Homosexuality: Does"Out of the Closet" mean "Off the Derech"?

## Technically Speaking

**Leviticus 20:13**

“You shall not lie with a man as one lies with a woman; it is a *to’eva* (an abomination).”

**Rambam, Issurei Biah, 1:14**

One who actively copulates with a male or one who brings a male upon himself: as soon as the penetrative act has begun, if they were both adults, they are to be stoned…

**Judaism and Homosexuality, R. Chaim Rapaport, p. 2**

In addition to the ban on active homosexual practices, willfully engaging oneself in homosexual fantasy, self-stimulation, and masturbation, or voluntary exposure to provocative material would be a violation of Jewish Law. These prohibitions are not unique to homosexuality.

**Torat Kohanim**

“and in their statutes you shall not walk…” What were those statutes? A man would marry a man, and a woman would marry a woman, and a woman would marry two men, and a man would marry a woman and her daughter.

**Shulchan Aruch, Even ha-Ezer 20:2**

It is forbidden for women to play around with one another …although such conduct is forbidden, it is not punishable with lashes since there is no specific prohibition against it and no sexual intercourse takes place at all…It is, however, appropriate to subject such women to makat mardut since they committed a prohibited act.

## Philosophically Speaking

**Sefer haHinnukh**

God desires that the world that He created be inhabited and settled. Therefore He commanded us not to destroy human seed by sexual relations with males. For this is indeed a destructive act since there can be no fruitful benefit of offspring from it, not the fulfilment of the mitzvah to honor the conjugal rights due one’s wife.

**Nedarim 51a**

Ben Eleasa, a very wealthy man, was Rabbi's son-in-law, and he was invited to the wedding of R. Simeon b. Rabbi. [At the wedding] Bar Kappara asked Rabbi, What is meant by *to'evah*? Now, every explanation offered by Rabbi was refuted by him, so he said to him, 'Explain it yourself.' He replied. 'Let your housewife come and fill me a cup.' She came and did so, upon which he said to Rabbi, 'Arise, and dance for me, that I may tell it to you.' Thus saith the Divine Law, 'to'ebah': to'eh attah bah.

**R. J. David Bleich, Judaism and Healing, p.70**

Tosafot and Rosh…indicate that the homosexual goes astray in the sense that he abandons his family. According to this interpretation, the abomination associated with such conduct lies in the destruction of the family unit.

**R. Moshe Feinstein, Iggerot Moshe**

[those who dare ask] why the Torah forbids homosexual relations undermine the severity of the prohibition in the eyes of the evildoers who lust for this repugnant indulgence, which is one of the greatest abominations. Even the nations of the world consider that homosexual conduct is unparalleled in its loathsomeness. No reason at all is required to explain the abominable nature of homosexual activity, which is considered repugnant by the entire world who consider practisin homosexuals to be despicable and uncivilized.

**תורה תמימה הערות ויקרא פרק יח הערה ע**

ע) נראה הכונה שתועה מדרכי יסודות הבריאה לשכב עם זכר...ומוסיף עוד שם דבר אחר תועבה היא התעיבו הכתוב יותר מן החמור שהחמור אינו בא אלא על החמורה וזה התעיב דרכו יותר מן החמור ומן שאר כל בהמות ועופות, עכ"ל,

**R. Bleich, Bioethical Dilemmas, p. 134**

For the vast majority of humanity, homosexual activity is deviant behavior; it is unnatural and repugnant – an abomination. To speak of such conduct as losing one’s way – ‘going astray’ – is almost to minimize the infraction. It may not be reading oo much into the rabbinic text if it understood as directed to homosexuals who feel no repugnance regarding their conduct. A person burdened by homosexual orientation ‘goes astray’ if he believes such activity to be acceptable because it does not appear to him as an abomination.

## Sexual Orientation in Judaism

**Iggerot Moshe, Orach Chayyim 4:115**

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...

**From SICHOS IN ENGLISH, 21st Day of Iyar, 5746 (available at** [**http://www.chabad.org/therebbe/article\_cdo/aid/2511748/jewish/Rights-or-Ills.htm**](http://www.chabad.org/therebbe/article_cdo/aid/2511748/jewish/Rights-or-Ills.htm)**)**

Educators, therapists and counselors should keep in mind that the possibility exists to eventually correct the problems, even though the troubled client might vehemently claim (which might actually be quite true) that his deviations are inborn and part of his nature. They can be helped; and experience has shown that in the end they will express their eternal gratitude for the firm direction and support they received from family, counselors and friends.

Maimonides teaches:

Free will is bestowed on every human being. If one desires to turn towards the good way and be righteous he has the power to do so. If one wishes to turn towards the evil way and be wicked, he is at liberty to do so. (Laws of Repentance 5:1)

Consequently this true, free will, described by Maimonides, is decisively all-powerful. Yet, in the laws relating to Moral Disposition and Ethical Conduct, Maimonides admits that:

Every human being is characterized by numerous moral dispositions...exceedingly divergent. One man is choleric, always hot tempered; another sedate, never angry...one is a sensualist whose lusts are never gratified; another is so pure that he does not even long for the few things that our physical nature needs... stingy, generous, cruel, merciful, and so forth. (Laws of Ethical Conduct 1:1)

Maimonides adds:

Of all the various dispositions, some belong to one from the beginning of his existence and correspond to his physical constitution. (Ibid:2)

In other words, some people are *born* with the nature of stinginess etc., and others are born with different natures! Does everyone really have free will to freely choose right from wrong even if it seems to be against his/her nature?! The commentaries on Maimonides explain that Maimonides means to say that although one may truly have an *inclination* and leaning *by his very nature,* and although he may show a propensity for certain conduct, none of these factors can *“force’’* him to act in a particular way. He still has an absolutely free will!

**…**It makes no real difference what causes an individual to presently choose this form of relationship. Even one who was *born* with this inclination, and was not educated in his youth to correct it (no matter who is to blame) and is now an adult, must also be motivated to educate him/herself, now; for it is still just as destructive, it is still just as abnormal, etc.

An important point to stress is that there *is no insult intended* and *no derogatory attitude* is suggested; it is a case of *healing* a malady. When a person is ill and someone volunteers to help him get well, there is no disrespect involved, not at all!

At the same time, we must keep in mind that the vehement and vociferous arguments presented by a patient, that he is really well and that his condition is a healthy instinct — or as least not destructive, do not change the severity of the “ailment.” In fact, this attitude on the part of this individual indicates how serious his malady really is for this person, how deeply it has penetrated into his body and psyche, and how perilous for him it really is. And so, special action must be undertaken to heal the person and save his life. And again, there is no insult at all, no disrespect involved, only a true desire to really help.

If he claims that he was born with this nature, this is indeed all the more reason to reassure him that no disparagement was meant, for it is no different from the case of one who was born with the tendency to bang his head against the wall. Do we shame that unfortunate one?! Nevertheless, everything must be done to remedy the situation. And dubbing the deviation with some Greek term or, calling it an “alternative lifestyle” will not in the least influence the seriousness of the problem.

**Rabbi Aharon Feldman, A Personal Correspondence, p. 69**

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

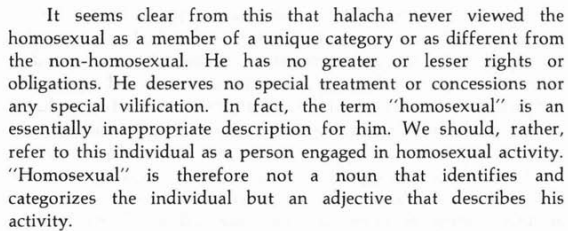
Judaism looks negatively at homosexual activity, but not at the homosexual nature. Whatever the source of this nature, whether it is genetic or acquired (the Torah does not express any view on the matter), is immaterial. This nature in no way diminishes or affects the Jewishness of a homosexual. He is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

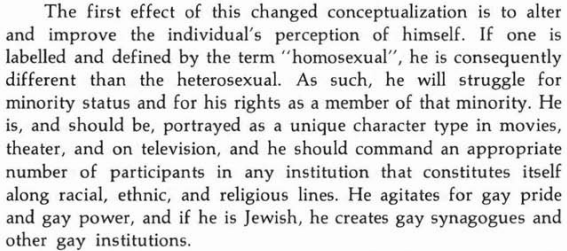
**R. Jeremy Wieder**

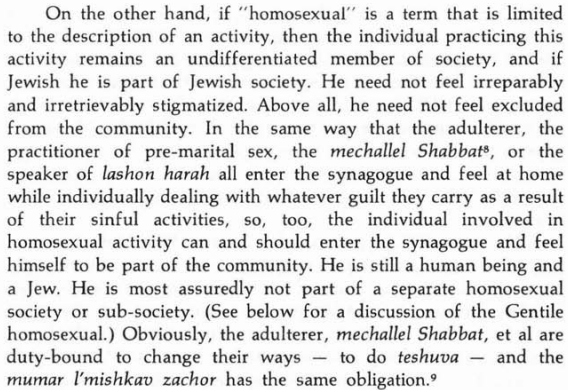
From a common sense perspective, I find it virtually inconceivable that someone who grows up in the frum community chooses to be gay. I can’t tell you that it's impossible, I can't tell that it never happens. But such a possibility is highly unlikely...It is hard for me to understand why someone would choose an option that would consign themselves to a life of misery...

What motivates people to say that homosexuality is a choice is a fundamental question of theodicy. How could God make someone in such a fashion and then mandate that homosexuality is prohibited. The truth is, that the kashya is excellent. You can add it to the many questions of theodicy. There are many situations that, due to the halachic system, people suffer...even before tzaddik vera lo and rasha vetov lo.

**RJJ Journal**







## Practically Speaking

**Avodah Zarah 26b**

It has been stated: [In regard to the term] apostate there is a divergence of opinion between R. Aha and Rabina; one says that [he who eats forbidden food] to satisfy his appetite, is an apostate, but [he who does it] to provoke is a 'min'; while the other says that even [one who does it] to provoke is merely an apostate. — And who is a 'min'? — One who actually worships idols.

**Rambam, Rotzeach 4**

**11** With regard to a gentile idolater with whom we are not at war, a Jewish shepherd of small livestock, and the like, by contrast, we should not try to cause their deaths. It is, however, forbidden to save their lives if their lives are threatened. For example, if such a person fell into the sea, one should not rescue him.[[Leviticus 19:16](http://www.chabad.org/9920" \l "v16)] states: "Do not stand idly by while your brother's blood is at stake." This does not apply with regard to such individuals, because they are not "your brothers."

**12** When does the above apply? With regard to a Jew who sins and perseveres in his wickedness, continually repeating it - e.g., shepherds of small livestock who show no consideration for the prohibition against robbery and continue in their perversity.

When, by contrast, a Jew commits transgressions, but does not maintain his wickedness continually, merely occasionally sinning for his own personal satisfaction - e.g., one who eats non-kosher food for pleasure - it is a mitzvah to save his life, and it is forbidden to stand idly by when his life is threatened.

**R. Alan Unterman (Manchester University), the Jewish Quaterly**

It is not forbidden to be sexually attracted to members of one’s own sex, but it is forbidden to act on such preferences. Similarly, it is not demanded that one should be sexully attracted to members of the opposite sex, but it is demanded that, attracted or not, one should still get married and have children.

**Rapaport, Judaism and Homosexuality**

The halachic mandate to fufill the positive commandment does not apply in circumstances where considerable, prolonged, and inestimable suffering may be caused as a result. As some halachists have put it, an ordinary person would gladly spend a fifth of his financial resources in order to avoid acute suffering. Thus, it may be said that incurring such pain is actually tantamount to the expenditure of more than a fifth of one’s possessions. The renowned R. Shlomo Zalman Auerbach tenatatively applied this ruling to a person whose children were likely to be burdened with the life-long constraints imposed by hemophilia. In line with the above, R. Auerbach argued that the positive commandment to procreate does not engender an obligation for a person to embark upon a course of action that he would not be obliged to undertake in the performance of any other positive commandment.

## Guidance

**R. Aharon Feldman**

Family and children are important in Jewish society but one who does not have these need not feel that he is not a full-fledged member of the community. The verse in Isaiah 58, which is read by Jews all over the world on every public fast-day, is addressed to the homosexual: Let not the saris (who is physically unable to have children) say `I am a dried up tree.’ For so saith G-d to the sarisim who keep my Sabbath, who choose what I desire, and who keep my covenant: I shall make them in My house and within My walls a monument, a shrine, superior to sons and daughters. I shall render their (lit., his) name everlasting, one which will never be forgotten.

Can a homosexual be expected to live as a celibate? I believe a Jewish homosexual can accomplish this if he decides that the Jewish people is his “wife and children.” It is possible to do this if he throws his every spare moment into devotion to the welfare of his people. There are many areas where he can do this.

Because he does not have a family, a homosexual can make serious contributions to Judaism which others cannot. For example, bringing Judaism to smaller communities where there are no facilities for raising a Jewish family. I know of a case where a rabbi successfully inspired the Jews of an entire city for over forty years because, for various reasons, he never married. Since there were no religious schools in town, the rabbis who had held his pulpit before him all moved away when their children had to start going to school. But this rabbi, because he had no family, stayed on and had a major impact on the entire city.

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

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

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

**Rabbi Hillel Goldberg, Homosexuality: A Religious and Political Analysis**

Ultimately, a person was responsible for his every violation of the norm, no matter how profound the drive to violate it. Ultimately. In the meantime, God measures each violation of the ritual, ethcial, character, and attitudinal norm not only, and not even primarily, against its objective magnitude, but against the magnitude of the subjective struggle necessary to prevent it. The stronger the inherent drive toward the violation, the greater the Divine mercy toward the violator. The weaker the inherent drive toward the violation, the more severe the Divine Judgment of the violator.

**Homosexuality And Halacha: Five Critical Points, by Rabbi Michael J. Broyde and Rabbi Shlomo Brody**

We have heard that the revered Rav Aharon Soloveichik, zt”l, when asked his thoughts on homosexuality, replied, “It is terrible. It is almost as great a sin as cheating in business.” Without being able to verify this story, and understanding that Rav Aharon might not have meant this in a technical halachic sense, this anecdote nonetheless highlights what we believe is a misplacement of priorities in the Orthodox world.

## In Their Own Words

**"hey rabbi staudtmaure,**

its "the interested student" ur former student from class 406 ; now  207. i wanted to know how everything is now that youve left flatbush- we miss you. i also wanted to ask u a question that’s personal so u dont have to answer but id appreciate it cuz ive been hearing rumors that youvecome out in the open to say that your gay and that your not so religious anymore and ihave nothing against the gay part if its true but i dont understand how you could give up your religion that easilyif you could please answer

sincerely,

"the interested student""

**R. Stadtmauer responds:**  
It's always nice to hear I'm missed. Thank you so much for the courage  
to ask. It's fine, and not too personal. No matter I may believe or  
do, I'm still the same person who was willing to answer/talk about  
anything in class. I hope other students have the guts as well.  
  
As to the rumors, they are true. I appreciate your understanding about  
my coming out and I think that your question is very well placed. The  
truth is that nothing was easy, nor am I certain that I have "given up  
my religion" for good. When I decided to step down from the  
principalship, just over a year ago, it gave me a chance to rethink my  
whole life - something very few people ever do. You remember that I  
always continously explore and think and question. So I continued some  
personal questions I had had many many years before, that I put aside  
because of what it meant to me to be a rabbi and a teacher. But they  
were just that - questions - not rejections or disbelief. When I  
reopened the questions, I found that I was very comfortable with the  
idea that mitsvot are a crucial way to approach God, and one that -  
within the careful language of my classroom - one that I did (and  
would now) encourage students to explore fully. However, increasingly  
I had deep doubts I could not resolve for myself about their role in  
my life.  
  
Now there were many issues I was considering - the role of women in  
orthodoxy, do i trust the authority of most rabbis, etc. But I also  
had to think about how the Orthodox community would accept me as a gay  
man. Honestly - I think most kids I know would be okay, but most  
adults would not. Given how alone I have been all my life, I just  
couldn't see fighting an uphill battle just to remain lonely in the  
Orthodox community.  
  
So for now, I re-exploring my spirituality and religiousity just more  
slowly, without preconditions, and with the hope of integrating my  
whole life and beliefs together. I still believe in the Value and  
Truth of Torah, even if I don't feel bound by halacha. And I may yet  
return to it later. Either way, I still believe deeply that a person  
must first know their own tradition deeply from the inside before they  
can even start exploring this stuff, so I have always and still do  
believe that kids should pursue talmud torah and shmirat mitsvot.  
  
Certainly, nothing was quick or sudden. It may have sounded that way  
because it was important for me to finish the year well and keep the  
Yeshivah stable (imagine if this rumor had floated last year!), so  
you've heard it all at once. But for me, it's been a lifetime of  
thought.  
  
If you remember, at Arista, I spoke about how a person should listen  
carefully in the hope of hearing "the voice of God" in their lives. I  
believe that deeply, and that's part of the path I'm following. Almost  
every day I ask Hashem to guide me on my next step. Maybe most people  
think that's not religious, but that's okay, and I respect them.  
  
I don't know if that answer helps, or if its satisfying. I know I left  
a lot of holes in that explanation, so feel free to ask more.  
  
Write more if you'd like and feel free to stay in touch. Next Tuesday  
I leave for 3 months to Asia (not Micronesia, oh well, just  
Japan-Thailand-Bhutan-Cambodia-Vietnam-Hong Kong). I'm looking forward  
to Rosh Hashanah in Tokyo and Yom Kippur in Bangkok. While I'm away,  
I'll check e-mail every few days, so stay in touch but responses might  
be delayed.