psychiatric disorder or illness. When it took this step, its sponsors made it clear that their main interest was to reduce the stigma felt by those who identified themselves as homosexual, not to make a scientific statement about the psychopathology—or lack thereof—of homosexuality.²

Unfortunately, over the years, what had started off as a position statement designed to reduce stigma, became equated in many people's minds with a scientific declaration that homosexuality was 'not a mental illness' and therefore was a normal variation of human sexuality.

Most—not all—North American and European psychiatrists would probably agree that homosexuality is not *per se* a mental illness. Many psychiatrists in other countries would disagree.

² The evidence for this can be seen by reading the 'protocols,' the reasons for putting forward the proposals. These are obtainable from the American Psychiatric Association.

But neither would many psychiatrists in North America and Europe agree with the claim that homosexuality is a normal variation of human sexuality.

Most could probably not define what or where they do think homosexuality ‘fits’ best in terms of understanding and classifying it, other than to say that they ‘know it is not normal.’

My own opinion is that the most accurate description of exclusive same-sex orientation is a failure to reach full psychosexual maturation. By full psychosexual maturation I mean the ability to be in a fully committed long-term relationship with a person of the opposite sex, with the potential of producing a biological family.

I believe that there are very sound scientific reasons supporting such a definition, though gay activists would, I am sure, vehemently disagree.

Essentially, the scientific reason for my proposing that as the clearest position is that the basic biological functions of a cell are preservation and reproduction, and we as humans are the highest and most complex life form made up of billions of cells.

Biologically, we have been able to preserve ourselves throughout history only by reproducing through the union of a man and a woman, and any student of human anatomy and physiology knows that biologically men and women ‘fit’ in a manner that is ‘designed’ for reproduction, and two people of the same sex do not and cannot. (Neither can people of one sex who, by taking hormones and undergoing surgery, try to look like the opposite sex, ever reproduce as a person of the ‘new’ sex, whatever they choose to call themselves or however they dress.)

That many people in contemporary times choose to remain single, or to marry and not have children, is not the issue, because many of those people might still have the *potential* to reproduce within a permanent, fully committed opposite-sex relationship.

Very recently, the largest study yet assessing the prevalence of homosexuality—a study of nearly half a million people—has concluded that barely 1% of the population consider themselves homosexual.³

³ Recent British study from the Office for National Statistics. The data have been collected by the new Integrated Household Survey (IHS), the

In terms of one of the main scientific definitions of normal, 1% would not be considered a normal variation.

This figure of 1% should also be taken into account when considering the claims of Stephen Greenberg, a person who identified himself as the first ‘gay Orthodox rabbi,’ and who in his book⁴ made a claim for a prevalence of 7% for homosexuality, a percentage that at the time of his book’s publication had no credible scientific support.

Greenberg did in fact receive *semikbah* from Yeshiva University, an Orthodox institution. But Greenberg’s publicly expressed positions in recent years have moved so far away from traditional Orthodox positions that it is quite deliberately misleading now for him to advertise himself as an Orthodox rabbi.⁵

For many years the claim has been made that homosexuality is widespread among animals as well as humans, and thus again that homosexuality should be considered a ‘normal’ variation in the same manner as hair or eye color. However, many physicians—and I suspect most traditional Jews—would not put stock in implications drawn from animal behavior.

The traditional sources for the rejection of same-sex sexuality in Judaism originate in the Torah,⁶ are further discussed in the Talmud,⁷ and became codified in both Karo’s *Shulḥan Arukh* and the *Tur* in *Even Ha’Ezer* 24.

largest social report ever produced for the ONS. The 450,000 individual respondents to the survey provided the biggest pool of UK social data after the national census, the statistics service said. The IHS data show that 95 percent of adults identify themselves as heterosexual/straight while just one percent of adults see themselves as gay or lesbian. Another 0.5 percent of adults said they are bisexual, and a similar proportion described their sexuality as “other.”

⁴ Greenberg S. *Wrestling with God and Men*. University of Wisconsin Press, 2004.

⁵ See for example Greenberg on ‘Same-Sex Civil Marriage’ in *CLAL on Culture Archive*.

⁶ *Vayikra* 18, 22, 20.13

⁷ References *Sanhedrin* 54a *Yalkut Shimoni* on *Haazinu* “Betoivot Yachisuhu” *Yevamot* 55b. *Hullin* 92a-b.

There is absolutely no doubt about these sources; they are not really open to so-called nuanced readings or interpretations.

Even the Reform movement's one Talmudic scholar of renown, Solomon Freehof, in two published responsa espoused a position no different from that of any Orthodox rabbi.⁸

However, after him, the Reform movement—primarily an American movement for more than a century—has followed much more closely (as it does for most other matters) the positions of secular liberal American society, and has openly accepted as 'rabbis' self-declared homosexuals.

For a number of years it has been the American Jewish Conservative movement that has had the most difficult struggle with the matter of homosexuality.

On the one hand the movement has insisted that it remains committed to preserving halakhah and halakhic observance, but on the other hand it has also insisted that to preserve Judaism and the Jewish community in the physically very large and very prosperous United States, some limited concessions have to be made to the social and practical demands of modern life in the United States, and indeed similar countries, even Israel.

The conservative movement has therefore produced two significant literary contributions, formulated by committees some fifteen years apart, that discuss this topic.

The majority opinion the first time around culminated in a superbly written '*teshuvah*' by the conservative movement's leading Talmudic scholar, Rabbi Joel Roth, that laid out in a detailed manner what the major Jewish sources have had to say on this issue, and in addition tried to be as understanding as possible towards those personally struggling with same-sex desires.⁹

More recently, under the current pressures we have been referring to, a committee of the movement revisited the issue, and this time around produced some different reports indicating a very deep split.

⁸ Freehof S. *Current Reform Responsa*. 1969, p. 236, and *CCAR Responsa*, volume 73, 1973, 115–119.

⁹ Roth J. "Homosexuality." *Committee on Jewish Law and Standards of the Rabbinical Assembly*. March, 1992.

Rabbi Roth wrote an opinion in which he essentially said that neither his views nor halakhha had changed since his previous teshuva.¹⁰

But another group, led by a person named Elliot Dorf, produced a report in which they claimed there were Jewish sources that could support a more liberal approach.¹¹ Their reasoning seemed to be that the ultimate responsibility humans have to one another is to preserve and respect their dignity, in Hebrew termed '*kavod ha-briyot*,' and that this respect therefore requires the complete acceptance of the others in terms of such matters as personal and sexual behavior, presumably as long as it is not harmful or abusive.

Another conservative scholar, Levy,¹² also produced a lengthy and very erudite report that mostly sided with the position taken by Roth and his group.

One of the most significant items in Roth's reviews was his insistence that the halakhic bases of positions on this matter were not

¹⁰ Roth J. "Homosexuality Revisited." *CJLS*, December 2006.

¹¹ Dorff EN. Nevins DS. Reisner A. I. "Homosexuality, Human Dignity, and Halakha." *CJLS*, December 2006. It must be noted that the Dorff paper suffered from another serious deficiency, and that is that it appended a contribution from a psychologist, Judith Glassgold, a 'summary of research on select issues in Lesbian, Gay, and Bisexual Psychology. A great part of this summary consisted of quotations from position papers of the American Psychological Association. Position papers are political statements, not necessarily scientific ones. Ms. Glassgold's references were heavily biased towards authors known to favor extreme positions and authors known for strong biases against research and publications that question on a scientific basis many erroneous claims made by those favoring a fixed unchangeable biologically determined aetiology for homosexuality.

¹² Levy L. "Same-Sex Attraction and Halakha." *CJLS* 2006. Levy's paper is a very well-written and moderate overview with many detailed footnotes. However, he seems to have relied heavily on input from psychologists rather than psychiatrists, and thus the paper shows some weakness regarding the science. A note by Levy that is of great value is that a leading psychologist, a former president of the American Psychological Association, Dr. Nicholas Cummings, became quite disillusioned with positions the organization was taking on homosexuality and came to realize that so many of the positions of leading psychological and psychiatric organizations were based upon politics rather than upon scientific findings.

likely to be changed by any alleged scientific ‘discoveries,’ and at the time Roth’s original *teshuva* was written, there was much scientific research trying to establish a physical basis for the cause of homosexuality, either in the brain itself, or in genetic inheritance.

Since that time, it can be stated quite unequivocally that in spite of an enormous amount of scientific research conducted over the past two decades, there is absolutely no scientific support for any physical or genetic causation of homosexuality, whatever any individual person, journalist or scientist may ‘believe’ or ‘claim to know.’

In terms of physical or biological causes, what do scientists mean?

We consider first the anatomy: are there significant physical differences in the brain between heterosexual and homosexual people? Such claims have been made, perhaps the best-known being by a person named Simon Levay, who studied a small portion of the brains of 16 people who had died. Levay claimed that there were differences between those who had been heterosexual and those who had been homosexual. The claim was reported in a well-known scientific journal called *Science*,¹³ and Levay received a huge amount of publicity.

But many scientists examining the study more closely—beyond the newspaper headlines—quickly realized that it was a very poor study with numerous deficiencies, and that anyway the sample was far too small to draw from it any dramatic conclusions.

It should be obvious that performing actual scientific experiments on the brains of living human beings is fraught with obstacles and great risks, and in fact most scientific research related to human brain functioning actually takes place on various isolated tissues from other parts of the body, or is derived from studies on animals.

Following anatomy, we usually look for any significant differences in physical functioning or physiology.

Just as with anatomy, to the best of my knowledge there has been no consistent demonstration of any physiological difference in the functioning of the brain, heart, liver, kidneys, etc., of hetero-

¹³ LeVay S. *Science*. 1991, 253, 1034–1037.

sexual versus homosexual people who are in otherwise normal good health.

That a significant number of men who engage in same-sex activity may become ill with certain sexually transmitted diseases is well recognized, but that has not been demonstrated to be the result of any difference in body anatomy, physiology, or chemistry.

Which brings us to the next area of contemporary research, and that is in the chemistry of the brain.

A number of serious mental disturbances such as mania and depression are believed by some people to be caused by disturbances in the chemistry of the brain. A huge amount of research has been conducted in recent years trying to define such disturbances, and the belief that such disturbances in brain chemistry cause significant emotional illnesses has been a core belief for many scientists and clinicians as well as lay people.

Unfortunately, the scientific literature does not provide sufficient scientific support for such claims, and in fact they are beliefs. And beliefs—however deeply held—are not scientific proofs.

There have been studies over the years trying to determine if the hormone concentration in the blood of homosexuals is different from that of heterosexuals, and if there is an excess of male or female sex hormone—or a deficiency of either—in the blood of those who identified themselves as homosexual, and nothing of that nature was found.

The most recent area of scientific exploration has been that of our genes. Again, there has been a considerable amount of scientific research into the genetics of human behavior, including homosexuality. Many studies have been published, and a group who performed one study achieved great publicity with a claim that they had demonstrated the presence of a gene on a particular chromosome that ‘caused’ or at least was highly correlated with homosexuality.

As with all such studies over the past few decades, further follow-up by other groups could not confirm the original claims.

Many homosexual activists want to have a biological cause for their homosexuality confirmed. Many will claim that they have known from a very early age that they were homosexual; they claim they were never sexually aroused by the opposite sex. It is

impossible to test such claims, and there is a well-known psychological behavior known as ‘retrospective falsification’ that lies behind such claims, which we should therefore be very cautious about accepting as scientifically valid.

‘Retrospective falsification’ has a much earlier parallel in philosophy where it is known by the phrase ‘ad hoc ergo propter hoc.’

What that means is that because I see something as it is now, that is how it was before, or always was. When we think of obvious examples around us such as airplanes, motor cars, computers and cell phones, we can realize how ridiculous such a notion is. But will our grandchildren and great-grandchildren who grow up taking these things for granted not realize that they are very recent inventions and innovations and thus imagine that they were always here?

Applying the same reasoning to oneself, though, seems to be much harder for many people, especially if they are committed to a particular political agenda. But scientifically it should be clear that what an adult says about his or her sexual thoughts and inclinations as a small child may be dubious and not scientifically valid.

In conclusion, regarding the scientific aspects of homosexuality, a proper understanding of the literature demonstrates that there is no solid scientific basis for supporting a claim of a biological origin for homosexuality. Neither is there scientific support for any notion that anyone is born homosexual.

It is quite possible that tendencies towards homosexuality may develop at an early age. What psychological and environmental factors produce those tendencies remains uncertain—though again there are various theories that have been forwarded. Especially for men, claims of over-controlling mothers, and under- or non-involved fathers failing to set an adequate male role model, have been forwarded as major psychological contributing factors to the development of homosexual fantasies, needs, wishes and behaviors in men.

For many adult men and women, especially those who have been married to someone of the opposite sex and who have conceived or born children, there is also little doubt that developing an intimate and even permanent committed relationship with someone of the same sex is a more freely chosen activity—even if some of the reasons for the choice remain unconscious.

It has been said that the earlier a person ‘concludes’ that he or she is homosexual, and more resolutely seeks to identify himself/herself in that manner, and seek same-sex partners for relationships and sexuality, the less likely are they to stand any chance of reversing that pattern in psychotherapy—and indeed most such people would not even consider starting psychotherapy unless they had some other apparently unconnected reason for doing so.

But there is also good clinical evidence based upon numerous published studies showing that significant numbers of people who have previously labeled themselves as homosexual can become comfortably heterosexual with good psychotherapy, and most of those are people who came later—at an older age—to think of themselves as homosexual, to doubt it more, to be not entirely comfortable with it. Those people are more likely to have a successful outcome from good psychotherapy.

The rabbi signatories to the statement do not seem to suggest any change in halakhah. They apparently accept the traditional Jewish position as outlined in the sources I mentioned.

As noted, some rabbis who did not sign the statement have warned that the tolerant and liberal position of open acceptance advocated by these rabbis may in fact lead to a tacit acceptance of behavior that is not in accord with halakhah. That fight will have to be fought within rabbinical circles.

The serious concern of therapists and those who are consulted in various ways by people struggling with same-sex desires is that the rabbis’ statement most definitely strongly discourages psychotherapy as a form of potential help.

From a scientific perspective, discouraging psychotherapy indicates an unacceptable ignorance of the scientific literature. As a psychiatrist I don’t expect any rabbi to know or even be able to read with real understanding scientific literature, and be able to discern what makes sense and what doesn’t, what may be scientifically valid, what is pure speculation, and what may be political posturing.

But I would expect rabbis seeking to publish such a statement to make sure they had consulted appropriate sources, and especially legitimate sources known to disagree with the positions they did listen to. Clearly, they didn’t do this.

The view, that a homosexual orientation is something that exists and is fixed and not amenable to change, is essentially a gay activist position that doesn't have much scientific support.

Even more strongly though, there is a large body of scientific literature of many studies and reports demonstrating that with psychotherapy a considerable proportion of self-declared homosexuals can become comfortably heterosexual, even to the extent of marrying and having families¹⁴ ¹⁵

It was the clever insight of Bieber to point out that just as those who have initially identified themselves as heterosexual and have married and produced children have in later life identified themselves as homosexual, and chosen to have relationships with—and often live—with partners of the same sex,¹⁶ it would only be logical to realize that 'change' can occur in the opposite direction.

Failing to acknowledge this—or, to be more blunt, denying this literature—is, and has been for some years, an extremist gay activist position. No responsible psychotherapists—in spite of attempts by gay activists to demonize them—are interested in treating people who have no interest in being treated, or in exploring the roots of their choices or preferences. Whether this constitutes the 1–3% who identify themselves as exclusively homosexual, or an even wider group whose identification is more questionable and temporary, if such people do not want psychotherapy no sensible therapist is interested in coercing them to start it.

But there are many people who are troubled by various symptoms of distress, including same-sex fantasies and desires, who do wish to talk to a qualified well-trained professional, and the campaign by some gay activists to prevent such people from undergoing psychotherapy is unethical, and I believe that it is contrary to the traditional principles of Jewish tradition, and to the traditional principles of the medical profession.

Even worse, gay activists have made the claim—which is repeated in the statement of the rabbis—that such psychotherapy can

¹⁴ Nicolosi J. *Psychological Reports*. 2000, 86.

¹⁵ Spitzer R. "Archives of Sexual Behaviour." 2003. 32. 403–417.

¹⁶ Bieber I and Bieber T. "Male Homosexuality." *Canadian Journal of Psychiatry*, 1979, 24, 409–419.

cause serious harm.¹⁷ I ran an Internet search and could not find a single quality replicated scientific study in the literature supporting such a claim. My impression is that this was a canard passed around and publicized in an attempt to discredit psychotherapy for self-identified homosexuals who want it, and had no significant objective basis in fact. Accepting and publicizing these inaccuracies and distortions in a rabbinical statement—however well-intentioned—was a major error.

To summarize, many self-declared homosexuals are capable of becoming comfortably heterosexual with psychotherapy. There is no scientific support for the notion that for many self-declared homosexuals their sexual orientation is fixed and unalterable. There is no serious scientific support for the notion that voluntarily undertaken psychotherapy by those troubled by same-sex desires can cause serious harm. ❧

¹⁷ Drescher J. devoted a whole issue of the *Journal of Gay and Lesbian Psychotherapy*, of which he is editor, to attacking Spitzer's findings (2003, vol. 7).