

Judaism and Homosexuality: An Alternate Rabbinic View

By: CHAIM RAPOPORT

In the last issue of *Hakirah* Mr. Arthur Goldberg shares with its readers the views expressed to him in conversation by Rabbi Shmuel Kamenetsky *shlit"á* (the dean of the Talmudical Yeshiva of Philadelphia), regarding people with a homosexual orientation, or as he classifies them, “men and women struggling with un-wanted same-sex attractions (SSA)” and who are not attracted to members of the opposite sex.

Goldberg’s article suggests that Rabbi Kamenetsky, in the formulation of his views, has relied heavily on the information provided to him by JONAH (“Jews Offering New Alternatives to Homosexuality”) and indeed entrusted the documentation of his views on this subject to JONAH’s chief ambassador, Arthur Goldberg himself. It is clear that Goldberg is no mere scribe but might better be seen as a co-author of the position articulated in the article. Nevertheless I do not doubt Goldberg’s faithfulness to Rabbi Kamenetsky and will accept the views expressed in the *Hakirah* article as being those of the *Rav* who endorsed them.

Rabbi Kamenetsky is emphatic in his opinion that it is no longer acceptable to avoid discussion of homosexuality and homosexuals in the Jewish Community. Too many people have suffered from the consequences of widespread ignorance and confusion regarding these matters, and this is not tolerable. It is for this reason it seems, that he agreed to be interviewed and have his ideas published

Rabbi Chaim Rapoport is the dean of *Machon Mayim Chaim* in London, England. He has been counselling Orthodox homosexuals and their families since the year 2000 and is the author of numerous books and articles on matters of Jewish law and theology, including *Judaism and Homosexuality: An Authentic Orthodox View* (Valentine and Mitchell: London, 2004).

and disseminated in order to encourage the necessary discourse and promote the truth.

It is for this very reason that I have written the following article in which I comment on the primary issues that Rabbi Kamenetsky addresses in *Hakirah* as well as on the recent *Declaration on the Torah Approach to Homosexuality* which he co-signed with other rabbis, and which expresses ideas that are more fully explained in his article.

The Unequivocal and Universal Prohibition

Firstly, Rabbi Kamenetsky states the obvious: male homosexual intercourse¹ is forbidden by the Torah for both Jews² and gentiles.³ Whilst this ought to go without saying, it has perhaps become a necessity to reconfirm this basic fact because of attempts in recent

¹ The Biblical prohibition against *mishkav zakhar* refers specifically to anal penetrative intercourse. With regard to illicit heterosexual unions (such as relations with a *niddah*) any form of sexual intimacy is also forbidden: rabbinically according to Nahmanides (in his 'Critique' to *Sefer ha-Mitzvot* Negative Commandment no. 353, cited in Rabbi Shmuel ben Uri Shraga Feivush (c.1640–c.1700), *Bet Shmuel* on *Shulhan Arukh* E.H. 20:1) and biblically according to Maimonides (*Mishneh Torah, Hilkhot Isurei Bi'ah* 21:1 and *Sefer ha-Mitzvot* *ibid.*) and *Shulhan Arukh* (E.H. *ibid.*). [According to Rabbi Baruch Frankel-Teomim (1760–1828) in his glosses to Rabbi Yair Hayyim Bakhrakh (1638–1702), *Teshuvot Havot Ya'ir* (Makhon Eked Seforim: Israel, 1997), no. 108 and Rabbi Joseph Babad (1801–1874) in *Minhat Hinuch* (Makhon Yerushalayim: Jerusalem, 1992), no. 188 this prohibition only applies to Jews]. R. Joseph Babad (*ibid.*) and R. Rabbi Yehoshua Menachem Ehrenberg (1905–1976), *Teshuvot Devar Yehoshua* (Benei Berak 1998) 2:110 (end) assume that this prohibition also applies to sexual intimacy between males. However, Rabbi David Yitzhak Man, *Tebillah le-David* on *Even ha-Ezer* (Kefar Hasidim, 2004) 9:7 (p. 66) argues, on the basis of Tosafot *Yevamot* 54b s.v. *be-zakhar mahu*, that the biblical commandment against intimacy does not apply to male homosexual liaisons. See also the wording of *Sefer ha-Hinuch* no. 188 (beginning).

² Leviticus 18:22; *ibid.* 20:13.

³ See Sanhedrin 58a (expounding on Genesis 2:24) and Maimonides, *Mishneh Torah, Hilkhot Melakhim* 9:5.

years to suggest otherwise, a phenomenon which Rabbi Kamentesky describes as “mind-boggling.”

It is noteworthy, in this context, that whilst the exact meanings of many Biblical commandments have been subject to dispute in the Mishnaic and Talmudic period, there has been absolute unanimity throughout the entire rabbinic tradition as to the unequivocal meaning of the Biblical injunction regarding male homosexual intercourse.

[The above-mentioned Biblical interdiction refers specifically to male homosexual intercourse. Female homosexual intercourse is also forbidden according to Jewish Law, even though a number of halakhic authorities⁴ including the late Rabbi Moshe Feinstein (1895–1986) have argued that it does not entail a transgression of Biblical Law.⁵

It is also noteworthy that although R. Feinstein was of the opinion that female homosexual relations are not forbidden for Gentiles,⁶ Rabbi Yehonatan Steif (1877–1958) suggested that the law against female homosexual intercourse also applies to non-Jews.⁷

Secondly, Rabbi Kamenetsky suggests that as Jews it is incumbent upon us to “influence society” at large, to observe the Torah commandments that are obligatory upon all of humanity. Since “Gentiles are obligated to fulfill the Seven Noahide Commandments,” Rabbi Kamenetsky maintains that it is “halakhically cor-

⁴ See Rabbi Yehoshua Falk (1555–1614), *Perishah* on *Tur* E.H. 20:2. Cf., however, Rabbi Moshe di Trani (1500–1580) in his *Kiryat Sefer* (Venice 1551) on Maimonides (*Mishneh Torah, Hilkhhot Isurei Bi'ah* 21:8).

⁵ See R. Feinstein, *Dibberot Moshe* on *Shabbat* vol. 2 (New York, 1971), ch. 59, section 34. See also Rabbi Avraham Borenstein (1838–1910), *Teshuvot Avnei Nezer* (Piotrkow 1912) EH 139:7 and Rabbi Yoel Teitelbaum (1888–1977), *Teshuvot Divrei Yo'el* (Brooklyn, 1983), vol. 2, E.H. no. 107 (p. 110 s.v. *ve-ha-emet*).

⁶ See R. Feinstein, *Dibberot Moshe* (previous note): ונקט גם זה דאשה נושאת אשה: דזה ודאי אינו דבר איסור לבני נח... אלא... תאוה יתירה... שבאים מזה לעשות אף מעשה איסור הגדולים.

⁷ See R. Steif, *Sefer Mitzvot Hashem* (Jerusalem: no date), *Kuntres Dinei Benei Noah* chapter 71 section 8 (page 409). See also Rabbi Mordechai Yaakov Breisch (1896–1979), *Teshuvot Helkat Ya'akov* (Tel Aviv, 1992), E.H. no. 14, section A.

rect” to work, even together with members of other faith denominations, to “affect the direction of society and make a difference in our world.” Therefore we have to strive to “maintain sexual purity” on a universal level and it is “our obligation... to incorporate the Holiness Code into our everyday civic and communal life.”⁸

Empathy and Understanding

Thirdly, and perhaps most importantly, Rabbi Kamenetsky espouses an empathetic approach to those who are attracted to members

⁸ Recognition of the importance of encouraging gentiles to observe the commandments that are incumbent upon them according to the Torah is by no means unique to Rabbi Kamenetsky. Amongst others the late Lubavitcher Rebbe, Rabbi M.M. Schneerson (1902–1994), often spoke about Jewish responsibility in this regard, especially given the opportunities available in present-day Western society. (See for example his *Likuttei Sichot* vol. 26, Kehot Publication Society: Brooklyn, 1988, page 132ff.) Yet in recent decades there have been attempts to undermine the importance of such universally focused endeavours. Rabbi Moshe Sternbuch, a senior member of Jerusalem’s *Edah Hareidit*, has even suggested that it is counterproductive, if not forbidden, for Jews to influence Gentiles in their observance of the ‘Seven Noahide Commandments.’ R. Sternbuch’s argument runs as follows: Jews have been exiled amongst the nations of the world and have been subordinated to them. In order for the Gentiles to have dominion over the Jews they must have *zekhuyot* (merits); as soon as their merits expire the Jewish people will be redeemed from their subordination and the Messianic era will be ushered in. The more degenerate the Gentiles become in the observance of the Noahide code, the better, as that implies that we will be redeemed sooner. It is therefore of critical importance not to do **anything** that will generate more Gentile merit; for by so doing one will merely prolong the period of Jewish suffering. Hence R. Sternbuch is adamantly opposed to any endeavours on our behalf to intensify universal commitment to the Seven Noahide Commandments. See R. Sternbuch, *Teshuvot ve-Hanhagot* vol. 3 (Jerusalem, 5757), no. 117 in detail. See also his *Teshuvot ve-Hanhagot* vol. 2 (Jerusalem, 5754), no. 144 s.v. *u-mihu*.

It is beyond the scope of this article to present a refutation of R. Sternbuch’s views. The reference to his doctrines is intended to underscore Rabbi Kamenetsky’s relative universalism as reflected in his concern for the observance of the Noahide Code.

of the same sex; he does acknowledge the reality of their struggles and he certainly does not vilify them.

Moreover he asserts that there exists a “special obligation of the *Rabbanim* to help create an atmosphere where anyone, and in particular a teenager dealing with these issues, can speak freely within the community to a parent, rabbi, or mentor and, when he does so, to be treated with love and compassion”—for “those who struggle are **innocent** victims.”

Few readers may appreciate just what a watershed his sentiments represent. Yet as one who has engaged in much dialogue with Orthodox rabbis in Israel, Europe and the United States, I know that these attitudes have yet to be embraced by many. Some rabbis rely on the view of Rabbi Moshe Feinstein, that appears to deny the challenges that male homosexuals must contend with.⁹

This harsh condemnation, which has become the normative position for some Rabbis,¹⁰ has unfortunately brought immense suffering to many people. As a result of such attitudes, in addition to coping with unwanted desires, untold isolation and often being the sub-

⁹ In the context of offering encouragement to a young man battling with his homosexual desires, R. Moshe Feinstein writes: “...even the wicked who would not be deterred from lustful indulgence in sinful relationships, do not engage in homosexual intimacy. The desire for such relations is, in essence, a desire to do something forbidden because it is forbidden. This is analogous to the one who sins ‘in order to anger,’ Heaven forefend... For the sin of homosexual intercourse, the wicked transgressor has no room for excuse, because it would not have been possible for him to even desire to perform this transgression... The Gemara (*Avodah Zarah* 26b) says that a Jew who eats a gnat or a fly may be doing so to satisfy his desire. This is because of the desire for the unknown. The Jew may never have tasted these abominable creatures, and may think that there is indeed some tasty delight to be gained from eating them. This is not the case with those who engage in homosexual relationships... To speak of a desire for homosexual intimacy is a contradiction in terms. In essence, the wicked also have no desire for this, rather the desire is only to do something which is forbidden, because it is forbidden. The evil inclination entices the person to rebel against the will of the Holy One Blessed Be He” (*Teshuvot Iggerot Moshe* O.H. vol. 4, Benei Berak, 1982, no. 115.)

¹⁰ See for example Rabbi Basil F. Herring, *Jewish Ethics and Halakhah for Our Time* vol. 1 (KTAV: New York, 1984), p. 185.

jects of mockery and ridicule, those men whose sexual attraction is directed to members of the same gender have to cope with the burden of not being believed and trusted, and being rejected and ostracized, sometimes even by their nearest and dearest. It is excruciatingly painful for a person who suffers when those upon whom he relies for emotional support and solidarity do not validate his innermost feelings or acknowledge the harshness of his predicament.

Rabbi Kamenetsky's readiness to believe that those with a homosexual orientation do indeed have a genuine desire for intimacy with members of the same gender, and his attendant sympathy with such individuals, will undoubtedly influence many to inculcate more humane and fair attitudes. Hopefully knee-jerk condemnations and visceral expressions of dismissal of the plight of homosexuals will be replaced with understanding and respect, thereby minimizing unfairly imposed guilt and enabling people to relate to themselves and others with greater dignity.

All of the above notwithstanding, I disagree with Rabbi Kamenetsky's overall position on homosexuality for a number of reasons that I will attempt to explain.

“Everyone Is Capable of Healing”: The Theological Dimension

Rabbi Kamenetsky's primary position is that all homosexuals have the ability to change and overcome their sexual feelings. In the same way that a person addicted to “internet pornography” can change and overcome his addiction, so can homosexuals overcome their homosexuality. This can be achieved through therapy. “What someone afflicted with this issue ought to do is to see a mental-health professional trained in transformation processes.”

“Just as any non-observant individual may always change from being a Torah desecrator or simply one who does not follow Torah commandments, and thus retains the power to ‘return’ to observant Judaism by doing *teshuvah*... those who seek to challenge and ultimately overcome their unwanted same-sex attractions can do like-

wise” and “his human drives can be altered,” for every “drive has some form of outlet that is acceptable within Torah.”¹¹

Rabbi Kamenetsky essentially endorses the theoretical underpinnings of JONAH’s form of reparative therapy, according to which homosexuality is a result of something “that went wrong in the process of a person’s development or that his psycho-social or psycho-emotional development either stopped or was arrested at an early age.” Consequently there is a cure for these phenomena through the “psychological process of gender affirmation” (provided by JONAH) and then the individual can “look toward building a kosher *bayit ne’eman b-Yisrael* (an everlasting home in Israel).”

It appears that Rabbi Kamenetsky’s embrace of JONAH’s position is founded primarily on the theological premise that, in his words, “Hashem does not play cruel tricks on his creatures.” If people cannot change their sexual orientation one would have to accept that G-d has commanded the homosexual to suppress and never express his sexual desires. The perceived ‘unreasonableness’ of such a commandment, coming from an all powerful and all loving G-d, has led Rabbi Kamenetsky to argue that homosexuality as an orientation **must** be ‘treatable.’ In this way, G-d’s benevolence will be redeemed and His compassion restored. For all the homosexual needs to do is embark upon the appropriate form of reparative therapy and he will, sooner or later, be able to express his sexuality in a heterosexual context.

Rabbi Kamenetsky’s view was recently adopted by the signatories of the *Declaration on the Torah Approach to Homosexuality*.¹² Together with Rabbi Kamenetsky they likewise assert that G-d who is “loving and merciful” may impose “difficult struggles” on a person but He would never consign a person to a situation in which he had to endure “impossible, lifelong, Torah prohibited situations with no achievable solutions.” Such a phenomenon is, in their opin-

¹¹ Cf. Rabbi Avraham Yitzchak HaCohen Kook (1865–1935), *Orot Ha-Kodesh* vol. 3 (Mossad Harav Kook: Jerusalem, 1969), page 297 and the discussion in Rabbi Bezalel Naor, *Rav Kook on Homosexuality* available at <<http://www.orot.com/hms.html>>.

¹² See <www.torahdec.org>.

ion, “neither plausible nor acceptable.”¹³ Consequently it ‘must be’ that reorientation is possible and we are religiously compelled to agree with the proponents of reparative therapy.

Yet this does not really solve the problem. For even prominent proponents of reparative therapy acknowledge that there are a substantial number of people (the exact percentage is not relevant to the theological argument) for whom therapy will not be successful or, at the very most, can help the individual in his pursuit of celibacy but would not enable him to embark upon a potentially viable marital union. Moreover, even Joseph Berger, who suggests “that with psychotherapy a considerable proportion of self-declared homosexuals can become comfortably heterosexual, even to the extent of marrying and having families,”¹⁴ has asserted elsewhere that “even under the best of circumstances, with highly motivated, suitable patients, the success rate is between 30 and 50 per cent.”¹⁵ This means that at least 50% of homosexuals are not able to make the change. Indeed, psychologist Joseph Nicolosi, a leading authority on conversion therapy and president of the National Association for Research and Therapy of Homosexuality, has written that some homosexuals “are inappropriate for reparative therapy because they show no signs of gender identity deficit and do not match our developmental model.”¹⁶ Consequently, even according to its most ardent advocates, the possibility of therapy would not remove the

¹³ This idea is shared by conservative theologian and ethicist Dr. Elliot Dorff, *Matters of Life and Death* (The Jewish Publication Society: Philadelphia and Jerusalem, 1998), p. 145. Dorff writes: “I find such a position theologically untenable. I, for one, cannot believe that the G-d who created us all produced a certain percentage of us to have sexual drives that cannot be legally expressed under any circumstances... To hold that G-d created homosexuals to be sexually frustrated all their lives, makes of G-d a cruel playwright.” Based on this theology Dorff erroneously concludes that homosexual intercourse must be permissible for homosexuals.

¹⁴ Joseph Berger, ‘Why the Recent Modern Orthodox Rabbis’ Statement on Homosexuality is Unhelpful’ in *Hakirah* vol. 12, p. 51ff.

¹⁵ J. Berger, letter in the *Jewish Chronicle* 30th June 1995 (p. 31). He explains: “For a number of homosexuals, their problems may have developed so early that their orientation is deeply embedded.”

¹⁶ J. Nicolosi, *Reparative Therapy of Male Homosexuality—A New Clinical Approach* (Jason Aronson: NJ and London, 1991), p. 22.

perceived 'unreasonableness' in the commandments against homosexual practices.

Moreover, Rabbi Kamenetsky's own position is confusing. On the one hand he reiterates time and again that all homosexuals can change their **orientation**, marry and establish a family. He insists that "preventing oneself from sinning by simply controlling one's behaviour is merely the first step of the process." Ultimately the person must eliminate his desire for homosexual relations.

Yet on the other hand he seems to acknowledge that overcoming homosexuality has different meanings: "There is a spectrum ranging from total eradication of the inclination... to simply controlling the behaviour. The outcome may depend upon several factors such as the personal motivation... the amount of co-morbid emotional issues the individual presents with (e.g., depression, Obsessive Compulsive Disorder... length of time the person engaged in homosexual ideation.)"

This last paragraph seems to suggest that even Rabbi Kamenetsky agrees that there are those who, through no fault of their own, cannot eliminate their orientation; they can merely control their behaviour. In other words their sexual attraction will always be directed towards men and never towards women.

Rabbi Kamenetsky also acknowledges that some people that have persevered with long-term therapy may not yet have found a suitable therapeutic modality for them or "may not yet be in the right space to achieve his/her goal. For some it requires hitting rock bottom to be in that space. For others, they may not yet have been in the space that enabled them to release certain blocks. This is not about blame in any way, but rather an explanation of the reality of why some people succeed and some don't. The fact that a person has not yet achieved healing, even after major effort, is not proof that s/he cannot eventually achieve healing." Rabbi Kamenetsky also acquiesces that "some people may have to work longer or harder. For some it may even be a **lifetime undertaking**, but that does not excuse the person from engaging in the necessary counseling."

Yet if "Hashem does not play cruel tricks on his creatures" why would He place people in circumstances wherein they have to spend their entire lifetime trying to change their orientation while throughout that same lifetime they remain constrained in a homo-

sexual orientation with all the challenges that it entails? And if “Hashem does not play cruel tricks on his creatures” why would He not enable some people to find the “space” that would enable them to change? If indeed, as Rabbi Kamenetsky clearly asserts, the individual cannot be blamed for not succeeding, because change is not necessarily in his control, why would G-d not facilitate change for such individuals? What “outlet that is acceptable within Torah” do such people have?

Finally, and most importantly, the suggestion that because G-d is benevolent and He “does not demand the impossible from his creatures” (*Avodah Zarah* 3a), it must be that “everyone is capable of healing” and “change is always possible” is, in my opinion, demonstrably incorrect. Millions of heterosexual people have been born with (or developed) natural conditions that have deprived them of the blessings of marriage and physical intimacy. Whether they are not able to marry due to physical deformations, emotional handicaps, halakhic restrictions,¹⁷ or they have become inextricably constrained in sexless marriages through no fault of their own, or Divine Providence has simply barred them from finding a spouse¹⁸ (despite their herculean efforts), the result is quite “cruel.” Such individuals quite naturally crave sexual fulfillment, and if they observe the laws of the Torah, they will remain perpetually frustrated and they are clearly not “capable of healing” or finding outlets for their sexual drives that are halakhically acceptable.¹⁹

¹⁷ Although Maimonides *Mishneh Torah, Hilkhoh Isurei Bi'ah* 1:15 allows the *androgynous* to marry a woman, other halakhic authorities disagree and forbid such a marriage. See the sources cited in Rabbi Yeḥiel Mikhel Epstein (1829–1908), *Arukh ha-Shulḥan* (Jerusalem, 1974), E.H. 24:2.

¹⁸ To distinguish **in this context** between challenges (*nisyonot*) that are caused by natural or biological conditions and those that are presented by life’s occurrences and ‘accidents’ is, in my opinion, arbitrary and ultimately irrelevant to the theological argument for those who believe in an all-encompassing Divine Providence.

¹⁹ Maimonides’ opinion is noteworthy in this regard. In his *Moreh Nevukhim* (3:34) he writes (trans. S. Pines, *Guide of the Perplexed*, Chicago University Press: London and Chicago, 1963, vol. 2, page 534): “Among the things you ought to know is the fact that the Law does not pay attention to the isolated. The Law was not given with a view to things that are

The suggestion that there ‘**must**’ always be a remedy to every problem and there is **always** a halakhically viable outlet for every drive is not only at odds with the facts, it is, in my opinion, theologically dangerous.²⁰ While such a doctrine may provide a temporary boost for those whose faith has been challenged by suffering, ultimately it is likely to strike a death knell to the remnants of their faith. For those who base their faith on such a premise are likely to become disillusioned. When they ultimately discover the sad facts of life, namely that there are actually illnesses without remedies and that there are challenges with no readily available solutions, they may feel compelled to desert their faith altogether.²¹

Rather than making absolute claims about the possibility of sexual reorientation based on supposedly inviolable dogmas about the nature of divinely imposed challenges, I would recommend that rabbis preach a more nuanced and true-to-life formulation. Such a statement would concede that G-d has clearly imposed on some people, whether they are heterosexual, homosexual, asexual or bisexual, “lifelong, Torah prohibited situations with no achievable solutions.”

This position is not essentially connected to challenges of a sexual nature. For example, Divine Providence has historically placed

rare. For in everything that it wishes to bring about... it is directed only toward the things that occur in the majority of cases and pays no attention to what happens rarely or to the damage occurring to the unique human being.” Nevertheless Maimonides maintains that the “governance of the Law ought to be universal, including everyone, even if it is suitable only for certain individuals and not suitable for others.” See also Rabbi Ovadiah Sforno (c.1475–1550) in his commentary on Leviticus 18:6.

²⁰ See also above note 13.

²¹ There is another danger in elevating a specific psychological theory and therapeutic method, and investing it with rabbinic sanctity as if it were a manifestation of *Da’at Torah*. For it is possible that in the course of time the theory will be disproven and the method completely rejected. If this happens, it could have a devastating effect on people’s *emunat Hakhamim* and the doctrine of *Da’at Torah* will lose its credibility in the eyes of many. One ought therefore to be extremely circumspect before investing any idea with *Da’at Torah* status. (I have similar concerns about rabbinic pronouncements in favor of Facilitated Communication and the highly popular Bible Codes.)

many people in positions in which they have had to live their entire lives in extreme poverty in order to remain loyal to the commandments mandating the observance of Shabbos. Many couples have been deprived of the blessing of children and as a result have endured acute lifelong suffering, simply because G-d created them with a biological nature to ovulate prematurely: in such a situation those who do not transgress the laws of *niddah* remain childless for life.²²

As to why, from the human vantage point, G-d does apparently “play cruel tricks with His creatures,” one only needs to open up the Holy Scriptures to learn that Divinely inflicted suffering is ultimately beyond human grasp. In the Psalms and Ecclesiastes, as well as in *The Ethics of Our Fathers* and the Talmud, Prophets and Sages alike confront the issue of theodicy in different ways and provide a variety of theological strategies for dealing with “the suffering of the righteous.” Yet ultimately the man of faith will humbly accept that we, with our limited intelligence, can never adequately plumb the depths of such mysteries. If we ever become inclined to presumptuousness in this regard we ought to retract and confess as did the Biblical Job (Job 42:3): “I did indeed speak without understanding, of things too wondrous for me and which I did not know.”

“Everyone Is Capable of Healing”: The Practical Ramifications

In addition to upholding the image of a G-d whose loving-kindness is always recognizable, Rabbi Kamenetsky and the other signatories of the *Declaration on the Torah Approach to Homosexuality* are clearly committed to another cause. They want to offer solace and hope. They want to relieve homosexuals from despair and inspire them with the security that their suffering is only ephemeral; they will yet become heterosexual, marry and have children. All they need is patience and total commitment to the therapeutic agenda.

²² See Rabbi Avraham Steinberg, *Encyclopaedia of Jewish Medical Ethics* vol. 5 (Falk-Schlesinger Institute: Jerusalem, 1996), ‘Fertility and Sterility’ p. 379ff. and the footnotes thereon.

When a homosexual or the parents of a homosexual confide in a rabbi and ask him for guidance, that rabbi, if he is humane, naturally wants to offer the maximum possible assurance, encouragement and optimism. Hence the appeal of organizations such as JONAH and the abovementioned *Declaration*.

The promise of change also enables the signatories of the *Declaration* to seize the moral high ground. In a paragraph aimed at those spiritual leaders who do not adopt their stance, and are not prepared to affirm the efficacy of reparative therapy, they write:

“Abandoning people to lifelong loneliness and despair by denying all hope of overcoming and healing their same-sex attraction is heartlessly cruel” and those who adopt such an attitude violate the Biblical injunction (Leviticus 19:14): “and you shall not place a stumbling block before the blind.”

It is indeed cruel to deny all hope of healing where this is possible, and heartless to condemn a person to suffering when there is an available remedy. Yet it may be even more misleading, callous and damaging to make guarantees which cannot be upheld and to issue declarations promising success when in fact no assurances can be given.

Thus a gynecologist who gratuitously promises children to an infertile couple, a physician who offers excessive confidence in a trial prescription or a homeopathic drug, or a psychologist who baselessly assures a patient that he will reach his desired goal, are all guilty of misleading their clients. Such professionals may provide short-lived relief but are ultimately likely to cause long-term grief. The pain and suffering caused by unjustified reassurances, not to mention the resultant distrust and anger, arguably outweigh the transitory benefits of a false sense of security.

In our context, exaggerated claims about the efficacy of reparative therapy are likely to yield unrealistic expectations followed by dashed hopes, disillusionment, self-loathing, depression and its consequences. The homosexual is likely to harbor feelings of distrust, if not disdain, towards the rabbi and develop a cynical or even antagonistic attitude towards the Torah he represents.

The damage caused by encouraging trust in the long-term effectiveness of sexual reorientation is not limited to the homosexual himself. It is likely to have a negative effect on the potential spouses

of the ostensibly transformed homosexual. Homosexuals who have, through therapy, experienced some shift in their orientation will be encouraged to marry and their spouses will be advised to wed them by well-meaning rabbis. In the likely event of what Rabbi Kamenetsky refers to as “relapse” on the part of the ‘reoriented’ homosexual, the spouse and any children the couple may have will bear the brunt of the unsuccessful reorientation.

Last and by no means least, misplaced rabbinic faith in the omnipotence of reparative therapy, according to which all homosexuals can be transformed and find fulfillment in a heterosexual relationship, is likely to compromise empathy and even lead people towards unjustified incrimination of homosexuals. For it may always be said that had the male homosexual only worked harder in therapy he would have eliminated his attraction to men and become attracted to women. Thus he will be blamed and seen as sinful for the fact that he does not lead a heterosexual life, get married and have children. Such unfair assumptions, based on which the homosexual is blamed for his inability to respond to experimental therapeutic modalities, are particularly cruel, and the familial and communal ramifications are far-reaching.

Most rabbis are neither psychologists nor prophets. In our ecclesiastical capacity, when confronted with issues that overlap with other areas of expertise, we ought to consult with, or refer to, the most qualified and objective professionals in the relevant fields. Whilst the merits of reparative therapy may still be debated by competent psychologists,²³ one thing seems undeniably clear. There is no scientific basis for the wholesale advocacy of such therapies and hence for the claims of the *Declaration*. Since, as argued above, the theological arguments for the potency of such therapy do not stand up to intellectual scrutiny, the contentions of the *Declaration* are anything but convincing.

²³ A recent article published by the American Psychological Association in the *American Psychologist*, January 2012, vol. 67, no. 1, pp. 10–42 contains some relevant references and information. (I thank Rabbi Tzvi Hersh Weinreb for bringing this source to my attention.)

Marriage and Procreation

Rabbi Kamenetsky suggests that homosexuals should engage in therapy to ameliorate their same-sex attractions, and although there is no guarantee for the long-term effect of such therapies, and the individual may be engaged in a lifelong struggle with his orientation, he should marry a woman.

Rabbi Kamenetsky states “that creating a marriage in an atmosphere of holiness and mutual fulfillment is a basic premise of Jewish life. So, too, is the principle of *peru u-rivu* (be fruitful and multiply).”

Yet Rabbi Kamenetsky equally acknowledges that even after ‘successful therapy,’ “temporary relapses are not uncommon” and that “when exposed to certain stress factors, it is possible that the struggler may risk falling back into... homosexual fantasies **or conduct.**” He nonetheless advocates marriage for the homosexual, albeit emphasizing the need for “open, honest and authentic communication” between husband and wife. He suggests that if the “struggler” is aware of his vulnerability and seeks “the support and encouragement of his/her spouse” he will be able to resist relapses and ensure fidelity.

Yet how is such self-awareness and communication able to solve the inherent problems in a relationship of a man who lacks the drive and capacity for affectionate and meaningful intimacy with a heterosexual woman?²⁴

Assuming, for argument’s sake, that such “relapses” may not be permanent, they are, even according to Rabbi Kamenetsky, likely to persevere for lengthy periods of time if the individual does not live a stress-free life. It is difficult to see how “honest communication,” even if it could be guaranteed, would circumvent what appears to be the inevitable.

²⁴ It is noteworthy that R. Feinstein, *Teshuvot Iggerot Moshe* E.H. vol. 4 (New York, 1973), no. 113, suggests that one can retroactively nullify a marriage that was conducted between a homosexual man and a heterosexual woman for “it is clear to us that no woman would agree to marry a man” who, given the choice, would have physical relations with another man rather than with his wife.

A woman standing on the threshold of married life may not be able to appreciate the enormity of the sacrifice she is making when marrying a man who has the propensity to ‘relapse’ into an emotional state of being in which he has no sexual desire for a woman and a tremendous sexual desire for men. She will not ordinarily be experientially informed of the burden of a marriage in which she has to ‘support and encourage’ her ‘relapsed’ husband, in addition to coping with her own emotional isolation and pain.

Even from JONAH’s perspective the homosexual partner in a marriage is likely to have a strong propensity towards sexual infidelity. For in his ‘relapsed’ state his desires and urges will remain totally repressed in a heterosexual relationship. If the homosexual partner in the marriage succumbed, in a moment of ‘desperation,’ to the forces of his impulse it would be likely to wreak havoc on the marriage. Given the fact that homosexual partners in heterosexual relationships may, understandably, seek fulfillment of their desires in a clandestine setting (possibly—in a moment of ‘uncontrollable’ urge—with an anonymous partner) the possibility of contracting sexually transmitted diseases and transmitting them to the innocent (and unsuspecting) partner is increased. Likewise, in the event that the homosexual partner in the marriage does not satisfy the spouse’s intimate needs, the neglected spouse may be tempted to engage in extramarital intimate activities after a lengthy period of want and frustration, the consequences of which I hardly need spell out.

In my capacity as a rabbi and counsellor, I have met a significant number of Orthodox married homosexuals (many of them who have been through or are still in therapy) who initially had every intention of being faithful to their spouses (and may have even remained loyal for a short period of time), but it did not take long before they succumbed to their unfulfilled natural cravings. In the absence of meaningful intimacy in the marriage (they usually had to steel themselves to engage in physical intimacy with their spouses), their idealistic honesty and openness was then substituted with deception and secretive extramarital affairs. In some cases their spouses were still ‘blissfully’ unaware of their covert flirtations and excursions.

I am therefore of the opinion that such relationships are, **generally speaking**, ill-advised.²⁵ In the interest of saving himself, his potential partner (and any children they may have) from untold misery, not to mention the devastating aftermath of an all-too-likely acrimonious divorce, the homosexual may be best advised to invest his energies in areas other than marriage.

Indeed, rabbis who espouse exaggerated faith in the healing powers of JONAH and accordingly encourage homosexuals to get married should consider whether they are inadvertently violating the Biblical injunction “You shall not place a stumbling block before the blind.”

Many homosexuals very much desire to build a family. They may crave the blessings inherent in a Jewish marriage and the *naḥat* and posterity afforded by bearing their own children. For the most part they have a deep-seated aspiration to deliver the blessing of grandchildren to their own parents. The inability to realize these blessing and the attendant feelings of impotence and failure can be excruciatingly painful for homosexuals. In order to fulfill his/her desires and the desires of his/her parents, or in order to conform to societal norms and earn the status accorded by the Jewish community to the ‘family man’ or woman, a homosexual may sometimes be lulled into a sense of misplaced optimism about the prospect of marriage.

Unmarried homosexuals should be commended as people who are noble and selfless in the acceptance of their position. In their awareness that marriage entails responsibility as well as privilege, they are resigned to forgo the many benefits, pleasures and joys of married life. Their readiness to accept the reality of their situation should be contrasted with the many recorded cases of homosexuals—active or otherwise—who have, sometimes with Rabbinic approval and encouragement, taken the liberty to deprive another person from the fulfillment they seek by drawing that naïve and innocent individual into an ill-conceived marriage.

To ameliorate the plight of homosexuals we ought to strive to create Jewish communities such as those envisaged by one rabbi in

²⁵ See my *Judaism and Homosexuality* chapter 7 for a detailed discussion of the relevant halachic issues.

which homosexuals are accepted as “active members of their communities... even though it was well known that they had no interest in marriage.”²⁶ There are many orthodox homosexuals who would welcome such opportunities which would be mutually beneficial for themselves and their respective communities.

Those who, for one reason or another, do not have the capacity to commit themselves to a long-term heterosexual relationship undoubtedly have a different—but equally important—mission in life.

Understanding and empathy are of primary importance here. Awareness of one’s purpose in life is one thing; to make peace with it is another. When advising homosexuals it is essential that one be sensitive to the trauma and complexes they may be suffering as a result of the realization that they will probably not be able to get married.

In conclusion I appeal to those who advocate marriage for homosexual men or women to consider the following. Most people would understandably not want their own son or daughter to be drawn into a relationship with someone who is likely to ‘relapse’ into homosexual ‘temperament’ and conduct (even if they were open and honest and in therapy). Why then recommend such relationships for others?

As Hillel famously said (*Shabbat* 31a): “That which you do not want done to yourself, do not do to your fellow.” ❧

²⁶ Rabbi Aharon Feldman, ‘A Personal Correspondence’ in *Jewish Action* 58/3 (Spring 5758/1998), p. 69.