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Rav Meir Nehorai || Chairman of the Board

Beit Hillel strives to raise awareness surrounding topics which are significant for society in general, and for the religious community in particular. Since its founding, we knew that it would be impossible for the organization to have a single, unified voice. It is very difficult to formulate a uniform voice for an organization which numbers 130 men and women in positions of spiritual leadership. To articulate and refine a final statement about which most members agree is an exhausting process, which demands tremendous effort. A group of rabbis expressing an opinion is

not the same as a single rabbi offering a halakhic psak. But, after what was truly a tremendous investment of effort, we have succeeded in publicizing a single statement. When we presented the psak regarding the LGBT community to the membership, we succeeded in reaching consent on our articulation, despite the significant range of opinions regarding this issue. In this booklet, in order to give a place to our members and the variety of their voices, we wish to offer two articles which differ significantly in their approach and substance, to give a taste of the range of members' opinions.



Boaz Ordman || Executive Director of Beit Hillel

“A land whose stones are iron and out of whose mountains you will dig bronze” (Deuteronomy 8:9)

Chazal teach us (Taanit 4b): Do not read “stones” but rather “builders.” The Kli Yakar explains that these are the scholars who work to build the world and sharpen each other like iron.

Over the past few months, as the new executive director of Beit Hillel, I have been privileged to get an inside look at the people and accomplishments of Beit Hillel. Every day, each and every one of the more than 130 rabbanim and rabbaniot who are members of Beit Hillel are busy “building the world” by making significant contributions to religious life in Israel. Their influence is increasingly being felt throughout Israel in the educational system, the community, the Knesset, and the general public discourse.

However, before our members take on these challenges, it is critical that they are well-informed and well-prepared. That is why we also place such a great emphasis on internal education and conversation. It is here that the issues of the day are presented, discussed, and debated. Different experiences and perspectives are shared and examined among the different

Beit Hillel members – rabbanim and rabbaniot, young and old – in an effort to find the best way to apply our commitment to eternal Torah values to the changing reality in which we live. These deliberations enable our members to “sharpen each other like iron.”

As we prepare for the coming year, our plans are to focus on three main issues: (1) “Ha’ger Yatom & Almanah” – reaching out to the unfortunate in our communities, (2) Advancement of women as spiritual leaders, and (3) Reinforcing the modern orthodox liberal views in the educational system.

We look to our friends and supporters to join us in our journey to bring moderate and attentive rabbinical leadership to the forefront of the public discourse in Israel and to address the growing need of Israelis for a more tolerant Judaism. I urge you to contact me with any questions, ideas, or suggestions that you might have in order to help us achieve our goals.

Best wishes for a Shana Tova,

Boaz

Searching for Sanctity: Reflecting on the Challenges of Religious and LGBT

Rabbanit Nechama Goldman Barash

|| Teacher of Halacha and Rabbinic Literature at Pardes and at Matan in Jerusalem.

Several years ago, a student of mine from Pardes sent me an email. She was engaged to be married and wanted to know if I would be her Kallah teacher. The catch: She was marrying a woman and wanted to know if I was comfortable teaching them both about the laws of sexual intimacy and mikva that heterosexual couples learn before they marry. At that moment I had a decision to make: Do I, an educator committed to halacha and Torah, have the right to withhold information from Jews who seek a relationship that halacha does not condone? Was this different than the many heterosexual couples I teach who are not going to observe the law of nidda? The driving mission of Pardes is that the Torah belongs to all Jews who seek it. I strongly subscribe to that philosophy, and the Pardes Beit Midrash has brought me into contact with Jews from across many spectrums of religious observance, halachic status and sexual identity. The common thread between all of them is a true thirst to connect to and deepen their Jewish identity through study of Jewish texts. Could I refuse to teach these young women? The couple, who today cover their hair and use the mikva, told me at our last class, when I finally asked them “why?,” that the reason they wanted to study with me is because they were seeking kedusha and the Torah had no model to infuse spiritual and religious meaning into their relationship. They felt compelled to implement the rituals of nidda and mikva in order to distinguish it from casual, non-marital intimacy.

The lesbian couple that I taught is but one example of the uncounted numbers of religious gay and trans Jews who are defying traditional convention that religious and LGBT cannot go together. The religious LGBT community, both in Israel and internationally, has grown exponentially in the last decade. Its members have formed communities, support groups, and organizations. Gay and trans Jews maintain kosher homes, keep Shabbat, daven in traditional prayer services and seek a relationship with God. As they begin to raise children within committed relationships, it is clear they will send them to religious schools. And they actively challenge the rabbinic institution for halachic solutions to their

complex questions: Where do laws of yichud and negiah come in when they are in same sex environments? What side of the mechtza do they sit on if they are transgender? Gay men want to know how and where to draw completely unprecedented red lines in their sexual behaviour. They are not asking if they can be religious and gay. They are religious and gay.

This is not a simple challenge for the religious community. For many years the topic of LGBT Jews in the religious community was met with silence or with tremendous animosity. How could it be thinkable to synthesize prohibited behaviour with a religious lifestyle? Nonetheless, as educators, parents and rabbis began to personally encounter religious LGBT Jews, the conversation began to diversify. I often find that there is a tremendous difference when conversing with rabbinic figures who have family members or students who are LGBT and those for whom it remains a theoretical conversation. The last ten years has brought me in contact with many wonderful and committed LGBT Jews so that my whole perspective changed as I listened to their voices.

Four years ago, Beit Hillel began to engage in the very complex religious conversation surrounding gay and lesbian religious men and women. When I look back on the four years of emails, meetings, discussions, protocols and finally, the position paper, I am amazed that it took so long to put together something so vitally important. Beit Hillel published a paper that does not compromise on Torah centred Judaism but shows utmost compassion for those caught in a tenuous, almost impossible crisis of identity, and urges families and communities to show the same compassion. It is clear to me that we must create educational and religious platforms for the LGBT community that reflect our religious values and halachic commitment to a life spent serving God, as a contrast to the hedonistic, promiscuous alternatives that lie outside the religious structure. There is much ground yet to cover and continuously new and changing challenges to address, but we dare not shirk from accepting the challenge.

Should the LGBT question be discussed publicly?

Rav Yoni Rosensweig

One of the major issues being discussed in the Orthodox community today is the question of the place of LGBTs within that community. The reason this has become a major issue is due to the fact that it raises questions of more than one kind. This is not just a halachic issue; it is also a philosophical one, an ethical one, and a social one. Since it spans many different spheres, and demands the development of a complex and nuanced approach, it is a potentially hurtful and explosive subject.

Certainly we must all be careful in how we treat the issues at hand, especially as their subject matter is not an idea, but rather real flesh-and-blood people, many of whom are part of our community, friends and family. Still, while I am aware that the public conversation has progressed well beyond the boundaries of what I will discuss briefly here, I think it is important to ask: Are we doing the right thing by discussing this question publicly?

I would like to start by removing any suspicion that this question is the product of homophobia or the like. I am not “afraid” of the LGBT community and believe individuals’ sexual tendencies (I am referring only to one’s internal emotional status here – this is not a halachic piece) should in no way affect the way they are treated by their communities. I am not trying to “hide the problem” or make believe homosexuals do not exist. This is not the goal of my question, nor is it its focus.

Rather, I believe we should consider whether we have done right by religious LGBTs themselves in supporting the shining of a blinding beacon into their private lives. In our day and age, Western society holds both transparency and personal freedom to be values of great measure.

There is a belief that organizations should be transparent about their policy on the LGBT question, which pushes the issue to center stage. Furthermore, the belief in personal freedom leads many to think that it simply is not fair to have LGBT individuals lead their lives in secret. All this leads the non-LGBT community to greatly support public discussion of the LGBT issue, and today the same atmosphere resides within the Modern Orthodox community.

Despite the reigning atmosphere, I would like to open the question: Is it right?

This should be considered from two points of view. First of all, the discussion of LGBTs, whether in secular or in religious society, is still fairly new,

and as such is a discussion “about” rather than a discussion “with.” LGBTs are still objects of debate, rather than subjects within a debate. This situation cannot be easy for them (to put it mildly), and I am not sure we are doing any of them any favors by continuing to insist on a public debate.

I believe that any person going through a difficult personal challenge does not need that challenge splashed over the morning and evening news, week in and week out. Perhaps a quieter atmosphere would be more conducive to dealing with such things, and I think this is true whether or not the individual has already announced his tendencies to the world or not.

While the first point is true for LGBTs in any society, the second point has to do with the specific nature of this challenge within the Orthodox community. While in the secular world an LGBT individual might entertain the hope that he may someday be viewed by society similarly to anyone else, and one’s tendency would not play any part whatsoever – within Orthodox society this is not so.

Even if one were to entertain such a hope – as I have heard some say – that one day the Halacha may find a way to incorporate such individuals fully within religious family life (I, personally, do not believe this is a possibility), that day is nowhere near arriving.

Therefore, at this point in time, LGBT individuals are in a terrible predicament. A religious life will leave them severely handicapped, with no ability to develop a religiously-acceptable family life. And so I ask again: are we doing the right thing in creating an environment where it is considered “brave” for LGBTs to announce themselves to the world? Are we doing them a favor by encouraging public discussion and hurting them time and again?

Some will ask: What is the alternative? The alternative is toning down the public debate, while developing societal and rabbinical frameworks to address those in need. Nothing needs to be done in the shadows. The opposite of a public debate is not total silence, or “don’t ask, don’t tell.” I am not saying we must refrain from any mention of LGBTs.

But I do think we speak too much about what we do not know, we objectify too much those who live amongst us, and it might be that in our pursuit of human rights, we sometimes forget to think about the humans we are fighting for.

The Community and People with Homosexual Tendencies

Halachic Position Paper

• Rav Yitzhak Ajzner • Rabbanit Nechama Goldman Barash • Rav Dr. Chaim Burgansky • Rabbanit Devorah Evron • Rav Yehuda Gilad • Rav Shlomo Hecht • Rav Benny Holzman • Rabbanit Tirza Kelman • Rav Dr. Amit Kula • Rav Meir Nehorai • Rav Kalman Neuman • Rav Ronen Neuwirth • Rabbanit Anat Novoselsky • Rav Rafi Ostroff • Frank Rabbanit • Rav Yehuda Rock • Rav Aviad Sanders • Rabbanit Dr. Ayelet Segal • Rav Moshe Speter • Rav Avraham Walfish • Rabbanit Yardená Cope-Yossef

Clarification:

This document deals with the issue of homosexuality, but does not address homosexuals. Rather, it addresses the community. Beit Hillel's Torah regarding an issue that has been on the public agenda of late must be heard. As congregational leaders and Rabbis, we must influence the public discourse, especially within our communities. It is up to us to temper the unease that surrounds this issue, to speak on behalf of the Torah, and to take up the mantle of framing its ethical complexity.

The prohibition of homosexual relations is from the Torah. The Torah is eternal and shall never be replaced. Thus, there is no way to permit homosexual relations.

Nevertheless, according to Torah and Halacha, the acts are prohibited, not the inclination. Thus, there is no fault, Halachic or moral, with individuals with homosexual tendencies - men or women. They are obligated by the Torah's commandments, may fulfill obligations on behalf of others, and serve in congregational capacities as any other member. Usually, due to their tendencies, their lives are difficult, and they face many challenges.

Unfortunately, it is still necessary to emphasize that the homosexual inclination is not a matter for ridicule or rejection. Just as it is unthinkable to mock individuals who are different physically, behaviorally, or mentally, so, too, it is unthinkable to mock individuals with homosexual tendencies; on the contrary, it is up to those surrounding them - family and community - to demonstrate particular sensitivity, to fulfill the Torah's obligation of "Love Your Neighbor as Yourself," and to take care to keep from violating the prohibition of verbally hurting another.

The homosexual tendency creates challenging spiritual situations. The role of the congregational leaders, alongside setting and teaching the existing prohibitions, is to guide the congregation in overcoming difficulties and developing the ability to accommodate homosexual individuals.

Homosexual individuals who refrain from prohibitions are of the "mighty ones, who do G-d's bidding."

Those who transgress the prohibition of homosexual relations, as any other who transgresses prohibitions of the Torah or the Rabbis, have the obligation to do Teshuva. Even if they struggle to return to the proper path, they are not exempt. It is best that they find ways to reduce the violations, and find a teacher of Halacha who is proficient in these topics to assist them.

Many congregations do not reject individuals who transgress - neither prohibitions between Man and

his fellow Man, nor between Man and God (i.e., Shabbat), and such is the spirit of the guidance of many of our Rabbis. This flexibility must be applied with regard to someone who transgressed prohibitions of homosexual relations. Certainly when it is unknown whether someone has transgressed or not - we should not baselessly suspect them.

Conjugal relations, according to Halacha, are possible only between a man and a woman. Regarding them the Torah says, "Therefore a man leaves his father and mother and is united to his wife, and they become one flesh," and Chazal say that when they merit, the Divine Presence joins them. Thus, it is impossible to recognize, according to the code of the Torah, the formal significance of a homosexual partnership.

An individual, whose inclination does not allow them a union in accordance with the laws of Moses and Israel, in their pursuit of an outlet from the loneliness, may forge ties of friendship and partnership with a person of the same sex. Despite the apprehensions and suspicions that may arise surrounding such a relationship, the community should weigh the possibility of including them. We call out to congregations not to add insult to injury and to find ways to allow these people, who wish to be part of the religious community, to do so without restricting them further than accepted concerning other transgressors.

Love and concession toward those in a weakened and rejected state, and even those who are not up to par with the congregation's norms, are what make man better, and testifies to the community's values. Loyalty to God and to His commandments and the acceptance of the mantle of His Rule and His commandments include the obligation to bring closer the distant and the distanced. Along with the duty to strictly apply the law and to strive for pinpoint precision in every commandment, whether effortless or burdensome, we must also be the students of Aaron, love others and bring them closer to the Torah.

The Community and People with Homosexual Tendencies

Elaboration and Sources

A. Introduction

The topic of homosexuality is uncomfortable for many in our community. Perhaps this is because the media and public discussions are often rife with outward expressions of sexuality that are incongruous with the religious community's values of modesty. Possibly it is for other reasons. Whatever the case, the end result is that many questions and considerations remain in a hidden compartment of the soul, and perhaps are not properly clarified in accordance with the Torah's path. The avoidance of this topic, and the lack of halakhic and rabbinic attention to it, creates a sense of alienation and rejection towards the phenomenon. Alienation results from what seems to be a severe deviation from the Torah's path, and results in revulsion towards otherness. At the same time, a public discourse influenced by liberal values that seek to let each person shape their own lives without any external involvement, has also had a profound influence. Revulsion on the one hand, and openness and tolerance on the other- the situation is perplexing.

The purpose of this document is not to provide answers to all the questions, but to mark a path for communities, a path based on an honest consideration of reality, and the light that a halakhic analysis can shed on this reality, a path that combines halakha, mercy and peace. We hope that the balance between these values in this

document will help glorify the Torah and increase love, brotherhood and peace among people.

B. The prohibition regarding homosexual behavior

A sexual relationship between two men or two women is prohibited.

At the end of the section discussing forbidden sexual relations ('arayot), the Torah states (Vayikra 18:22): "You shall not lie with a man as you lie with a woman, it is an abomination." This prohibition also appears in the section listing the punishments for sexual offences (ibid., 20:13), so that homosexual intercourse is one of the sexual relations forbidden by the Torah. Its inclusion on this list also brings along with it restrictions against intimacy, like hugging and kissing in an intimate way,¹ and the logical conclusion would also be to forbid yihud (seclusion)².

Regarding a sexual relationship between two women, nothing explicit is said in the Torah. The midrash halakha on the verse "You may not act like the actions of Egypt where you sojourned, and like the actions of the Land of Canaan to which I bring you do not act, and do not walk in their statutes" (Vayikra 18:3) forbids this type of relationship based on the illegitimate norms of Egypt.³

And what would they do? A man would marry a man, and a woman would marry a woman. A man would marry a woman and her daughter, and

1. Minhat Hinukh 188:2; Arukh haShulhan, Even ha'Ezer 20:18.

2. Although regarding yihud, the Talmud states, "Israel was not suspected of homosexual sex," and therefore there is no prohibition of yihud (Rambam, Commentary on the Mishna, Sanhedrin 7:4), a norm to be careful about this did develop (Rambam, Issurei Bi'ah 22:2). This observance was strengthened in places where the walls of modesty were breached (Shulhan 'Arukh, Even ha'Ezer 24:1) and was deemed unnecessary in places where this prohibition was not commonplace (Bah, Even ha'Ezer 24:1). Therefore, in places where there is a suspicion of transgression, there is room to prohibit yihud.

3. Sifra, Aharei Mot 9.

4. The entire topic of the prohibition of homosexual relations requires extended analysis and clarification. This is not the topic of this document, and therefore, the discussion is short. To explore the topic of female homosexuality in greater depth, see the document prepared by the Beit Midrash of Beit Hillel, available on the website: <http://www.beithillel.org.il/show.asp?id=71634>.

5. A partial summary of opinions can be found in Rabbi Avraham Steinberg, Halakhic Medical Encyclopedia (2006), pp. 705-708. On page 709-710, the distinction between the action and the orientation is mentioned. Although he disagrees with this distinction from a halakhic perspective because there is a prohibition of sinful thoughts (hirhurei 'aveirah, ibid. pp. 712-713), there should certainly be a distinction made between willful sinful thoughts and an orientation that a person has without freely choosing it.

6. Introduction of the Rambam to his commentary on Avot (Shemoneh

Perakim) chapter 2; Rambam, Laws of Teshuva, chapter 5. See as well Rabbi Menachem Mendel Lapin, Heshbon haNefesh (1936), p.53, on the topic of the "absorption" of sinful thoughts which was impressively developed in Hasidic thought.

7. For example, see Iggerot Moshe 4:115. The responsum seems to deny the possibility that a man will be attracted to another man, since this is against nature and creation. Rabbi Feinstein claims that, by nature, a person has no attraction to homosexual intercourse, and the whole desire is nothing other than an attraction to sin. But it should be kept in mind that the responsum came to strengthen the resolve of a ba'al teshuva who had transgressed the prohibition against homosexual intercourse, to encourage him to persist in his teshuva, and therefore, as is explicitly mentioned in the responsum, Rabbi Feinstein chose his arguments according to their ability to achieve this goal. Additionally, to be precise, the responsum discusses the inclination for homosexual intercourse, and not a person's sexual orientation.

8. R. Yaakov Meidan, Makor Rishon 15 Elul 4.9.2009; R. Aharon Feldman, www.guardyoureyes.com/resources/ssa/item/a-letter-by-reb-aharon-feldman-to-a-gay-baal-teshuvah; R. Ronen Lubitch, "Repulsion, Tolerance, Permissiveness- Judaism's Attitude to Homosexuality" (Selida, Sovlanut, Meteiranut- Yachas haYahadut leHomosexualiut), De'ot 11 (2001), p.15; R. Yuval Cherlow, Reshut HaRabim (2002), pp.228-229; R. Arele Harel, Lir'ot baGanim (2014) p.132; and this, of course, is the consensus of Beit Hillel as well. See as well R. Azriel Ariel, Tzohar 21 (2005) p.139: "It would not be proper to ignore the hardship of those people who are not at all guilty that this orientation exists in them."

a woman would marry two men, therefore it says: "Do not walk in their statutes."

Though the Midrash is speaking of marriage, the Rambam implies that even a sexual relationship is forbidden by the Torah, and this emerges from the Shulhan Arukh as well. Other Rishonim signal that this is a rabbinic prohibition.⁴

Note: The purpose of this document is not to provide halakhic guidance for individuals with homosexual orientations, but rather to clarify the proper attitude of the community and the public towards such individuals.

The challenges of the community in this context can be divided into three situations: the attitude towards a person with a homosexual orientation who does not violate any prohibitions; the attitude towards a person with homosexual orientation who apparently does violate prohibitions; and the attitude towards homosexual couples.

The attitude towards a person with a homosexual orientation who does not violate prohibitions

C. Action and not Orientation

The halakhic prohibition forbidding homosexual relationships addresses the action, and not a person's orientation. This distinction is so simple that it ought to need not be written, but it is critical for a person studying this topic and for the public as a whole to keep in mind. Over the generations, different explanations have been offered for the phenomenon of homosexuality,⁵ and according to some of them, this orientation develops without a person's free choice. Based on this, it is impossible to condemn the orientation or to legislate against it.⁶ Indeed, the commands of the Torah and the

halakha do not relate to the orientation itself, but only to the practical aspects, which are under a person's control. In the last generation, when this topic was first discussed openly, there were those who saw a person's attraction to the member of the same sex as something repulsive,⁷ many rabbis involved with this issue in our generation have concluded that **the orientation should not be condemned, and there is nothing wrong with a person who has this orientation.**⁸

D. The Prohibition of Ona'at Devarim (Verbal Abuse)

"A man shall not oppress his fellow, and you shall fear your Lord" (Vayikra 25:17). There is a biblical prohibition to oppress a person with words.⁹ The Rambam¹⁰ explains what constitutes ona'at devarim: "This is when a person is told things which hurt him and make him angry, and he can't stand up to them because he is embarrassed." The author of Sefer haHinukh added regarding the definition of the prohibition:

*Not to cause pain to people in any way, and not to embarrass them... And it is proper to be careful that there not even be a hint of insult to people in one's words, for the Torah was very strict about verbal abuse, because it is a very difficult thing for people's hearts. And many people are more particular about this than money...and it is impossible to detail all the things which could cause pain to people, but every person must be careful according to what he sees, for God knows his every step and every hint, for a person sees with their eyes, and God sees to the heart.*¹¹

Sefer haHinukh adds that although there is no punishment of lashes for this prohibition because

9. Thus is the verse explained in the Sifra, Behar Parashah 3:4. Monetary oppression is learned from another verse, and this verse is understood as referring to verbal oppression.

10. Sefer haMitzvot, Negative Commandment 251.

11. Sefer haHinukh, Commandment 338.

12. Mekhilta Mishpatim 5; Sifra Kedoshim 10; Babylonian Talmud Sanhedrin 66a: "With the wretched of your nation" - as opposed to the respected in the nation, like the president; Ibn Ezra likewise hints at this in his comment: "because you have power." See as well the commentary of the Kli Yakar on the verse, and the Torah Temimah, note 88.

13. Sefer haMitzvot, Negative Commandment 317.

14. Rambam, Hilkhot De'ot 6:10.

15. Hafetz Hayyim, Be'er Mayyim Hayyim, Introduction, Negative Commandments 15: "According to Rashi's approach in parashat Mishpatim, it is implied that any person who is wretched also has the same prohibition towards him."

16. It goes without saying that the prohibition of ona'ah includes embarrassment, and this is also suggested by the order of topics in Bava Metzia 58-59. This also emerges from the words of the Rishonim, for example, Sefer Roke'ah, Hilkhot Teshuva 16; Rabenu Yonah, Sha'arei Teshuva 3:214; Rashbe"z, Magen Avot 3:11, s.v. "vehamalbin pnei haveiro berabim." See as well Mesilat Yesharim 11, and in R. S.R. Hirsch's commentary on Vayikra 25:17.

17. Bava Metzia 59a.

18. Avot 4:1

19. Midrash Shmuel 5:16, on Yosef's struggle with Potiphar's wife.

20. Tiferet Yisrael, Avot 3:131: "Blessed is the man - the mighty man who conquers his desire, who trusts in God regarding commandments, that certainly He commanded them for man's good, and therefore he fulfills them even though he doesn't understand their reasons."

21. Vayikra Rabbah 1:1 (Margalit): "What is the verse speaking of? If it is referring to heavenly beings, it already says 'Bless God, all of His hosts' (Tehillim 103:21); If it is referring to earthly beings, it has already said: 'Bless God, His messengers' (ibid. 20). Rather, with regard to the heavenly beings, because they can all live up to God's demands, it says: 'Bless God all of His hosts.' But regarding earthly beings, because they cannot all live up to God's demands, it says 'Bless God, his messengers', and not 'all of his messengers.'"

22. Tanhuma (Buber), Vayikra 1: "R. Yitzhak Nafha says: This refers to those who observe the sabbatical year, and why are they called mighty? Because he sees his field laying ownerless, and his trees ownerless, and his fences broken through, and his fruit eaten, and he conquers his desire and does not say anything, and our sages taught: 'Who is mighty? One who conquers his desire.'"

23. Yoma 86b: "Rav Huna said: Once a person does a sin and repeats it - it is permitted to him. Do you really think it is permitted to him? Rather say: it becomes to him as if it is permitted." Rashi (Arakhin 30b) explains: "It seems in his eyes to be permitted," and the Torah Temimah says: "And it is difficult for him to separate himself from it" (Vayikra 25, note 75); Rabeinu Yehonatan wrote: "And he will never regret it" (Yoma 85b, in the folios of the Ri"ף), and the Sefer Maknah wrote (Kiddushin 29b): "His repentance is difficult."

it does not involve an action, “the Lord who commanded this has at his disposal many ways to administer lashes, without needing a leather strap.”

To the prohibition regarding ona’at devarim, we should add the Torah’s warning “Do not curse a deaf person” (Vayikra 19:14), which the rabbis explained as a warning to refrain from abusing the power one has to hurt someone who is socially vulnerable and weak.¹² The Rambam sees the cursing of a deaf person, beyond the pain caused to the one cursed, as testimony to the spiritual depravation of the one who curses or mocks their fellow.¹³

The prohibition “Do not afflict any widow or orphan” (Shemot 22:21), which includes the obligation to be careful with both speech and deeds – “only speak to them softly, and always treat them with respect...anyone who degrades them or makes them angry...transgresses a negative commandment”¹⁴ – is another prohibition of oppressing those who are in socially vulnerable positions, with the widow and orphan merely being examples of that status.¹⁵

Thus, it is clear that there is a severe prohibition of demeaning or embarrassing any Jew, and that this prohibition is emphasized especially regarding those people with a vulnerable status in society, with whom there is sometimes a tendency to gain from their shame. **An individual with a homosexual orientation is included in this category, and the commandment to “love thy neighbor as thyself” must be fulfilled towards him without limitations.** The Talmud stresses that the punishment for causing one’s fellow public embarrassment¹⁶ is more severe than the

punishment for a sin of sexual impropriety:

*Even at the time they are involved with the laws of impurities and tents, they tell me: David, what is the death penalty for one who sleeps with a married woman? And I respond to them: His death penalty is strangling, but he has a portion in the World to Come, but one who publicly embarrasses his fellow does not have a portion in the World to Come.*¹⁷

E. One who guards himself from sins should be called a hero

The Mishna states: “Who is strong? One who conquers his desire.”¹⁸ In various sources, there is a tendency to see this overcoming of desires as particularly relating to the area of sexual laws,¹⁹ as well as to the ability to keep God’s commandments even when their reason is unclear.²⁰ On the verse “The mighty, those who do His word” (Tehillim 103:21), the Midrash Rabbah states²¹ that this refers to human beings who live on the earth, not to angels in the heaven. On earth, not everyone can fulfill His commands, and one who succeeds is mighty, comparable to an angel. The rabbis gave a special status to one who observes the sabbatical year, calling him a “mighty person” for his ability to stand up to the difficult test. When this person’s financial resources are not being used, and are even rotting away before his eyes, he manages to restrain himself and watch it happen, because of God’s command.²²

If one stumbles and sins, and even if he repeats it, the sin does not become “permitted”²³; the possibility of repentance is still open before him.²⁴ Even for one who did not fully repent, and did not accept upon himself to fully distance himself

24. As opposed to Rabenu Hananel (Yoma 87a) and the Ran (on the Ri’f, Yoma 5a) who believe that once a person repeats a sin, the doors of repentance are closed to him, the Rambam, in Hilkhos Teshuva 2:1, wrote: “Even if he transgressed all his life, and repented on the day of his death and died repentant, all of his sins are forgiven.”

25. This is a conclusion based on simple logic. The Talmud also discusses the possibility of guiding a sinner to a lesser sin to prevent a greater sin. See Shabbat 43b-44a; Shulhan Arukh, Orach Hayyim 311:1; Mishna Berura ad.loc., 3, regarding the allowance to move a dead body when there is a fire and violate the prohibition of muktzeh, in order not to come to extinguish fire on Shabbat. And in the Gemara Sotah 48a: “Rav Yosef said: When men sing and women answer- this is licentiousness, when women sing and men answer- this is like fire on chaff. What difference does it make? To prevent this (the latter) before that (the former).” Similarly in Sefer Hasidim (Margalit) 176, and there in note 1 in Mekor Hesed; and in Yalkut Yosef, Shabbat 5:337, the law of an unintentional act, in the notes, note 3, regarding the question whether to permit riding a bicycle in order to prevent riding in a car, etc.

26. Because this document is directed at the community, and not at individuals with a homosexual orientation, we did not enter an in-depth or detailed analysis of this issue. The issue of prohibitions is discussed in section B. above. It is advisable that one who is struggling with this issue find a halakhic advisor who is expert in these matters to help him.

27. Bava Metzia 59a: “Rav Hinenai son of Rav Idi said: What is the meaning of the verse: ‘A man shall not oppress his fellow (‘amito)’? One who is with you (‘im she’itkha) in Torah and mitzvot, do not oppress.” The

Nimukei Yosef on the Ri’f explained (ibid. 32b): “This teaches us that the Torah only cautioned regarding ona’at devarim towards people who are God-fearing. And the Midrash says: ‘If he has oppressed you, then you are permitted to oppress him, because this is not called ‘your fellow.’” And it says in Masekhet Megillah (25b) “It is permitted to embarrass one whose teachings are hated.” This was the opinion of the Sefer Yereim, sec. 180: “The verse only warned about ona’at devarim regarding the God-fearing, but one who is an intentional sinner, even in one matter, and didn’t repent, it is permissible to verbally abuse him.”

28. See Rabeinu Yehonatan, Bava Metzia 33a (in the folio of the Ri’f): “One who is with you in Torah and mitzvot- that is to say, or in mitzvot [interpreting the vav as disjunctive rather than conjunctive], even though he is not a great sage, do not abuse him, because he is one of the children of Israel.” The meaning of his comment is the expansion of the law to all of Israel, and not only to the sages. Meiri also excludes only idol worshippers, and the Bah (Hoshen Mishpat 228:1) leans to an interpretation which understands the exclusion only to be of non-Jews, and in the end leaves it as requiring further study. See as well the Ritva (Bava Metzia 59a) who interprets the statement as referring to the prohibition of oppressing one’s wife.

29. Pnei Yehoshua ad.loc. He himself understands that only non-Jews were excluded by the above statement.

30. Shulhan Arukh, Hoshen Mishpat 228:1

31. See, for example, Responsa Shevet haLevi 8:309, who writes, although he rules that the ruling of the Talmud is that there is no prohibition of ona’ah towards one who transgresses mitzvot: “And one

from the sin, there is still value to his refraining from what he can avoid. Certainly a person who violates minor prohibitions should still be careful regarding more severe ones.²⁵ The same goes for prohibitions related to homosexual orientation.²⁶

The attitude towards an individual with a homosexual orientation who presumably violates prohibitions.

F. The prohibition of ona'ah towards a sinner

Although the Talmud quotes an opinion that suggests that the prohibition against ona'ah only exists towards those who are observant of mitzvot,²⁷ many Rishonim interpreted this statement differently.²⁸ There are those who note²⁹ that this is a disagreement between Rabbi Yosef Karo and the Rama³⁰:

Just as there is ona'ah when it comes to buying and selling, so too is there ona'ah with words. And ona'at devarim is more severe than monetary ona'ah, because the latter [damage] is returnable, and the former cannot be returned, the former pertains to a person's body, and the latter to a person's possessions. And he who cries out from ona'at devarim is answered immediately. [Rama's] Gloss: And there are those who say that the commandment of ona'at devarim only applies to the God-fearing.

It would seem that since according to some Rishonim the prohibition against ona'ah is not only towards the God-fearing, and because this is a biblical prohibition whose severity was expressed

in the Talmud and explained by the Shulhan Arukh, there are grounds to be concerned for the opinion that forbids ona'ah even towards a sinner.³¹

There is an additional perspective that also needs consideration. The Talmud permitted embarrassing those who transgress commandments between man and God with the intention of bringing them to repent, as part of the mitzvah of rebuke³². The channel of rebuke that includes embarrassment is a last resort, when other methods, like private, polite rebuke failed.³³ But in light of the Talmud's words in Masekhet 'Arakhin that in our days, there is no one who knows how to properly rebuke – "R. 'El'azar ben 'Azaryah said: I would be surprised to find anyone in this generation who knows how to rebuke"³⁴ – many halakhic decisors have noted that when it is impossible to fulfill the mitzvah of rebuke, the permission to embarrass is automatically repealed. Furthermore, the lack of proper rebuke means that a sinner cannot be defined as 'wicked',³⁵ and therefore, it is forbidden to embarrass him and one must fulfill the mitzvah of "Love thy neighbor as thyself."³⁶

This opinion is clearly articulated in the Marganita Tava,³⁷ and some of the most important Aharonim rejoiced over it as if it were a precious jewel, and adopted the view as their own:

To make an effort for the good of one's fellow, to pursue peace and be careful of the prohibition of "do not hate," and even regarding someone who is completely wicked there is a prohibition to hate him as long as he has not been rebuked, according to Maharam of Lublin.³⁸ And there is no one in this generation who knows how to rebuke; perhaps if he would rebuke him, the sinner would accept it, and it is only his evil nature which causes him this,

should also be very careful regarding ona'at devarim, because many evil things come from this, if it isn't needed in order to punish evildoers, out of pure intentions. And regarding a convert, the poskim wrote that it is a biblical prohibition even if he doesn't observe the Torah and mitzvot." Thus, for example, did the Minhag Hinukh, 63:1, rule regarding a convert. And there is room to apply the law of the convert to homosexuals, and this hint will suffice for the wise. The Shevet haLevi adds in Kuntres haMitzvot (end of part 5) sec. 51: "But what should a 'tinok shenishba' (one captured as a baby) do, who didn't learn, and didn't see, and is not guilty that his fathers corrupted him, although with his actions he is wicked... Since he is a tinok shenishba...it is forbidden to oppress him." More on this issue see below

32. See Megillah 35b: "It is permissible to embarrass one whose teachings are despised." Rambam, in Hilkhot De'ot 6:8 ruled: "One who rebukes his fellow should not initially speak harshly to him until he embarrasses him, as it says: 'And you shall not bear a sin because of him'...Regarding what is this said? Matters between a man and his fellow, but with heavenly matters, if he didn't repent [when rebuked] privately, he is publicly embarrassed, and his sin is to be publicized, and he is insulted to his face, and mocked and cursed until he returns to the right path, as all the prophets of Israel did."

33. Rabenu Yonah, Sha'arei Teshuva 3:219. This is also the implication of the Rambam's words quoted above, and the ruling in Hafetz Hayyim, Laws of Lashon haRa, 4:4.

34. 'Arakhin 16b. Knowing how to rebuke properly, according to Rabenu Gershom and Rashi, involves doing it respectfully. In recent generations,

it has been interpreted as a style of rebuke which is able to reach the heart of the one being rebuked. See, for example, R. Tzvi Yehuda Kook, Mitokh haTorah haGo'elet (1983), p.74 and ibid., pp. 134-135.

35. Because his "wickedness" has not been proven, for it is possible that if, by way of proper rebuke, his sin would be explained to him, he would abandon his evil ways. This is the implication of the Haghot Maimoniot on the Rambam, De'ot 6:1.

36. This is mentioned as the halakha in Responsa Maharam Padua, sec.29; quoted in Yabi'a 'Omer part 6, Orach Hayyim 15:10; and thus did the Yalkut Yosef rule, in the laws of respect for parents (2005), 15:1, p.681. It is reasonable to make a distinction between one who mentions this claim without particular implications, and one who mentions it in order to be stringent, for instance, in order not to exempt from yibum, see Hazon Ish, Yoreh De'ah 2:28.

37. R. Yehonatan Voliner, Marganita Tava sec. 23 (addendum printed by R. Yisrael of Radin to his book, Hafetz Hayyim).

38. Apparently, the reference is to Responsa Maharam Lublin 13: "Rather, it must be that his interpretation of the verse 'Do not hate your brother in your heart' speaks about someone who sees their fellow violate a prohibition, and nevertheless the Torah says not to hate him."

39. Quoted by 'Or leNetivati (1989), pp. 304-305, Tzitz 'Eli'ezer part 9, 17:2. See as well R. S.Y. Cohen, "Mitzvat Ahavat Yisrael baHalakha uva'Aggadah," Torah shBa'al Peh 36 (1995), p.55. And also see n.36 above, and the words of R. Kook in section G.

40. 600,000 covenants were made for each and every mitzvah, reflecting the responsibility of every member of the Jewish people for

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as it says: "Do not judge your fellow until you are in his place," and all the more so that it is forbidden to curse him, rather, one should ask for mercy on his behalf, that God should help him fully repent.³⁹

G. The Mitzvah of Rebuke and the Possibility of Inclusion

Is it proper to accept people who transgress the halakha into the community, inviting their involvement and partnership in it? Does this not amount to a mockery of the Torah's authority, of its standing as the ultimate standard for setting a religious community's agenda?

On the one hand, every Jew is included in the covenant between God and the Jewish people, and should be allowed to actualize that covenant. The right to be sheltered under the Divine canopy is absolute, and we should not be setting guards at the entrance to the house of study or the house of prayer. It is not our job to check the tzitzit of each person who comes to pour out their heart before their heavenly Father.

On the other hand, the responsibility for all of Israel's fulfillment of Torah and mitzvot is on the community, as well as on individuals who have entered the covenant.⁴⁰ Even if we do not have the means to enforce the fulfillment of the covenant, must we not at least prevent expressions that disrespect this commitment? Can we support sinfulness? Does not silence and inclusion amount to acceptance of the sin?⁴¹

A critical key to opening the locked door is found in the words of the Aḥaronim explaining the Rama's ruling.⁴²

If one knows that his words will not be heard, he should only rebuke in public once, but he should

not rebuke many times, because he knows they will not listen to him.

What is the purpose of rebuke if there is no chance that it will be fruitful? Contemporary rabbis have suggested a well-founded, logical explanation.⁴³ Beyond the desire to fix the sinner's ways, rebuke has another purpose, namely, a declaration of protest on the part of the rebuker.

There are two elements of rebuke. One, preventing sin and separating a person from it, and the second, to know and to let it be known that we have not accepted the sin.⁴⁴

The claim that, although we cannot change the sinner's behavior, it is our responsibility to register our protest regarding the sin is embedded in this document to a certain extent. We seek to fulfill the obligation to love our fellow, and to apply this to everyone, to allow everyone to join together to come closer and to bring one another closer to God, but at the same time, to maintain our loyalty to values that distinguish between good and evil, permitted and forbidden. We find support for this approach in the words of Rav Kook.⁴⁵

All of the laws requiring hatred, and their severe details are said only regarding one about whom we are certain that we have fulfilled the mitzvah of rebuke. Since we have no one in this generation, nor in many generations which preceded us...one who knows how to rebuke, the "remedy has fallen into the pit" and all the halakhot involving anger and hatred of one's fellows have become like the matter of the rebellious son, the idol-worshipping city, and the house afflicted with tzara'at, according to the opinion that they never were and never will be, and were written so that one may study them and receive reward. And the reward of the study

the mitzvah fulfillment of every other Jew (Sotah 37b and Rashi ad.loc.). The halakhic concept of 'arevut establishes that as long as any Jew has not yet fulfilled a mitzvah, it is considered as though the others have also not yet fulfilled it (Ran on the Ri"ף, Rosh Hashana 8a, s.v. "Tani ahava"). Likewise, others are implicated in the sins of the individual (Sanhedrin 43b). This principle is connected to the obligation to protest sinners (Sanhedrin 27b), placing the responsibility, as well as the punishment, on anyone who was able to protest and didn't (Shabbat 54b). See as well R. Shaul Yisraeli, 'Amud haYemini (1992), "The responsibility to enforce Torah in Israel" (HaHovah lehashlatat haTorah beYisra'el) pp. 87-102.

41. Despite the conclusion that no one today knows how to rebuke, which leads to a social reality in which no one can be defined as "wicked," and no one is commanded to completely reject the sinner, the community still has the responsibility to do their best to repair the situation, even if their ability is limited.

42. Orach Hayyim 608:2.

43. Although there is no explicit statement of the Rishonim to this effect, and in fact, on the contrary, it seems from their words that the value of rebuke is entirely that "perhaps it will bear fruit," it seems that the roots of this idea lie in moving the responsibility from the sinner to others, as is suggested in the discussion of 'arevut, and see above, n.40.

44. R. Simcha haKohen Kook, "The Mitzvah of Rebuke in Private and Public" (Mitzvat Tokheha beYahid uveTzibbur), Tehumin 7 (1986), p. 127. R. Yaakov Ariel, in R. Avraham Wasserman, Re'akha Kamokha

(2008), p.253, likewise noted that there is an independent mitzvah to distance oneself from the sin. See as well R. Yisrael Meir Lau, Responsa Yafeh Yisrael 12: "As long as one doesn't express his opinion that he does not accept this sin, he has a part in this person's actions, and he is punished for his fellow's sin. In order not to be punished for it, it is his responsibility to express his opinion that he does not accept this sin, and the way of expression in this case is protest, by word or deed."

45. Iggerot Re'ayah Part 1 (1962), p.305. This was Rav Kook's consistent approach regarding those who sin. See, for example, Zvi Yaron, Mishnato shel Rav Kook (1974), pp. 323-371; R. Binyamin Efrati, HaSanegoriah beMishnat haRav Kook (2006).

46. In the context of the annulment of the law that heretics are lowered to a pit and not brought out. See Hazon Ish, Yoreh De'ah 2:16: "But in the time of concealment, when faith has been cut off from the poorest of the nation...the law does not apply when it does not bring about repair, and we must return them with bonds of love, to bring them to the light as much as we are able."

47. R. Tzvi Yehuda haKohen Kook, Mitokh haTorah haGo'elet, part 3 (1989), p. 159: "Who should we bring close? Those who are far from the Torah, and we are commanded to love them. And the sages did not teach us to love all creatures in order to bring them closer to Torah, rather, it is an independent love: 'Love all creatures.'" This can be found tens of times in his speeches.

48. See Responsa Rashba 5:238: "It is sometimes a mitzvah to turn a blind eye to one who sins, and it all depends on the needs of the hour.

is very great, for it is the salt which preserves the good by increasing the hatred of evil in all of its manifestations. And since this is done by way of study, there is no place at all for destructive evil to take root.

We seek to strike this delicate balance by grabbing onto the rope from both ends. On the one hand, the recognition and declaration that biblical prohibitions cannot be permitted, and the clarification that a transgression of the halakha cannot gain legitimacy; but on the other hand, a call to the community, to the public, to the readers to open their hearts and their gates to those who do not fully adhere to religious norms.

This call is based on the decision of our rabbis: "They should be brought close with bonds of love."⁴⁶ The responsibility to love all creatures is not dependent on the possibility of bringing them closer to Torah; it is an independent obligation.⁴⁷ At times, it is the job of the community and its leaders to turn a blind eye to those who sin⁴⁸ because this is the need of the hour.⁴⁹ All this leads to the conclusion that, in the balance between the left hand that pushes away and the right hand that draws closer, in our generation, we must empower the inclusion of the right hand and restrain the rejection of the left one, or, at the very least, not forget about the right hand.⁵⁰

If this is the case with clear sinners, who even desecrate Shabbat in public, then certainly towards one whose actions are hidden, like an individual with a homosexual orientation who has decided to live with a partner, but at the same time asks to be part of a religious community.

The call to take part in the community is possible and desirable. We open our hearts

and the gates of the community to a person, while emphasizing that this does not imply an acceptance of sin.

The Attitude Towards Homosexual Couples

H. Couplehood According to the Halakha, and Not According to the Halakha

"Therefore does a person leave his mother and father, and cleave to his wife and they become one flesh" (Breishit 2:24).⁵¹ The Torah and the halakhic tradition sanctify the relationship between a man and a woman,⁵² and reject other relationships⁵³ with harsh language.⁵⁴ Members of the same sex who live as a couple cannot have a formal standing from a halakhic perspective, and the religious community cannot recognize their status as a couple.⁵⁵

But can the religious community also be inclusive towards homosexual couples?

I. Community and Life for Homosexual Couples

Those with a homosexual orientation, especially those with a religious consciousness, are flooded with contradictions between social and religious expectations as they understand them, and their inner experience. Some experience despair and even self-loathing.⁵⁶ These difficult emotions are intensified in the face of the alienation, rejection, and at times even attacks from the surrounding society – family, friends, and community. If we add to this the weight of the secret that many bear on

And one who is wise easily turns a blind eye at times." See how R. Ovadiah Yosef used this comment, Yabi'a 'Omer part 8, Yoreh De'ah 12. 49. R. Yehuda Amital, "Regarding the Mitzvah of Rebuke" (Be'Inyan Mitzvat Tokhe'ha), Jubilee Volume for R. Mordechai Breuer (1992), part 2, especially pp. 525-533: "It happens every day in synagogues of God-fearing people, that they do not reject the requests of non-religious people for an aliyah to the Torah for their son on his bar mitzvah, although it is known that many family members will come to synagogue by car...It happens every day in every rabbinical court in Israel...that when a non-religious couple comes to get divorced, the judges don't refrain from trying to make peace between them, although they know that the couple is not at all careful regarding the laws of family purity... The big question is, in our day...when talking about bringing those who are distant closer to Torah and mitzvot...should we, as a guiding principle, adopt a more lenient approach in order to bring hearts closer to their heavenly Father?"

50. Sanhedrin 107b: "Always should the left push away and the right bring close." See the comments of the poskim on various matters: Responsa Meshiv Davar, 2:43: "Here too, for one who wants to return to the right path, we should give a hand to the sinner and extend our right hand to accept those who return, as the Creator does"; Shulhan 'Arukh haRav, Laws of Talmud Torah 4:17: "We do not teach Torah to an unworthy student...But if it is impossible to bring him back to what is right, and he is pushing to enter, one's left should always push away while one's right brings close"; Yabi'a 'Omer 1, Yoreh De'ah 11, especially

section 18; Yabi'a 'Omer 7, Orach Hayyim 15:6; 'Aseh Lekha Rav 1:64. See as well R. Yonah Fodor, "The Left which Rejects and the Right Which Brings Close" (Semol Doheh ve'Yamin Mekarevet), Te'humim 19 (1999), pp. 102-112.

51. See Breishit Rabbah 8:9: "At first, Adam was created from the earth, and Eve was created from Adam. From then on, 'In our image, like our likeness.' Not a man without a woman, not a woman without a man, and not both of them without God."

52. Pesikta Zutarta, Breishit 2:23: "It was taught in the name of R. Meir: A man and woman- the Divine presence [yud-heh] rests among them: yud of man [ish- spelled alef, yud, shin], and heh of woman ['ishah, spelled alef, shin, heh]. If they merit it, the Divine presence rests with them and they are blessed. If they do not merit, the Divine presence leaves them, the two fires [esh, spelled alef, shin, the letters left when the Heavenly name is removed] combine, and they are consumed by it."

53. Midrash Sekhel Tov, Breishit 19:7: "'And he shall cleave to his wife and they become one flesh'- and not to a male, because they do not become one flesh;" Pesikta Zutarta, Breishit 2:24: "And they become one flesh'...this excludes an animal, bird, or homosexual intercourse which do not create one flesh, and from which there is no reproduction."

54. Sifra, A'harei Mot 9:8: "'You may not act like the actions of Egypt where you sojourned, and like the actions of the Land of Canaan to which I bring you do not act'...and what did they do? A man would marry a man and a woman would marry a woman."

55. From the Sifra quoted above (see previous note) it seems that

their shoulders for many years, and sometimes for their entire lives, we understand that their lives are ones of great hardship, distress and suffering.

In light of this, our assumption is that any person who wishes to be a part of a religious community would not freely choose a homosexual identity unless it was forced upon him to a great extent by his inner feelings. In this sense, for many, the choice of a way of life that includes a transgression of the halakha is not fully free, and is not what halakha defines as a 'sin of desire' (aveirah lete'avon).⁵⁷ Just as an accidental sin cannot be judged in the same way as an intentional one, or a coerced sin in the same way as a willful one, so too we must distinguish between a transgression of halakha that is done with free will and one done in the circumstances under discussion here. We should add to this that some people with homosexual orientations tend to think that homosexual couplehood is not forbidden, based on what they think they see in the sources, and especially based on enticing explanations,⁵⁸ or based on positions not accepted in the halakhic

consensus.⁵⁹ Because of their great distress, they were lured into believing these positions, and therefore there is room to see them as people who violate halakha accidentally.⁶⁰

Therefore, though we cannot permit prohibitions of 'arayot, there is room to be lenient and adopt an inclusive social approach, and to accept them within the community.⁶¹

What will be the precise nature of this acceptance? Will any limitations be placed on the couple? Should those with a homosexual orientation be asked to adhere to certain guidelines in public spaces?⁶² It is proper that each community clarify these questions for itself in accordance with the capacities of its members and the decisions of its spiritual leadership. But, it is appropriate that the guiding principle be the spreading of the community's wings over these people, bringing them close with bonds of love, "so that not a one is outcast" (Shmuel 2, 14:14).⁶³

a steady, established homosexual relationship is worse than an occasional sin, and this was the opinion of some Aharonim, see for example Responsa Torah Sheleimah 504. In Midrash Tanhuma (Buber), Breishit 33, the emphasis is that the sealing of the decree regarding the generation of the flood was because of the writing of a ketubah for a male marrying a male, see also Hullin 92b, and Rashi ad.loc. s.v. "she'ein kotvin." But it is impossible to ignore the alternative to couplehood- a life of occasional sins, pursuit of the sex act, of lies and lack of loyalty which also contain a heightened risk of exposure to diseases, and possibly even an expansion of the scope of sinful acts. Refraining from stable couplehood also has its halakhic and ethical costs, and perhaps a distinction should be made between formal recognition of a relationship and stable relationships which exist without formal standing, but here is not the place to elaborate further on this issue.

56. See the statement of principles on the HOD website.

57. The Talmud distinguishes between a sin which is done in order to anger (lehakh'is), which a person does not gain benefit from, and which is wholly directed at angering God, and a sin which person benefits from or enjoys, which causes his desires to be aroused, and ultimately brings him to sin. Both one who transgresses a sin lehakh'is and one who does it lete'avon are included in the definition of a 'wicked person' who is invalid to give testimony, according to the conclusion of the halakha (Sanhedrin 27a; Shulhan 'Arukh, Hoshen Mishpat 34:2). But there are sins which a person commits because his judgment is impaired. In these cases, although he has sinned, he is not invalidated to give testimony, and it seems that he is also not defined as 'wicked.' Sometimes this impairment results from a person's rationalization- a person commits a sin, but believes it is not a sin (Sanhedrin 26b, Rashi, s.v. "ba'arisa" and see more in note 60), and at times the strength of one's desire is the cause. See Shabbat 4a, Tosafot s.v. "vechi 'omrim": "and they are as if coerced"; Sanhedrin 26b, Tosafot s.v. "hahashud": "because his desire grabs hold of him," although there he distinguishes between 'arayot and sodomy, but here is not the place for elaboration. See as well Iggerot Re'ayah, part 1, pp. 170-171.

58. Steven Greenberg, Wrestling with God and Men: Homosexuality in the Jewish Tradition (2004). And see also the non-Orthodox "halakhic positions" in the article by Toviah Peri, "Religion and Reality- Change in the Religious Community from the Perspective of a Religious Therapist" (Dat u'Metzi'ut- Tahalikhei Shinui baKehillah haDatit miNedukat Mabat shel Metapel Dati), in An Unpaved Path: Legal, Communal and Parental Perspectives on Homosexual Families (BeDerekh Lo Selula: Heibetim Mishpatiim, Kehillatiim veHoriim shel Mishpa'ot Had-Minot), pp. 57-69.

59. R. Norman Lamm hints at the possibility of seeing an individual with a homosexual orientation as an anus, coerced, in Rabbi Norman Lamm, "Judaism and the Modern Attitude to Homosexuality," Judaica Year Book, 1974, pp. 194-205.

60. We find that one who thinks he is doing something permissible is not disqualified from giving testimony even if he violated a prohibition and the community protested. See Shulhan 'Arukh Hoshen Mishpat 34:4 : "Those who bury the dead on the first day of Yom Tov are allowed [to testify]. Even if they were excommunicated and they continued to do it, they are still fit to be witnesses, because they think they are doing a mitzvah, and that they only excommunicated them as an atonement. [Rama's] Gloss: And the same is the rule for all other prohibitions that could be said that the person violated accidentally." See also the Pithei Teshuvah ad.loc., section 9.

61. It would seem that in thinking about homosexuals, we can apply the words of the Midrash about the tears of the oppressed which inspire us to imitate the ways of God (Vayikra Rabbah 32:8): "The Holy One, blessed be He said: It is for me to comfort them," and to find the way to comfort and include them.

62. This is the practice of various communities who absorb people who don't fit in with the accepted social norms. One who joins in a full or partial way makes sure to act in line with the community's norms in the public community context, with the understanding that in their private space, or outside of the community's public space, the community will not make the same demand.

63. Rejection from the community often leads to outright rejection of mitzvah observance. This possibility comes from the breaking down of the boundaries, for the homosexual individual, between those who are observant and those who are not. The stories of people with a homosexual orientation who come from a religious background reveal that it is difficult for them to maintain a religious lifestyle in (non-religious) social circles, and that at times their partner is not religious. See, for example, the stories of religious homosexuals and lesbians in Irit Koren's book, A Closet within a Closet ('Aron Betokh 'Aron) (2003), as well as Rivkah Kanarik, Religious Homosexual- Identity and Reality (Homo Dati- Zehut Umetzi'ut Hayyim), thesis project, 2011. This is a matter worthy of examination which can lend another point of view to the issue. See as well Nehorai Elkayam, "Processes of Identity Formation in Religious LGBT Teens, and their Perceptions Regarding the Informal Frameworks Specific to Them" (Tahalikhei 'Itzuv Zehut beKerev Bnei No'ar Lahata' bim Datiim uTefisatam ba'Asher leMisgerot Bilti Formali'ot haYichudiot Lahem), thesis project, 2014, especially pp. 85-95.

The Divine Kingship on Rosh Hashanah

Rav Avraham Walfish

The most central theme of our Rosh Hashanah liturgy is divine Kingship. This is reflected in the piyyutim recited by many communities, as well as by significant changes to the language of the Amidah prayer: replacing the words ha-el ha-kadosh (the Holy God) of the third benediction with ha-melekh ha-kadosh (the Holy King), and adding the words melekh al kol ha-aretz to the closing formula of the central blessing of the Amidah, which celebrates the kedushat ha-yom (sanctity of the day). Most strikingly, the first of the three benedictions added to the Rosh Hashanah prayer – malkhuyot, zikhronot, and shofarot – expands on the theme of divine Kingship. An interesting dispute between two of the leading Sages of Yavneh (early second century), where these additional blessings were instituted, will focus our attention on some key questions regarding the notion of divine Kingship, and guide our reflections on the meaning for our lives of this central tenet of Judaism.

The following chart presents the views of these two Sages regarding the order of blessings in the Rosh Hashanah Mussaf prayer, as presented in Mishnah Rosh Hashanah 4:5:

the Mishnah records that R. Akiva regarded the integration between prayer and shofar to be so crucial that he challenged R. Yohanan ben Nuri with the argument: “if he does not blow [over the malkhuyot blessing], why does he recite it?” The Mishnah does not record R. Yohanan ben Nuri’s response, but he apparently agrees with R. Akiva that the blowing of the shofar should accompany only the three middle benedictions, which are entirely devoted to the unique character and themes of Rosh Hashanah, and not the first three and the last three blessings, which are recited daily – even if the third blessing is expanded with malkhuyot.

Investigation of the ways in which these two Sages perceive prayer and shofar as enhancing one another would take us far afield, so I will turn here to the crux of their dispute: the placement of the malkhuyot prayer. Neither Sage accords a separate blessing to malkhuyot – possibly because malkhuyot lacks a biblical proof-text, unlike zikhronot and shofarot, which the midrash roots in the Torah’s characterization of Rosh Hashanah as zikhron teruah. Interestingly, both

	R. Yohanan ben Nuri	R. Akiva
(1) Avot (Patriarchs)		
(2) Gevurot (powerful deeds);		
(3) kedushat ha-shem (sanctity of the Name)	(a) includes <i>malkhuyot</i> (verses of Kingship) (b) not accompanied by shofar blast	No shofar blast
(4) kedushat hayom (sanctity of the day)	Shofar blast	(a) includes <i>malkhuyot</i> (b) Shofar blast
(5) zikhronot (remembrances)	Shofar blast	Shofar blast
(6) shofarot (shofar verses)	Shofar blast	Shofar blast
(7) avodah (sacrificial service)		
(8) hoda’ah (thanksgiving)		
(9) birkat kohanim (priestly blessing)		

Before addressing the points of dispute between these two Sages, let us first note a shared assumption. Both Sages agree that shofar blasts should be integrated into the Amidah prayer, presumably understanding the shofar as a kind of non-verbal communication with God. Indeed,

Sages attach the malkhuyot prayer to a blessing which relates to kedushah (sanctity), and indeed our liturgy elsewhere also indicates a profound connection between divine sanctity and divine Kingship – for example, the text of the yishtabach prayer recited every morning: tehillah ve-tiferet kedushah u-malkhut (praise and glory, sanctity

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and Kingship). However, whereas R. Yohanan ben Nuri attaches malkhuyot to sanctity of the Name, R. Akiva attaches the prayer to sanctity of the day.

What lies at the root of this controversy?

There is a profound difference between the sanctity attached to the holy Name of God and the sanctity of the divinely-ordained festivals. God's ineffable Being is known to us through his enigmatic Name, the Tetragrammaton, which Jewish tradition avoids pronouncing or writing, except in places and occasions of special sanctity. The blessing of kedushat ha-shem describes how the sanctity originating in God's transcendent Being flows downward – "You are holy and Your Name is holy and holy ones daily praise you." –through His Name to the sacred individuals (probably angels) who praise Him daily. By attaching malkhuyot to this benediction, R. Yohanan ben Nuri indicates that he conceives divine Kingship to be an ontological reality, rooted in the divine essence and known to select creatures, which all of us need to strive to recognize and acknowledge.

Kedushat ha-yom presents a very different model of sanctity. We conclude this benediction with the formula mekadash yisrael ve-yom ha-zikkaron (Who sanctifies Israel and the day of remembering), which the Talmud (Berakhot 49a) explains to mean: God has sanctified Israel, who in turn sanctify the festivals. All the calendrical festivals possess sanctity only because the Jewish people have sanctified them by establishing the timing of the first day of the new month, whether by sightings of the moon as determined by the High Court or by our current fixed calendar. By integrating malkhuyot into this blessing, R. Akiva has signaled that his conception of divine Kingship follows a "bottom-up," rather than a "top-down" model. God is King not because of Who He is, but because human beings, led by the Jewish people, accept Him as such.

The difference between these two conceptions of malkhuyot may be perceived in the liturgy, as we recite it today. Following R. Akiva's practice, the malkhuyot we recite opens with the ancient Aleinu Leshabeach prayer, both of whose paragraphs

emphasize that Kingship is not an ontological reality, but a human duty. In the first paragraph we affirm "It is our duty to praise the Master of all" and first mention the term "King" in the sentence "and we bend the knee and bow and acknowledge before the King, King of all Kings, the Holy One, blessed by He." Having affirmed our recognition, as Jews, of divine Kingship in the first paragraph, the second paragraph entreats God to remove all false gods, such that all mankind will come to recognize Him and bow before Him. Our duty, as Jews and as humans, is to coronate God, to make Him King.

Surprisingly, even though his opinion has not been accepted as authoritative, R. Yohanan ben Nuri's version of malkhuyot has made its imprint in our liturgy. On Rosh Hashanah we expand the kedushat ha-shem blessing with the three uv-khen (and so too) paragraphs, the first of which opens: "and so too instill your fear, Hashem our God, upon all your works and your dread upon all that You have created, such that all your works shall fear You and all creatures shall prostrate themselves before You." Rather than man freely acknowledging God's sovereignty, as in R. Akiva's prayer, this prayer entreats God to enforce His Kingship by striking terror into human hearts.

These two conceptions of Kingship have profound ramifications for the kind of divine service to which we commit ourselves on Rosh Hashanah. Is divine Kingship a hidden reality, which man requires divine guidance (gentle or otherwise) to perceive, in accordance with the view of R. Yohanan ben Nuri? Or, alternatively, is it a mission and a responsibility, a dream which we need to make a reality through our actions and the way we lead our lives? While the latter view is the one accepted by the halakhah, it seems that our liturgy has given expression to the first view as well, suggesting that our relationship to God includes both elements. I hope and pray that each of us will find the appropriate expression in our lives for both these ideals, as we recite these prayers on the Day of divine Kingship.

Listening Circles

To mark one year since the murder of Shira Banki, of blessed memory, at the Pride Parade, we gathered dialogue groups in Zion Square in Jerusalem. Our goal was to create a space in which people could share their opinions, to hear other opinions, and together, to clarify disagreements through listening and mutual respect. Around 250 people- religious, secular, ultra-orthodox, teenagers- participated in these dialogue circles, as well as Shira Banki's parents and classmates.

"I was very moved to be part of the evening," Said Rabbanit Vered Aviad, a member of Beit Hillel who ran part of the dialogue group. "The dialogue was respectful and profound, the discussions continued well into the night. They were so powerful, that it was difficult to stop."

"The encounter with the other allows for listening, and increases one's sensitivity towards others," Rabbi Meir Nehorai, chairman of Beit Hillel summarized. "There is

no substitute for a face-to-face encounter, which allows for inclusion even when there is great disagreement between the sides. Dialogue creates bridges and allows for a discourse. In this way, we can prevent insults, and certainly violence, which endangers the entire nation."



Travelling Beit Midrash

The last meeting of the Halakhic Beit Midrash took place at Yeshivat Otniel, out of a feeling of solidarity with the community after the difficult events of the past year. The participation of the Rosh Yeshiva, Rabbi Re'em Hakohen, and other rabbis in the yeshiva, added a great deal, and exposed the Yeshiva's rabbis to the activities and the style of discourse and discussions of Beit Hillel, generally, and of the Halakhic Beit Midrash in particular.

Rabbi Meir Nehorai summed up the experience, saying: "The meeting between the rabbis and rabbaniyot of Beit Hillel with Yeshivat Otniel's Beit Midrash was meaningful. It is important to connect our Beit Midrash to established places of learning, and there was also tremendous meaning in being exposed to the community and the Yeshiva after the difficult period they've just been through. There is no doubt that these two elements enhanced the discussion, adding additional layers to it."

Rabbanit Karmit Feintuch-Manhiga Ruchanit

A month ago, the Ramban synagogue announced the appointment of Rabbanit Karmit Feintuch, a member of Beit Hillel, to the position of Manhiga Ruchanit (spiritual leader) of the synagogue, alongside Rabbi Benny Lau.

As an organization which bears the flag of learned women's integration as leaders and disseminators of Torah, we are overjoyed and moved by this important step. Beit Hillel, it bears reminding, is the first and only Orthodox rabbinic organization in Israel in which women play a full and equal part in the leadership of the organization.

Rabbanit Karmit, a Ra"mit (instructor) at the Migdal Oz Seminary for the last seven years, thus joins other women who have dedicated many years to learning Torah and have been found fit to provide communal Torah leadership. We call on more communities to join this movement, and to find ways to integrate women in their spiritual leadership.

New CEO for Beit Hillel

Last July, Boaz Ordman was named the new Executive Director of Beit Hillel, replacing Rabbi Shlomo Hecht, who will continue to function as a member of the organization.

The chairman of Beit Hillel, Meir Nehorai, said: "We believe that with his experience, capabilities and talents, Boaz will move Beit Hillel forward to continue to grapple with the challenges which stand before it and before Israeli society as a whole. I am certain that he, along with the board of directors, will continue to develop the organization in order to attain its goals and achieve its vision. We thank Rabbi Shlomo Hecht for his wonderful work and achievements as Executive Director of the organization in the past year."

The incoming Executive Director, Boaz Ordman, said: "Israeli society is in search of a relevant Jewish, Zionist worldview and vision, and sees the creation of an authentic Jewish-Israeli identity as a challenge to be responded to, rather than to oppose. I am a great believer in the role Beit Hillel has to play in meeting this challenge. It is important that the organization's voice be heard and take the lead in Israeli society and in the Jewish nation, and I am grateful for the opportunity I have received to take part in the activity and the discourse that the organization brings about."



Beit Hillel, a spiritual leadership organization comprised of more than 130 male and female scholars, is the leading voice of Centrist Orthodox Religious Zionism in Israel.

Founded in 2012, Beit Hillel aspires to guide the Religious Zionist community and Israeli society overall in a moderate, inclusive and religiously-tolerant direction. Our core values are commitment to Halacha and democracy; promoting unity among all segments of Israeli society; advocating for women's empowerment; and supporting broad and open-minded education

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